

Washington State Register

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CITATION

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

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

DENNIS W. COOPER
Code Reviser

WASHINGTON STATE REGISTER

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

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

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

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

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

3. PRINTING STYLE—INDICATION OF NEW OR DELETED MATTER

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

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

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

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

5. EFFECTIVE DATE OF RULES

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

6. EDITORIAL CORRECTIONS

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

7. INDEX AND TABLES

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

1985

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Action Date ³
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
For Inclusion in—	File no later than—			Count 20 days from—	For hearing/adoption on or after
85-01	Nov 21	Dec 5	Dec 19, 1984	Jan 2, 1985	Jan 22
85-02	Dec 5	Dec 19, 1984	Jan 2, 1985	Jan 16	Feb 5
85-03	Dec 26, 1984	Jan 9, 1985	Jan 23	Feb 6	Feb 26
85-04	Jan 9	Jan 23	Feb 6	Feb 20	Mar 12
85-05	Jan 23	Feb 6	Feb 20	Mar 6	Mar 26
85-06	Feb 6	Feb 20	Mar 6	Mar 20	Apr 9
85-07	Feb 20	Mar 6	Mar 20	Apr 3	Apr 23
85-08	Mar 6	Mar 20	Apr 3	Apr 17	May 7
85-09	Mar 20	Apr 3	Apr 17	May 1	May 21
85-10	Apr 3	Apr 17	May 1	May 15	Jun 4
85-11	Apr 24	May 8	May 22	Jun 5	Jun 25
85-12	May 8	May 22	Jun 5	Jun 19	Jul 9
85-13	May 22	Jun 5	Jun 19	Jul 3	Jul 23
85-14	Jun 5	Jun 19	Jul 3	Jul 17	Aug 6
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85-21	Sep 25	Oct 9	Oct 23	Nov 6	Nov 26
85-22	Oct 9	Oct 23	Nov 6	Nov 20	Dec 10
85-23	Oct 23	Nov 6	Nov 20	Dec 4	Dec 24
85-24	Nov 6	Nov 20	Dec 4	Dec 18	Jan 7, 1986

¹All documents are due at the code reviser's office by 5:00 p.m. on the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-12-035 or 1-13-035.

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

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

WSR 85-06-001
PROPOSED RULES
CORRECTIONS STANDARDS BOARD
 [Filed February 21, 1985]

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 maximum capacities, amending WAC 289-15-225; that the agency will at 9:00 a.m. or later, Thursday, April 11, 1985, in the Clallam County Courthouse, 223 East 4th, Port Angeles, WA 98362, 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 March 25, 1985.

Dated: February 20, 1985

By: Robert W. Cote
 Executive Secretary

STATEMENT OF PURPOSE

Title: Maximum capacities.

Description of Purpose: The purpose of WAC 289-15-225, which was originally adopted by the State Jail Commission on May 14, 1983, is to incorporate within the custodial care standards specific maximum jail capacity figures for purposes of applying the crowding standard set forth in WAC 289-15-220. The purpose of this amendment is to change the capacity of the Island County facility.

Statutory Authority: RCW 70.48.050 (1)(a) and 70.48.070.

Summary of Rule: These amendments change the capacity figure for Island County.

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 Resolution No. 84-52, filed 12/12/84)

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

Auburn (22)
 Bremerton (23)
 Forks (11)
 Issaquah (6)
 Olympia (temporary) (19)
 Stevens County (22)

Correctional Facilities

Benton County (109)
 Chelan County (117)
 Clallam County (102)
 Clark County (300)
 Cowlitz County (91)
 Ferry County (22)
 Franklin County (76)
 Grant County (54)
 Grays Harbor County (74)
 Island County (~~((229))~~) (50)
 Jefferson County (18)
 Kent (20)
 King County (1038)
 Kitsap County (103)
 Kitsap County Work Release (42)
 Kittitas County (45)
 Klickitat County (30)
 Lewis County (62)
 Lincoln County (~~(8)~~) (15)
 Mason County (34)
 Okanogan County (67)
 Pacific County (14)
 Pend Oreille County (18)
 Pierce County (359)
 Skagit County (83)
 Skamania County (17)
 Snohomish County (116)
 Snohomish County Work Release (60)
 Spokane County (352)
 Thurston County (94)
 Walla Walla County (44)
 Whatcom County (82)
 Whitman County (34)
 Yakima County (274)

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 85-06-002
ADOPTED RULES
GAMBLING COMMISSION
 [Order 147—Filed February 22, 1985]

Be it resolved by the Washington State Gambling Commission, acting at Everett, Washington, that it does adopt the annexed rules relating to:

- | | | |
|-----|----------------|--|
| Amd | WAC 230-08-120 | Quarterly activity report by operators of bingo games (license Class C and above). |
| Amd | WAC 230-08-125 | Annual activity reports by operators of Class A or B bingo, all classes of raffles, and bona fide charitable or nonprofit amusement games. |
| Amd | WAC 230-08-130 | Quarterly activity reports by operators of punchboards and pull tabs. |
| Amd | WAC 230-08-140 | Quarterly activity reports by distributors. |
| Amd | WAC 230-08-150 | Quarterly activity reports by manufacturers. |
| Amd | WAC 230-08-160 | Quarterly activity reports by operators of social and public card rooms. |
| Amd | WAC 230-08-240 | Annual activity reports by special location amusement games licensees other than bona fide charitable or nonprofit organizations. |
| Amd | WAC 230-08-250 | Annual activity reports by agricultural fairs and other bona fide charitable or nonprofit organizations with special location licenses to conduct bingo, raffles, and amusement games. |
| Amd | WAC 230-08-260 | Fund raising events activity report required. Amends rule to require the highest ranking executive officer in the |

organization or his designee to sign activity reports submitted to the commission and to require the commission to provide report forms for completion by the organization.

This action is taken pursuant to Notice No. WSR 85-01-064 filed with the code reviser on December 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 RCW 9.46.070 (8) and (9) 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 February 14, 1985.

By Ronald O. Bailey
Deputy Director

AMENDATORY SECTION (Amending Order 127 [144], filed 3/2/83 [1/9/85])

WAC 230-08-120 QUARTERLY ACTIVITY REPORT BY OPERATORS OF BINGO GAMES (LICENSE CLASS C AND ABOVE). Each licensee for the operation of bingo games (license Class C and above) conducted by bona fide charitable or nonprofit organizations, shall submit an activity report to the commission concerning the licensed activity and other matters set forth below during each of the following periods of the year:

- January 1st through March 31st
- April 1st through June 30th
- July 1st through September 30th
- October 1st through December 31st

If the licensee does not renew his license, then he shall file a report for the period between the previous report filed and the expiration date of his license.

~~((Each report))~~ The report form shall be furnished by the commission and the completed report shall be received in the office of the commission or postmarked no later than 30 days following the end of the period for which it is made.

The report shall be signed by the ~~((president, or equivalent officer))~~ highest ranking executive officer or his designee ~~((and shall be submitted upon a form to be obtained from the commission))~~. If the report is prepared by someone other than the licensee or his employee, then the preparer shall also sign the report.

The report shall be completed in accordance with the related instructions furnished with the report. The report shall include, among other items, the following:

- (1) The gross receipts from bingo by month.
- (2) The total amount of cash prizes actually paid out and the total of the cost to the licensee of all merchandise prizes actually paid out by month.
- (3) The net receipts by month.
- (4) Full details on all expenses directly related to bingo, including ~~((all compensation paid by the licensee~~

~~to each person for any work connected with the management, promotion, conduct or operation of bingo including a description of the work performed by that person:))~~ at least the following:

(a) A listing of each person connected with the management, promotion, conduct or operation of the bingo game along with his duties, hours and wages;

(b) A statement describing the allocation method used in allocating common use expenses; and

(c) A detailed listing of all items included under "other".

(5) The net income.

(6) The total number of customers participating.

(7) The total number of sessions held.

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

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

AMENDATORY SECTION (Amending Order 127, filed 3/2/83)

WAC 230-08-125 ANNUAL ACTIVITY REPORTS BY OPERATORS OF CLASS A OR B BINGO, ALL CLASSES OR RAFFLES, AND BONA FIDE CHARITABLE OR NONPROFIT AMUSEMENT GAMES. Each licensee for the operation of all classes of raffles and bona fide charitable or nonprofit amusement games, and Class A or B bingo shall submit to the commission an annual summary of each separate licensed activity on a form supplied by the commission. This section shall become effective for license years beginning after March 31, 1983.

~~((Each report))~~ The report form shall be furnished by the commission and the completed report shall be received in the office of the commission or postmarked no later than 30 days following the expiration of such organization's license year. The report shall be signed by the highest ranking executive officer or his designee. If the report is prepared by someone other than this officer, then the preparer shall also sign the report.

The report shall be completed in accordance with the related instructions furnished with the report. The report shall include, among other items, the following:

- (1) The gross receipts from the conduct of each licensed activity;
- (2) The total amount of cash prizes actually paid out, and the total of the cost to the licensee of all merchandise prizes actually paid out for each licensed activity;
- (3) The net receipts for each activity;
- (4) Full details on all expenses directly related to each activity, including all compensation paid by the licensee to each person for any work connected with the management, promotion, conduct or operation of each of the licensed activities, including a description of the work performed by that person. Provided that RCW 9.46.020(19) and WAC 230-20-070 are observed in relation to the restriction against employing persons to conduct or otherwise take part in the operation of a raffle.
- (5) The net income from each activity.

AMENDATORY SECTION (Amending Order 118, filed 1/22/82)

WAC 230-08-130 QUARTERLY ACTIVITY REPORTS BY OPERATORS OF PUNCHBOARDS AND PULL TABS. Each licensee for the operation of punchboards and pull tabs shall submit an activity report to the commission concerning the operation of the licensed activity and other matters set forth below during each of the following periods of the year:

- January 1st through March 31st
- April 1st through June 30th
- July 1st through September 30th
- October 1st through December 31st

If the licensee does not renew his license, then he shall file a report for the period between the previous report filed and the expiration date of his license.

~~((Each report))~~ The report form shall be furnished by the commission and the completed report shall be received in the office of the commission or postmarked no later than 30 days following the end of the period for which it is made.

The report shall be signed by the ~~((owner, president, or equivalent officer))~~ highest ranking executive officer or his designee ((and shall be submitted upon a form to be obtained from the commission)). If the report is prepared by someone other than the licensee or his employee then the preparer shall also sign the report.

The report shall be completed in accordance with the related instructions furnished with the report. The report shall include, among other items, the following:

- (1) The gross receipts of the licensee from all sources other than licensed gambling activities during the reporting period.
- (2) The portion of the receipts set out in response to (1) above related solely to the sale of food and drink for consumption on the premises.
- (3) The gross receipts from punchboards and the gross receipts from pull tabs.
- (4) The total amount of cash prizes paid out and the cost to the licensee of all merchandise prizes paid out, for punchboards and for pull tabs.
- (5) All expenses relating directly to the purchase and operation of punchboards and pull tabs.
- (6) Total net income.

AMENDATORY SECTION (Amending Order 91, filed 8/14/79)

WAC 230-08-140 QUARTERLY ACTIVITY REPORTS BY DISTRIBUTORS. Each licensed distributor shall submit an activity report to the commission concerning the operation of the licensed activity and other matters set forth below during each of the following periods of the year:

- January 1st through March 31st
- April 1st through June 30th
- July 1st through September 30th
- October 1st through December 31st.

If the licensee does not renew his license, then he shall file a report for the period between the previous report filed and the expiration date of his license.

~~((Each report))~~ The report form shall be furnished by the commission and the completed report shall be received in the office of the commission or postmarked no later than 30 days following the end of the period for which it is made.

The report shall be signed by the ~~((owner, president, or equivalent officer))~~ highest ranking executive officer or his designee ((and shall be submitted upon a form to be obtained from the commission)). If the report is prepared by someone other than the licensee or his employee, then the preparer shall also sign the report.

The report shall include, among other items, the following:

(1) The gross receipts from all sales of devices, equipment or merchandise of any kind which could be used to operate, or in connection with, punchboards, pull tabs, or pull tab dispensing devices, where such sales are made in the state of Washington or for use or distribution within this state.

(2) The quantity of each specific type of device, equipment or merchandise sold within this state or for distribution and use within this state by the licensee.

(3) A listing of the name and address of each person who was a distributor's representative for the licensee during the three month period or who attempted to solicit sales of such devices, equipment or merchandise, either within the state of Washington or for use or distribution within the state.

(4) The number of employees in the state of Washington other than those listed in (3) above.

AMENDATORY SECTION (Amending Order 70, filed 5/24/77)

WAC 230-08-150 QUARTERLY ACTIVITY REPORTS BY MANUFACTURERS. Each licensed manufacturer shall submit an activity report to the commission concerning the operation of the licensed activity and other matters set forth below during each of the following periods of the year:

- January 1st through March 31st
- April 1st through June 30th
- July 1st through September 30th
- October 1st through December 31st

If the licensee does not renew his license, then he shall file a report for the period between the previous report filed and the expiration date of his license.

~~((Each report))~~ The report form shall be furnished by the commission and the completed report shall be received in the office of the commission or postmarked no later than 30 days following the end of the period for which it is made.

The report shall be signed by the ~~((owner, president, or equivalent officer))~~ highest ranking executive officer or his designee ((and shall be submitted upon a form to be obtained from the commission)). If the report is prepared by someone other than the licensee or his employee then the preparer shall also sign the report.

The report shall include, among other items, the following:

(1) The gross receipts from all sales of devices, equipment, or merchandise of any kind which could be used to operate, or in connection with, punchboards, pull tabs, or pull tab dispensing devices, when such sales are made in the state of Washington or for distribution or use within the state of Washington.

(2) The quantity of each specific type of such device, equipment, or merchandise sold within the state or for distribution or use within the state of Washington by the licensee.

(3) A listing of the name and address of each person who was a manufacturer's representative for the licensee or who solicited sales of such devices or equipment for or on behalf of the licensee within the state of Washington or for use or distribution within the state.

(4) The number of employees in the state of Washington other than those listed in (3) above.

(5) A summary of the prices charged by the licensee for each specific type of such device, equipment, paraphernalia, or merchandise of any kind sold or furnished by the licensee during the period for which the report is made. If the price of a particular item has varied during the period, each such change shall be listed together with the date each such change was made.

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

AMENDATORY SECTION (Amending Order 127, filed 3/2/83)

WAC 230-08-160 QUARTERLY ACTIVITY REPORTS BY OPERATORS OF SOCIAL AND PUBLIC CARD ROOMS. Each licensee for the operation of social or public card rooms shall submit an activity report to the commission concerning the operation of the licensed activity and other matters set forth below during each of the following periods of the year:

- January 1st through March 31st
- April 1st through June 30th
- July 1st through September 30th
- October 1st through December 31st.

If the licensee does not renew his license, then he shall file a report for the period between the previous report filed and the expiration date of his license.

~~((Each report))~~ The report form shall be furnished by the commission and the completed report shall be received in the office of the commission or postmarked no later than 30 days following the end of the period for which it is made.

The report shall be signed by the ~~((owner, president, or equivalent officer))~~ highest ranking executive officer or his designee ~~((and shall be submitted upon a form to be obtained from the commission))~~. If the report is prepared by someone other than the licensee or his employee, then the preparer shall also sign the report.

The report shall be completed in accordance with the related instructions furnished with the report. The report shall include, among other items, the following:

(1) The gross receipts of the licensee from all sources other than licensed gambling activities during the report period.

(2) The portion of the receipts set out in response to (1) above related solely to the sale of food and drink for consumption on the premises.

(3) Gross receipts from the collection of fees charged for allowing persons to play.

(4) Full details on all expenses directly related to the operation of the card room, including all compensation paid by the licensee to each person for any work connected with the management, promotion, conduct or operation of the card room, including a description of the work performed by that person.

(5) The net income or loss from the operation of the card room for the reporting period.

PROVIDED, That persons licensed under Class D - general, no fee charged, are exempt from all portions of this rule.

AMENDATORY SECTION (Amending Order 74, filed 8/17/77)

WAC 230-08-240 ANNUAL ACTIVITY REPORTS BY SPECIAL LOCATION AMUSEMENT GAME LICENSEES OTHER THAN BONA FIDE CHARITABLE OR NONPROFIT ORGANIZATIONS. Each licensee to conduct amusement games at special locations, other than bona fide charitable or non-profit organizations, shall submit an activity report to the commission concerning the operation of those amusement games and other matters set forth below for each calendar year.

~~((Each report))~~ The report form shall be furnished by the commission and the completed report shall be received in the office of the commission or postmarked no later than February 28th of the following calendar year.

The report shall be signed by the ~~((owner, president, or equivalent officer))~~ highest ranking executive officer or his designee ~~((and shall be submitted upon a form to be obtained from the commission))~~. If the report is prepared by someone other than the licensee or his employee then the preparer shall also sign the report.

The report shall include, among other items, the following:

(1) The gross receipts from amusement games by location;

(2) The total cash prizes actually paid out and the total of the cost to the licensee of all merchandise prizes actually paid out for amusement games by location;

(3) The net receipts from amusement games;

(4) Full details on all expenses directly related to conducting such amusement games;

(5) The net income from amusement games; and

(6) The gross receipts from the rental or leasing of space for any licensed gambling activity.

AMENDATORY SECTION (Amending Order 74, filed 8/17/77)

WAC 230-08-250 ANNUAL ACTIVITY REPORTS BY AGRICULTURAL FAIRS AND OTHER

BONA FIDE CHARITABLE OR NONPROFIT ORGANIZATIONS WITH SPECIAL LOCATION LICENSES TO CONDUCT BINGO, RAFFLES, AND AMUSEMENT GAMES. Each bona fide charitable or nonprofit licensee for the operation of bingo, raffles, and amusement games conducted only at agricultural fairs and other special locations 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 their license.

~~((Each report))~~ The report form shall be furnished by the commission and the completed report shall be received in the office of the commission or postmarked no later than 30 days following the expiration date of the license. All persons operating by virtue of a permit issued by the commission shall furnish to the licensee in conjunction with whom the permit is used, all information with respect to their own operation which is needed by the licensee to complete its report not less than ten days prior to the time the licensee is required to file his report with the commission.

The report shall be signed by the ~~((president, or equivalent officer,))~~ highest ranking executive officer or his designee ((and shall be submitted upon a form to be obtained from the commission)). If the report is prepared by someone other than the licensee or his employee, then the preparer shall also sign the report.

The report shall include, among other items, the following:

- (1) The gross receipts from each separate gambling activity;
- (2) The total cash prizes actually paid out and the total of the cost to the licensee of all merchandise prizes actually paid out for each separate gambling activity;
- (3) The net receipts for each separate gambling activity;
- (4) Full details on all expenses directly related to each separate gambling activity;
- (5) The net income from each separate gambling activity; and
- (6) The gross receipts from the rental or leasing of space for licensed gambling activities.

AMENDATORY SECTION (Amending Order 78 [143], filed 11/17/77 [1/9/85])

WAC 230-08-260 FUND RAISING EVENTS—ACTIVITY REPORT REQUIRED. Each licensee for the operation of fund raising events 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.

~~((Each report))~~ The report form shall be furnished by the commission and the completed report 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,))~~ highest ranking executive officer or his designee ((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))~~ licensee or his employee, then the preparer shall sign the report also.

The report shall be completed in accordance with the related instructions furnished with the report. 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.

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

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

WSR 85-06-003
PROPOSED RULES
GAMBLING COMMISSION
[Filed February 22, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Gambling Commission intends to adopt, amend, or repeal rules concerning amendatory sections WAC 230-20-010, 230-20-325, 230-20-605 and new sections WAC 230-46-010, 230-46-020, 230-46-030, 230-46-040, 230-46-050 and 230-46-060;

that the agency will at 10:00 a.m., Friday, April 12, 1985, in the Holiday Inn, 1300 North 1st Street, Yakima, 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 9.46.070 (3), (8), (11), (14) and (20).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 12, 1985.

Dated: February 22, 1985

By: Ronald O. Bailey
Deputy Director

STATEMENT OF PURPOSE

Title: WAC 230-20-010 Disclosure of prizes and rules; 230-20-325 ~~((Raffle tickets limitations and requirements for use))~~ Manner of conducting a raffle; 230-20-605 Types of amusement games authorized; 230-46-010 Purpose; 230-46-020 Definitions; 230-46-030 Promotional contests—legality; 230-46-040 Promotional contests limited to seven days unless optional methods of entry are included; 230-46-050 Promotional contests—admission fee limitation; and 230-46-060 Valuable consideration—lotteries prohibited.

Description of Purpose: Amends rule to (1) permit special in-house raffles, (2) consolidate raffle requirements into one rule, and (3) adds new amusement games to those authorized to be conducted. New rules define promotional contests and clarifies how promotional contests may be conducted.

Statutory Authority: RCW 9.46.070 (3), (8), (11), (14) and (20).

Summary of Proposed Rules and Reasons Supporting Action: WAC 230-20-010 removes raffle ticket requirements from rule. See WAC 230-20-325; 230-20-325 changes title of rule, consolidates raffle requirements and authorizes in-house raffles with alternate sales method when approved; 230-20-605 authorizes 4 new games to be added to the authorized amusement games; 230-46-010 interprets RCW 9.46.020(14) to ensure uniformity and fairness to all sponsors of promotions; 230-46-020 defines "lottery," "promotional contest," "retail outlet" and "on behalf of in-state retail outlet" for the purpose of this rule; 230-46-030 permits promotional contests that do not constitute a lottery in the state of Washington; 230-46-040 clarifies the application of the seven day limitation when multiple methods of entry into a promotional contest are available to the contestant; 230-46-050 provides for equal opportunity for contestants to enter promotions at a trade show with an admission fee; and 230-46-060 prohibits any scheme for distribution of money or property by chance that includes valuable consideration in its method of entry.

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 propose these rule amendments and new rules.

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 133, filed 5/16/83)

WAC 230-20-010 DISCLOSURE OF PRIZES AND RULES. All prizes awarded in connection with bingo(~~(raffles, or)~~) and amusement games, whether in cash or merchandise, and all rules by which such prizes may be won, including all costs to a participant, shall be disclosed to each participant in the licensed activity prior to that participant taking part in the activity or paying for the opportunity to take part in the activity.

This disclosure shall be made by conspicuously posting or displaying upon the premises where the activity is operated, the available prizes, or a list and complete description thereof, together with the rules of the activity, an explanation of how each prize can be won, and the cost to participate in the activity. (~~In the case of a raffle, where tickets are sold to enter, this information shall be printed upon each ticket sold, or shall be otherwise provided in writing to each purchaser at the time of sale and shall also include, but not be limited to, date and time of drawing, location of drawing, and name of organization conducting raffle.~~)

In those cases where persons are able to pay for the opportunity to participate in the activity after the winner of any one of the prizes offered has been determined, the licensee shall remove each prize won from any display of prizes, and from any list of prizes which have been posted or displayed upon the premises where the activity is conducted, immediately upon the determination of the winner of that particular prize.

AMENDATORY SECTION (Amending Order 133, filed 5/16/83)

WAC 230-20-325 (~~(RAFFLE TICKETS—LIMITATIONS AND REQUIREMENTS FOR USE:)~~) MANNER OF CONDUCTING A RAFFLE. All raffles shall be conducted by selling individual prenumbered tickets for not more than one dollar and awarding prizes by selecting winners by a random drawing from among all tickets sold. The following operating procedures apply:

(1) All tickets for use in any raffle shall be consecutively numbered and each ticket shall be accounted for separately in accordance with WAC 230-08-070. (~~The~~) Raffle tickets sold to the general public shall have a stub or other detachable section(~~(s)~~) of the ticket must) bearing a duplicate number corresponding to the number on the ticket.

(2) All prizes awarded, whether in cash or merchandise, and all rules by which such prizes may be won, including all costs to a participant, shall be disclosed to each participant. This information shall be printed upon each ticket sold, or shall be otherwise provided in writing to each purchaser at the time of sale and shall also include, but not be limited to, date and time of drawing, location of drawing, and name of organization conducting raffle.

(3) No person shall be required to pay, directly or indirectly, more than \$1.00 in order to enter any raffle. Each raffle ticket must be sold for the same price as every other raffle ticket being used for that particular raffle. No free tickets, or any opportunity to participate in the drawing of any raffle, shall be awarded or given to a person as a prize or reward for selling raffle tickets or for purchasing a certain number of raffle tickets. No person shall be required to obtain more than one ticket or to pay for anything other than the ticket, in order to enter the raffle: PROVIDED, That licensed raffles conducted among members of the organization only, may be conducted using alternative sales methods if specifically authorized by the commission. This authority will be issued on an individual basis and will require a detailed written request.

(~~(3)~~) (4) If an entrant is required to be present at a raffle drawing in order to be eligible for the prize drawing, then a statement setting forth this condition shall be set forth conspicuously on each raffle ticket and on all promotional material concerning the raffle. When the participant is not required to be present at the drawing the ticket stub or other detachable section(s) of the ticket shall contain the purchaser's name, complete address, and telephone number, and shall be maintained for a period of not less than three years from the end of the fiscal year in which the raffle was completed.

(~~(4)~~) (5) In conducting a drawing in connection with any raffle, each ticket seller shall return to the licensee the stubs or other detachable section of all tickets sold. The licensee shall then place each stub or other detachable section of each ticket sold into a receptacle out of which the winning tickets are to be drawn. Such receptacle shall be designed so that each ticket placed therein has an equal opportunity with every other ticket to be the one withdrawn(~~(—PROVIDED, That when the participant is not required to be present at the drawing the ticket stub or other detachable section(s) of the ticket shall contain the purchaser's name, complete address, and telephone number, and shall be maintained for a period of not less than three years from the end of the fiscal year in which the raffle was completed).~~)

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 127, filed 3/2/83)

WAC 230-20-605 TYPES OF AMUSEMENT GAMES AUTHORIZED. The commission hereby authorizes the following amusement games to be operated by persons possessing a special location amusement games license, or bonafide charitable or nonprofit organizations possessing a license issued by the gambling commission or when conducted as authorized by RCW 9.46.030(3) at an authorized location:

(1) Fish pond (duck pond). The player "catches" a fish or other object floating in a pond of water by using a pole, hand, net or string. All fish or objects are marked on the bottom indicating the size of prize the player wins. The player is awarded a prize every time and the player must be allowed to continue playing until a prize is won.

When played at school carnivals, the game may be played without the pond of water and the operator of the game may assist the player by attaching a prize to the pole, hand, net or string.

(2) Hoop or ring toss. The player must toss a hoop(s) or ring(s) over a target which may consist of bottles, pegs, blocks, or prizes. The operator must specifically advise the player as to the degree that the hoop(s) or ring(s) must go over the target. All hoops of the same color used at an individual stand must be the same size. All targets used at an individual booth must be the same size or the operator must advise the player by posting signs or using color codes denoting the different sizes.

(3) Dart games. The target area for all dart games must be of a material capable of being penetrated and retaining a metal tip dart. The target area will be in the rear of the stand and will be at least three feet but not more than fifteen feet from the foul line. Target must be stationary at all times.

(a) Balloon (poparoo) (balloon smash). The targets are inflated balloons. The player throws one or more darts to burst a predetermined number of balloons. If the predetermined number of balloons are burst by the dart(s), the player receives the prize indicated.

(b) Dart throw. The targets are various sizes and shapes located on the target area. The player must throw dart(s) individually at the target. The player must hit and the dart must stick in a predetermined target to win the prize as designated.

(c) Tic tac toe dart. The target is a tic tac toe board located in the target area. The player throws darts at the target and wins a designated prize when the thrown darts line up in a row in the target. The darts may line up vertically, horizontally or diagonally to win.

(d) Add um up darts. The target consists of numbered squares located in the target area. Prizes are awarded based on the total score obtained by the player by throwing and sticking the darts in the numbered squares. All darts stuck on lines will receive a rethrow. The player has the right to add up the score of the darts thrown.

(4) Ball tosses. In all ball toss games, the balls used at a specific stand must be of the same weight and size. Targets must be of the same weight and size or the operator must color code the targets and advise the player of the difference in targets by posting a sign or providing a duplicate of the target showing the limitations or restrictions readily visible to the player.

(a) Milk bottle toss. The player tosses or throws ball(s) at simulated milk bottles. The player wins by either tipping over or knocking bottles off the raised platform as designated by the operator. The bottles may be constructed of wood, metal or plastic or a combination of the above three. Operators may vary the number of bottles and balls used in each game. No floating or loose weights in bottles shall be allowed. The weight of individual bottles shall not exceed seven and one-half pounds.

(b) Milk can (Mexican hat, cone). The player tosses a ball(s) into the opening of a milk can or a fiber glassed Mexican hat turned upside down or through a cone to win.

(c) Football toss (tire toss). The player tosses or throws a football(s) through a stationary tire or hoop to win.

(d) Basketball toss/throw. The player tosses or throws a basketball(s) through a basketball type hoop to win.

(e) Bushel baskets. The player tosses a ball(s) into a bushel type basket mounted on a stationary backdrop at a fixed angle. The ball(s) must stay in the basket to win. All rim shots will be allowed except the operator may designate the top 6 inches of the basket rim by color and disallow ball(s) striking this area as winning tosses.

(f) Cat-ball-toss (star/diamond toss). The player tosses a ball(s) into a simulated cat's mouth or a round, diamond or star shaped hole to win.

(g) Ping pong toss. The player tosses ping pong balls into dishes, saucers, cups or ashtrays floating in water. A predetermined number of balls must remain in the dishes, saucers, cups or ashtrays for the player to win. The dishes, saucers, cups or ashtrays must have water covering the bottom of the surface which is facing up.

(h) Fish bowl game. The player tosses ping pong balls into a water-filled fish bowl to win.

(i) Volley ball toss (soccer ball). The player tosses a volley or soccer ball(s) into a keg type container mounted on a stationary backdrop at a fixed angle. The ball(s) must stay in the keg to win a prize. Rim

shots are authorized as stated in paragraph (e) above for bushel baskets.

(j) Goblet ball (whiffle ball). The player tosses a whiffle ball(s) into a target area of glass or plastic goblets. Located in the target area are colored goblets which determine the type of prize the player wins. At least 33 percent of the goblets in the target area must be winners. The ball(s) must stay in the goblet to win a prize.

(k) Break the plate/bottle. The player tosses or throws a ball(s) at a plate, phonograph record or bottle. The type of prize won is determined by the number of targets broken by the player.

(l) Punk rack. The targets for this game are rows of dolls or cats on a ledge at the rear of the stand. The dolls or cats must be filled with sawdust, styrofoam, cotton or other like material which provides a firm base for the ball to strike. The hair protruding from the side of the dolls or cats shall not exceed three inches. The prize is determined by how many dolls or cats the player knocks over or off the ledge as posted by the operator.

(m) Teeth game. The target consists of a large face with wooden teeth. The prize is determined by how many teeth the player knocks down by throwing a ball(s).

(n) Toilet game (doniker). The player tosses or throws a ball or other object through a toilet seat, which is located at the rear of the stand, to win.

(o) (Coke roll). The player rolls a ball(s) down an alley with the object of knocking over two coke bottles standing at the end of the alley. The player must tip over both bottles to win. Bottles shall be placed on predetermined spots painted on the surface of the alley.

(p) Rolldown. The player rolls ball(s) down an alley with the object of putting the ball(s) in numbered slots at the end of the alley. The scores represented by the balls in each numbered slot are added up at the conclusion of the game. Scores above or below a predetermined score win. The alley surface shall at all times be smooth and free from defects.

(q) Fascination (I got it). A group game which involves competition among the players. The target area consists of twenty-five holes and the player tosses or rolls a ball into one of the holes. The object of the game is to get five balls in a row either vertically, horizontally or diagonally. The first player to accomplish this is the winner. Prize size is determined by the number of players participating in each game.

(r) Pokereno. The target area consists of twenty-five squares with each square given the value of a poker card. The player rolls or tosses five balls to land in the squares. The operator has predetermined winning poker hands and the player wins when balls land in the squares that duplicate the operators selection.

(s) Batter-Up. The player uses a whiffle ball bat to swing and strike whiffle balls which are pitched at medium speed from a pitching machine. The player wins when he "hits" a ball into the "home run" shelf. The "home run" shelf is located at the back of the batting cage approximately fifteen feet from the player.

(t) Sky Bowling. Two bowling pins are set on predetermined painted spots on a shelf. A ball is attached to a chain suspended from a stationary support immediately above the bowling pins. The object is to swing the ball, miss the pins with the ball as it goes forward and knock the pins over as the ball returns.

(u) Clown Rolldown. A ball is tossed through the open mouth of a moving clown or animal head. The ball then rolls down a chute to numbered slots to the rear of the clown or animal head. The scores represented by the balls in each numbered slot are added up at the conclusion of the game. Prizes are awarded on the points achieved.

(5) Shooting games. These games are conducted by the player using a weapon of some type to shoot at a target in the rear of the stand. The safety requirement of the local city or county ordinances must be observed by the operator and player. The target may be stationary or mobile.

(a) Short range (shooting gallery).

(i) The player is given four rounds to shoot at a spot target 1/4 inches or less in diameter. The player wins when the spot target is completely shot out.

(ii) The player is given five rounds to shoot one round each at five triangular, round or square targets, 1/2 square inch. The prize is determined by the number of targets struck by the player.

(iii) The player is given five rounds to shoot one round each at five triangular, round or square targets, 1/2 square inch. Within each target is a bull's eye and the player must hit the bull's eye without touching outer surface of the target. The prize won is determined by the number of bull's eyes correctly hit.

(b) Shoot-out-the-star (machine gun). The player, using an automatic air pellet gun, is given 100 pellets to shoot at a star shaped target. The player must shoot out all of the target to win. The star cannot be more than one and one quarter inch from point to point.

(c) Water racer. This group game involves competition with the player winning a prize based on the number of players competing. The player, using a water pistol, shoots the water into a target. The water striking the target causes a balloon to inflate or advances an object to ring a bell. The player bursting the balloon or ringing the bell first is the winner.

(d) Rapid fire. This group game involves competition among players similar to the water racer described in (c) above. The player uses an electronic pistol to shoot at a target. Hits on the target give the player a score and the first player to reach a predetermined score is the winner.

(e) Cork gallery. The player uses a cork gun to shoot at targets located on a shelf. The player must knock the target over or off the shelf to win a prize. The prize is determined by the target knocked over or off the shelf or by the number of targets knocked over or off the shelf. The base of each target shall be uniform front and rear.

(f) Boomball. The player uses a cannon with compressed air to propel balls into a target area. The targets have varied point value and if the ball remains in the target, a computer adds up the scores. Prizes are awarded based on the points achieved.

(6) Coin pitchers. (a) Spot pitch (lucky strike). The player pitches a coin at colored spots located on a table in the center of the stand. The coin must touch or stay inside of a spot to win a prize.

(b) Plate pitch. The player pitches a coin onto a glass plate to win a prize as designated.

(c) Glass pitch (bowl). The player pitches a coin into or onto dishes, glasses, etc. If the coin remains in one of the top "target" glass items then the player wins that item.

(7) Coin-operated games. (a) Skill chute (bulldozer) (penny fall). The player inserts a coin or token into a chute aiming the coin or token so that it will fall in front of a continuous sweeper, (bulldozer). If the coin or token is aimed correctly, the sweeper (bulldozer) will push additional tokens or prizes into a hole or chute which sends them to the player. Tokens are exchanged for prizes. If there is a hidden ledge, tip or similar obstruction which inhibits the passage of tokens or prizes into the hole or chute which sends them to the player, then the operator must post a sign to advise the players.

(b) Skee ball. The player rolls a ball(s) up the mechanical bowling alley into targets. A computer adds up the scores and predetermined scores win.

(c) Diggers. The player turns a crank on a mechanical crane to pick up a prize. If the player picks up a prize then the player wins that prize. There can be no stops on the digger or, if there are stops, all prizes must be the same. All prizes must be capable of being picked up by the crane.

(8) Miscellaneous games. (a) Tip-em-up bottle. The player is provided with a pole and a string which has a hoop or ring attached at the end. The player, using the pole with ring, must raise a bottle lying on its side to an upright position to win.

(b) Hi-striker. The player, using a wooden maul, must strike a lever target which causes a metal weight to rise on a guide line or track and ring a bell. The player must ring the bell a predetermined number of times to win a prize.

(c) Rope ladder. Player must climb up a rope ladder, which is anchored at both ends by a swivel and ring a bell or buzzer to win a prize.

(d) Whac-a-mole. A group game which has a target surface with 5 holes -animated "moles" pop up and down at random. Whac (hit) as many moles as possible with a mallet. First player to hit a predetermined number of moles wins.

(e) Dip bowling game. Player rolls a bowling type ball over hump in track. If ball stays on the back side of hump, the player wins.

(f) Speedball radar game. Player gets four balls. Player throws three balls through radar to establish speeds and to estimate at what speed fourth ball will pass through radar. Player wins prize if he accurately estimates speed of the fourth ball. Radar must be mounted and stationary.

(g) Horse race derby. A group game. Players advance their horse by shooting or rolling a ball in target area. The faster and more skillful one shoots or rolls his ball, the faster his horse will run. First horse to finish line wins.

(h) Shuffleboard. Player pushes a puck(s) down a shuffleboard alley to knock over poly pins at end of alley. Player wins by knocking down all the pins.

(i) Bean bag. The player tosses or throws a bean bag or a simulated bean bag at cans, bottles or other objects on a raised platform. The player wins a prize when he either knocks the object(s) off the raised platform or tips the targets over.

(j) Soccer kick. The player kicks a soccer ball(s) through a hole(s) in the target area to win.

(9) Any additional games or modification of the games authorized above, must be submitted to the commission in writing. The director may temporarily approve any additional games or modification of the games subject to final approval by the commission.

(10) No other games or variations of games may be played.

NEW SECTION

WAC 230-46-010 PURPOSE. The Washington State Gambling Commission, aware of the overwhelming increase of promotional contests conducted in the state of Washington, deems it to be in the public interest to interpret RCW 9.46.020(14) so as to insure uniformity and fairness to all sponsors of said promotional contests. It is further the purpose of these regulations to notify all sponsors as to what types of promotional contests are legal and not legal in the state of Washington.

NEW SECTION

WAC 230-46-020 DEFINITIONS. 1. "Lottery" means a scheme for the distribution of money or property by chance, among persons who have paid or agreed to pay a valuable consideration for the chance.

2. "Promotional Contest" means a scheme for the distribution of money or property by chance, among persons who have not paid or not agreed to pay a valuable consideration for said chance.

3. "Retail Outlet" means the place at which any business establishments sells goods or services for final consumption or to the ultimate consumer.

4. "On Behalf of In-state Retail Outlet" means a promotional contest sponsored by a party other than a retail outlet that may benefit a specific or chain of specific retail outlets by increased advertising or increased patronage.

NEW SECTION

WAC 230-46-030 PROMOTIONAL CONTESTS - LEGALITY Any promotional contest that does not constitute a lottery is permitted in the state of Washington subject to the limitations of RCW 9.46.020(14) and the rules and regulations adopted herein.

NEW SECTION

WAC 230-46-040 PROMOTIONAL CONTESTS LIMITED TO SEVEN DAYS UNLESS OPTIONAL METHODS OF ENTRY ARE INCLUDED. Promotional contest conducted by or on behalf of in-state retail outlets pursuant to RCW 9.46.020 (14)(d) and (e) shall be limited to seven days, and one time a year if the promotional contest includes a drawing and its method of entry requires a person either to go to any business establishment to obtain a coupon or entry blank, or merely to register without purchase of goods or services; PROVIDED, That if the promotional contest includes, in addition to the above methods of entry, an optional method of entry as set forth below, then the seven day limitation shall not be applicable.

(1) Listening to or watching a television or radio program or subscribing to a cable television service;

(2) Filling out and returning a coupon or entry blank or facsimile which is received through the mail or published in a bona fide newspaper or magazine, or in a program sold in conjunction with and at a regularly scheduled sporting event, or the purchase of such a newspaper, magazine or program;

(3) Sending a coupon or entry blank by United States mail to a designated address in connection with a promotional contest conducted in this state;

(4) Placing or answering a telephone call in a prescribed manner or otherwise making a prescribed response or answer;

(5) Furnishing the container of any product as packaged by the manufacturer, or a particular portion thereof but only if furnishing a plain piece of paper or card with the name of the manufacturer or product handwritten on it is acceptable in lieu thereof.

NEW SECTION

WAC 230-46-050 PROMOTIONAL CONTESTS - ADMISSION FEE LIMITATION. Sponsors who conduct promotional contests on premises or in trade shows, boat shows or similar events, that require an admission fee to enter said premises or events, must provide an equal opportunity to enter the promotional contest without payment of the admission fee or "valuable consideration" shall exist. PROVIDED, This section shall not apply to agricultural fairs as set forth in RCW 9.46.020 (14)(i).

NEW SECTION

WAC 230-46-060 VALUABLE CONSIDERATION - LOTTERIES PROHIBITED Any scheme for the distribution of money or property by chance that includes "valuable consideration" in its method of entry shall be deemed a lottery and shall be strictly prohibited pursuant to chapter 9.46 RCW.

WSR 85-06-004

PROPOSED RULES

DEPARTMENT OF TRANSPORTATION

(Transportation Commission)

[Filed February 22, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Transportation Commission intends to adopt, amend, or repeal rules concerning farm vehicles, WAC 468-38-290;

that the agency will at 9:45 a.m., Thursday, April 18, 1985, in the Transportation Building, Room 1D2, 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 46.44.090.

The specific statute these rules are intended to implement is RCW 46.44.130 and 46.44.140.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 18, 1985.

Dated: February 21, 1985

By: Lue Clarkson
Administrator

STATEMENT OF PURPOSE

Title: Amendment to chapter 468-38 WAC.

Summary of Rules: To update the regulations on vehicle size and weight.

Statement of Reasons: To amend regulations on the requirements for movement of farm implements.

For Further Information: Mr. Don Ernst, State Maintenance Engineer, Room 1C9, Transportation Building, Phone 753-6014, Olympia, Washington, is responsible for the drafting and implementation of the rule.

Proponent of the Rule: Washington State Department of Transportation.

Opponent of the Rule: Unknown.

AMENDATORY SECTION (Amending Order 39, Resolution No. 195, filed 7/25/83)

WAC 468-38-290 FARM IMPLEMENTS. ((1)) "Farm implements" means every device capable of being driven or drawn upon a highway which, when operated, directly affects the fertilizing, tilling, planting, cultivation or harvesting of crops of the soil:

(2) "Farm implements" does not include:

- (a) Implements having a gross weight of 45,000 pounds or more;
- (b) Those more than 20 feet wide;
- (c) Those not equipped with pneumatic tires;
- (d) Those more than 14 feet wide if not used for the harvest of mature crops; or

(e) Spray or fertilizer applicator rigs or equipment auxiliary to any of these rigs which are wider than 8 1/2 feet when they are operated more than 50 miles from the dealer facility:

(3) Farm implements less than 14 feet in width do not require a special permit for movement on state highways other than fully controlled limited access highways. Other movements require a permit, the fees for which are listed in RCW 46.44.0941:

(4) Permits will not be granted for farm machinery over 20 feet wide:

(5) The movement of farm implements, whether exempt from obtaining a permit or not, shall be subject to the following regulations:

(a) Width: If more than 8 1/2 feet, the implement must display bright red flags at least 12 inches square so as to wave freely on all 4 corners of the vehicle and at extreme ends of all protrusions, projections, or overhangs:

(b) Distance: A farm implement must allow at least 500 feet between it and another vehicle so as not to impair the visibility of an overtaking vehicle. If 5 or more vehicles line up behind a farm implement, the farm implement is to pull off the roadway until traffic is cleared:

(c) Hours of movement: Implements may be moved only during daylight hours (i.e., one-half hour before sunrise to one-half hour after sunset). Movement is prohibited when visibility is less than 1,000 feet, or when hazardous conditions exist, as defined by the department of transportation or the state patrol. Movement on weekends is prohibited except during harvest seasons:

(d) Lights: The department may authorize movements outside daylight hours if an emergent harvest condition exists. Escort vehicles are required for such movements operating in accordance with the requirements set forth below. The farm implement or transporting vehicle shall also be equipped with rear red lights and red reflectors. In addition, it shall display 4 inch double face flashing amber lights mounted one on each side at the widest point on the farm implement so as to be visible to oncoming and overtaking traffic:

(e) Convoys: Convoying may be used to move farm implements. Two-way radio equipment shall be available to the farm implements and the escort vehicle:

(6) Signs and escorts are required for the movement of farm implements as follows:

(a) On two-lane state highways:

(i) If 8 1/2 to 10 feet wide, OVERSIZE LOAD signs visible to oncoming and overtaking traffic must be displayed. (These signs must meet the requirements of WAC 468-38-190. They must be displayed as high as practicable on the farm implement.)

(ii) If 10 to 20 feet wide, escort vehicles must precede and follow:

(b) On multiple-lane state highways:

(i) If 8 1/2 to 14 feet wide, the implement shall display an OVERSIZE LOAD sign on the rear:

(ii) If 14 to 20 feet wide, it shall be followed by an escort vehicle:

(7) The use of escort vehicles shall be as prescribed in WAC 468-38-100 and 468-38-110:

(8) A flagperson may be used instead of an escort vehicle when authorized by permit:

(a) A flagperson shall be an agent or an employee of the person moving the farm implement, and must be at least 18 years old. The flagperson shall have a red flag not less than 12 inches square mounted on a staff, and may ride in the cab or in another vehicle. A flagperson is required if stipulated in the permit:

(b) The flagperson may get out of the vehicle and direct traffic whenever traffic is obstructed, or where necessary to infringe on the opposite lane of traffic. The flagperson shall warn traffic of the approaching load at danger points:

(9) Posting a route may be used in lieu of the requirement for pilot cars. The following conditions must be met:

(a) ~~The intended route can be no more than 2 miles along public highways.~~

(b) ~~Signs must be posted on the shoulder of the right side of the roadway no more than 12 feet from the edge of the traffic lane.~~

(c) ~~Signs shall read "OVERSIZE VEHICLE MOVING AHEAD" and be posted on a square at least 36 inches on each side in black lettering on a yellow background. They shall be removed as soon as possible after the farm implement has left the state highway.~~

(d) ~~Signs shall not rest on the ground, and must be visible to vehicles approaching or turning onto the portion of state highway to be traveled.~~

(e) ~~They shall be placed:~~

(i) ~~In advance of the point where the farm implement enters the state highway;~~

(ii) ~~In advance of the exit point; and~~

(iii) ~~A sign on each side of the state highway near each access, public or private, to inform the driver of a vehicle turning onto the state highway in either direction.) (1) Farm implement means any device that directly affects the production of agricultural products. For purposes of this section, it may weigh no more than forty-five thousand pounds. It must move on pneumatic tires when on public highways and may be no more than twenty feet wide.~~

~~Spray rigs including fertilizer or chemical applicator rigs or equipment auxiliary to any of these rigs are farm implements.~~

(2) ~~Permits: A quarterly or annual permit to move farm implements may be purchased by a farmer or by a person engaged in the business of selling or maintaining farm implements. Such a permit or copy will allow the person or company identified on the permit to draw, drive, or haul any farm implement on state highways.~~

(3) ~~Movements of oversize farm implements are subject to the following regulations:~~

(a) ~~An unescorted farm implement shall travel at least five hundred feet behind other vehicles so as to allow other drivers to pass.~~

(b) ~~If five or more vehicles line up behind a farm implement, the operator of the farm implement must pull off the road at the first point wide enough to allow traffic to pass safely.~~

(c) ~~Oversize farm implements may be moved only during daylight hours. Such movements are prohibited at the times and on those days listed in WAC 468-38-230.~~

~~The department may permit movements outside daylight hours during emergent harvest season to a company or farmer who requests and receives permission in writing. Pilot cars are required for such movements as prescribed in subsection (4)(c) of this section.~~

(d) ~~Convoing with pilot cars may be used to move farm implements. Two-way radio equipment should be provided to the pilot cars.~~

(e) ~~Lights: Farm implements over ten feet wide operating without pilot cars shall display hazard warning lights on the front and rear as prescribed in RCW 46.37.160. Such vehicles shall also be equipped with brake lights and turn signals. In addition, a single intermittently flashing amber light, visible to the front and the rear for at least five hundred feet, shall be displayed.~~

(4) ~~Flags, signs, and escorts are required for the movement of farm implements as follows:~~

(a) ~~Flags: If the farm implement is over eight and one-half feet wide, it must display fluorescent orange flags at least twelve inches square so as to wave freely on all four corners of the vehicle and at the extreme ends of all protrusions, projections, or overhangs.~~

(b) ~~Signs: If the farm implement is over eight and one-half feet wide, OVERSIZE LOAD signs visible to oncoming and overtaking traffic must be displayed. These signs must meet the requirements of WAC 468-38-190. A farm implement preceded and followed by pilot cars is not required to display such signs.~~

(c) ~~Escort cars: On two-lane state highways, escort cars must precede and follow if the farm implement is over twelve and one-half feet wide. Movements between ten feet and twelve and one-half feet wide without pilot cars shall be limited to a distance of fifty miles from the business owning the equipment.~~

~~On multiple-lane state highways, one escort car in the rear is required if vehicle or load is more than fourteen feet wide.~~

~~Other requirements for escort cars and their operation are prescribed by WAC 468-38-110.~~

~~When approval to use a flagperson instead of an escort vehicle is given, the permit shall specifically state that exemption.~~

(d) ~~Posting a route may be used in lieu of escort cars if the route to be traveled is less than two miles. Signs reading OVERSIZE VEHICLE MOVING AHEAD on a square at least three feet on each side shall be placed at points before the oversize farm implement enters or leaves~~

the highway and at any entry points along the way. These signs must be removed immediately after the oversize movement has been completed.

WSR 85-06-005

EMERGENCY RULES

DEPARTMENT OF TRANSPORTATION

(Transportation Commission)

[Order 43, Resolution No. 239—Filed February 22, 1985]

Be it resolved by the Washington State Transportation Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to farm vehicles, amending WAC 468-38-290.

We, the Washington State Transportation 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 that regulations be adopted before growing season begins.

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 Transportation Commission as authorized in RCW 46.44.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED February 21, 1985.

By Pat Wanamaker
Chairman

AMENDATORY SECTION (Amending Order 39, Resolution No. 195, filed 7/25/83)

WAC 468-38-290 FARM IMPLEMENTS. ((+))
"Farm implements" means every device capable of being driven or drawn upon a highway which, when operated, directly affects the fertilizing, tilling, planting, cultivation or harvesting of crops of the soil.

(2) "Farm implements" does not include:

(a) Implements having a gross weight of 45,000 pounds or more;

(b) Those more than 20 feet wide;

(c) Those not equipped with pneumatic tires;

(d) Those more than 14 feet wide if not used for the harvest of mature crops; or

(e) Spray or fertilizer applicator rigs or equipment auxiliary to any of these rigs which are wider than 8 1/2 feet when they are operated more than 50 miles from the dealer facility.

(3) Farm implements less than 14 feet in width do not require a special permit for movement on state highways other than fully controlled limited access highways. Other movements require a permit, the fees for which are listed in RCW 46.44.0941.

~~(4) Permits will not be granted for farm machinery over 20 feet wide.~~

~~(5) The movement of farm implements, whether exempt from obtaining a permit or not, shall be subject to the following regulations:~~

~~(a) Width: If more than 8 1/2 feet, the implement must display bright red flags at least 12 inches square so as to wave freely on all 4 corners of the vehicle and at extreme ends of all protrusions, projections, or overhangs.~~

~~(b) Distance: A farm implement must allow at least 500 feet between it and another vehicle so as not to impair the visibility of an overtaking vehicle. If 5 or more vehicles line up behind a farm implement, the farm implement is to pull off the roadway until traffic is cleared.~~

~~(c) Hours of movement: Implements may be moved only during daylight hours (i.e., one-half hour before sunrise to one-half hour after sunset). Movement is prohibited when visibility is less than 1,000 feet, or when hazardous conditions exist, as defined by the department of transportation or the state patrol. Movement on weekends is prohibited except during harvest seasons.~~

~~(d) Lights: The department may authorize movements outside daylight hours if an emergent harvest condition exists. Escort vehicles are required for such movements operating in accordance with the requirements set forth below. The farm implement or transporting vehicle shall also be equipped with rear red lights and red reflectors. In addition, it shall display 4 inch double face flashing amber lights mounted one on each side at the widest point on the farm implement so as to be visible to oncoming and overtaking traffic.~~

~~(e) Convoys: Convoying may be used to move farm implements. Two-way radio equipment shall be available to the farm implements and the escort vehicle.~~

~~(6) Signs and escorts are required for the movement of farm implements as follows:~~

~~(a) On two-lane state highways:~~

~~(i) If 8 1/2 to 10 feet wide, OVERSIZE LOAD signs visible to oncoming and overtaking traffic must be displayed. (These signs must meet the requirements of WAC 468-38-190. They must be displayed as high as practicable on the farm implement.)~~

~~(ii) If 10 to 20 feet wide, escort vehicles must precede and follow:~~

~~(b) On multiple-lane state highways:~~

~~(i) If 8 1/2 to 14 feet wide, the implement shall display an OVERSIZE LOAD sign on the rear.~~

~~(ii) If 14 to 20 feet wide, it shall be followed by an escort vehicle.~~

~~(7) The use of escort vehicles shall be as prescribed in WAC 468-38-100 and 468-38-110.~~

~~(8) A flagperson may be used instead of an escort vehicle when authorized by permit.~~

~~(a) A flagperson shall be an agent or an employee of the person moving the farm implement, and must be at least 18 years old. The flagperson shall have a red flag not less than 12 inches square mounted on a staff, and may ride in the cab or in another vehicle. A flagperson is required if stipulated in the permit.~~

~~(b) The flagperson may get out of the vehicle and direct traffic whenever traffic is obstructed, or where necessary to infringe on the opposite lane of traffic. The flagperson shall warn traffic of the approaching load at danger points.~~

~~(9) Posting a route may be used in lieu of the requirement for pilot cars. The following conditions must be met:~~

~~(a) The intended route can be no more than 2 miles along public highways.~~

~~(b) Signs must be posted on the shoulder of the right side of the roadway no more than 12 feet from the edge of the traffic lane.~~

~~(c) Signs shall read "OVERSIZE VEHICLE MOVING AHEAD" and be posted on a square at least 36 inches on each side in black lettering on a yellow background. They shall be removed as soon as possible after the farm implement has left the state highway.~~

~~(d) Signs shall not rest on the ground, and must be visible to vehicles approaching or turning onto the portion of state highway to be traveled.~~

~~(e) They shall be placed:~~

~~(i) In advance of the point where the farm implement enters the state highway,~~

~~(ii) In advance of the exit point, and~~

~~(iii) A sign on each side of the state highway near each access, public or private, to inform the driver of a vehicle turning onto the state highway in either direction.) (1) Farm implement means any device that directly affects the production of agricultural products. For purposes of this section, it may weigh no more than forty-five thousand pounds. It must move on pneumatic tires when on public highways and may be no more than twenty feet wide.~~

~~Spray rigs including fertilizer or chemical applicator rigs or equipment auxiliary to any of these rigs are farm implements.~~

~~(2) Permits: A quarterly or annual permit to move farm implements may be purchased by a farmer or by a person engaged in the business of selling or maintaining farm implements. Such a permit or copy will allow the person or company identified on the permit to draw, drive, or haul any farm implement on state highways.~~

~~(3) Movements of oversize farm implements are subject to the following regulations:~~

~~(a) An unescorted farm implement shall travel at least five hundred feet behind other vehicles so as to allow other drivers to pass.~~

~~(b) If five or more vehicles line up behind a farm implement, the operator of the farm implement must pull off the road at the first point wide enough to allow traffic to pass safely.~~

~~(c) Oversize farm implements may be moved only during daylight hours. Such movements are prohibited at the times and on those days listed in WAC 468-38-230.~~

~~The department may permit movements outside daylight hours during emergent harvest season to a company or farmer who requests and receives permission in writing. Pilot cars are required for such movements as prescribed in subsection (4)(c) of this section.~~

(d) Convoying with pilot cars may be used to move farm implements. Two-way radio equipment should be provided to the pilot cars.

(e) Lights: Farm implements over ten feet wide operating without pilot cars shall display hazard warning lights on the front and rear as prescribed in RCW 46.37.160. Such vehicles shall also be equipped with brake lights and turn signals. In addition, a single intermittently flashing amber light, visible to the front and the rear for at least five hundred feet, shall be displayed.

(4) Flags, signs, and escorts are required for the movement of farm implements as follows:

(a) Flags: If the farm implement is over eight and one-half feet wide, it must display fluorescent orange flags at least twelve inches square so as to wave freely on all four corners of the vehicle and at the extreme ends of all protrusions, projections, or overhangs.

(b) Signs: If the farm implement is over eight and one-half feet wide, OVERSIZE LOAD signs visible to oncoming and overtaking traffic must be displayed. These signs must meet the requirements of WAC 468-38-190. A farm implement preceded and followed by pilot cars is not required to display such signs.

(c) Escort cars: On two-lane state highways, escort cars must precede and follow if the farm implement is over twelve and one-half feet wide. Movements between ten feet and twelve and one-half feet wide without pilot cars shall be limited to a distance of fifty miles from the business owning the equipment.

On multiple-lane state highways, one escort car in the rear is required if vehicle or load is more than fourteen feet wide.

Other requirements for escort cars and their operation are prescribed by WAC 468-38-110.

When approval to use a flagperson instead of an escort vehicle is given, the permit shall specifically state that exemption.

(d) Posting a route may be used in lieu of escort cars if the route to be traveled is less than two miles. Signs reading OVERSIZE VEHICLE MOVING AHEAD on a square at least three feet on each side shall be placed at points before the oversize farm implement enters or leaves the highway and at any entry points along the way. These signs must be removed immediately after the oversize movement has been completed.

WSR 85-06-006
PROPOSED RULES
BOARD OF HEALTH
 [Filed February 22, 1985]

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 standards for labor camps, amending chapter 248-63 WAC:

- Amd WAC 248-63-010 Definitions.
- Amd WAC 248-63-020 Administration.
- Amd WAC 248-63-060 Refuse disposal.
- Amd WAC 248-63-080 Location and maintenance.

- Amd WAC 248-63-120 Facilities (toilet, handwashing, bathing and laundry).
- Amd WAC 248-63-150 Safety provisions.
- Amd WAC 248-63-160 Supervision and responsibility.
- Amd WAC 248-63-170 Communicable diseases.
- Amd WAC 248-63-180 Exemptions;

that the agency will at 9:30 a.m., Wednesday, April 10, 1985, in the Council Board Room, 6th Floor, County Administration Building, 3000 Rockefeller, Everett, 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 43.20.50 [43.20.050].

The specific statute these rules are intended to implement is RCW 43.20.50 [43.20.050].

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 10, 1985.

Dated: February 22, 1985
 By: John A. Beare, MD
 Director, Division of Health

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending chapter 248-63 WAC, Standards for labor camps, WAC 248-63-010, 248-63-020, 248-63-060, 248-63-080, 248-63-120, 248-63-150, 248-63-160, 248-63-170 and 248-63-180.

The Purpose of the Rule Change: To transfer administrative responsibility for the regulations from DSHS to local health agencies.

The Reason These Rules are Necessary: To protect the public's health by providing for minimum environmental standards for the estimated 900 labor camps in Washington that house the thousands of temporary workers and their families that come from out-of-state to harvest agricultural crops.

Statutory Authority: Chapter 43.20 RCW.

Summary of the Rule Change: Transfers administration of regulations from DSHS to local health agencies.

Person Responsible for the Drafting, Implementation and Enforcement of the Rule: William F. Miller, Head, Environmental Health Services Section, Environmental Health Programs, phone 753-5958, mailstop LD-11.

Rules are proposed by the Washington State Board of Health.

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, since the regulation does not impact ten percent of the involved industries or any one industry.

AMENDATORY SECTION (Amending Order 273, filed 8/30/84)

WAC 248-63-010 DEFINITIONS. (1) "Central foodhandling facility" shall mean any facility provided by employers, growers, management, or other person as defined in subsection (8) of this section where food is served or provided to the labor camp occupants with or without charge.

(2) "Common foodhandling facility" shall mean a facility provided by employers, growers, management, or other person as defined in subsection (8) of this section for use by the labor camp occupants in the preparation and consumption of their own food.

(3) ~~("Department" shall mean the Washington state department of social and health services.~~

~~((4))~~ "Director" shall mean the director of the division of health of the Washington state department of social and health services or authorized representative.

~~((5))~~ (4) "Dwelling unit" shall mean family unit, single unit, dormitory, or other facility and/or housing provided by a person for temporary workers and used or intended to be used for living and/or sleeping, with or without facilities for cooking and eating.

(a) "Dormitory" shall mean facilities and/or housing accommodating one sex only, used for sleeping purposes and designed for group occupancy.

(b) "Family unit" shall mean facilities and/or housing accommodating members of both sexes for living and/or sleeping, with or without facilities for cooking and eating purposes.

(c) "Single unit" shall mean facilities and/or housing accommodating one person only for living and/or sleeping, with or without facilities for cooking and eating purposes.

~~((6))~~ (5) "Health officer" means the legally qualified person appointed as the health officer for the city, town, county, or district public health department as defined in RCW 70.05.010(2) or authorized representative.

~~((7))~~ (6) "Labor camp" shall mean all facilities, housing, and/or real property consisting of five or more dwelling units, recreational vehicle spaces, campground spaces, or other areas set aside and/or provided to accommodate temporary worker supplied shelter or any combination thereof, together with the land appurtenant thereto provided with or without charge by employers, growers, management, or other person, for occupancy by temporary workers or temporary workers and dependents, and shall include facilities, housing, and/or real property located either at the site of employment or elsewhere. Separate dwelling units, or clusters of units containing less than five units, shall constitute a labor camp, where a cumulative total of five or more dwelling units is maintained by the same owner or person responsible. Any dormitory building accommodating five or more persons shall be considered a labor camp. The provisions hereof shall not apply to any person who, in the ordinary course of that person's business, regularly provides housing on a commercial basis to the general public and who provides housing to any temporary worker of the same character and on the same or comparable terms and conditions as provided to the general public.

(7) "Local board of health" shall mean the city, town, county, or district board of health as defined in RCW 70.05.010(3).

(8) "Person" shall mean any individual, firm, partnership, corporation, association, or the legal successor thereof and any agency of the city, county, or state and any municipal subdivision thereof.

(9) "Refuse" shall mean all putrescible and nonputrescible solid waste.

(10) "Temporary worker" shall mean any individual employed by a person where the labor is performed on a seasonal basis, where, ordinarily, the employment pertains to or is of the kind exclusively performed at certain seasons or periods of the year and which, from its nature, may not be continuous or carried on throughout the year or when the worker is employed for a limited time only or his or her performance is contemplated for a particular piece of work, usually of short duration.

AMENDATORY SECTION (Amending Order 273, filed 8/30/84)

WAC 248-63-020 ADMINISTRATION. (1) ~~(The department and health officer for each local health jurisdiction may enter into an agreement whereby the health officer assumes primary responsibility for administering these regulations. The agreement shall provide for a minimum necessary level of labor camp supervision. This agreement shall be submitted to the local board of health for adoption. The agreement shall be approved and updated as necessary. Wherever in these regulations the term "department" is used, the term "health officer" may be substituted where an agreement between the department and the health officer is in effect.~~

~~((2))~~ Except as provided in subsection ~~((6))~~ (5) of this section, the person owning or controlling a labor camp shall not permit the labor camp to be occupied by any temporary worker unless issued a certificate of occupancy by the ~~((department))~~ health officer in the name of the person owning or controlling the specified labor camp.

~~((3))~~ (2) The ~~((department))~~ health officer may issue a provisional certificate of occupancy for a labor camp when said camp does not fully meet all requirements of these rules and regulations. The issuance

of a provisional certificate of occupancy shall be contingent upon approval by the ~~((department))~~ health officer of a written plan and time schedule for compliance with the requirements of these rules and regulations.

~~((4))~~ (3) Every certificate of occupancy shall be valid for a period not in excess of one year and may be renewed.

~~((5))~~ (4) Applications for certificates of occupancy or renewals thereof must be submitted in writing to the ~~((department))~~ health officer at least forty-five days prior to occupancy of the camp and shall contain such information as may be reasonably required by the ~~((department))~~ health officer for the proper administration of these rules and regulations.

~~((6))~~ (5) If an application for a certificate of occupancy or renewal is made to the ~~((department))~~ health officer at least forty-five days prior to the date the labor camp is to be occupied by a temporary worker but the ~~((department))~~ health officer has not issued or denied a certificate of occupancy by such a date, the facility or property may be occupied by temporary workers unless prohibited by other local, state, or federal laws.

~~((7))~~ (6) Fees may be charged by the ~~((department as authorized in chapter 43.20A RCW and by))~~ local board of health ~~((agencies))~~ as authorized in RCW 70.05.060 to recover all or a portion of operational costs incurred in administering these regulations.

AMENDATORY SECTION (Amending Order 273, filed 8/30/84)

WAC 248-63-060 REFUSE DISPOSAL. (1) The storage, collection, transportation, and disposal of refuse shall be so managed as not to create rodent harborage, insect breeding, or other health hazards.

(2) All refuse shall be stored in clean, watertight, and rodent-proof containers with tight-fitting lids. Such containers shall be located adjacent to dwelling units except when other ~~((department-approved))~~ health officer-approved methods are used.

AMENDATORY SECTION (Amending Order 273, filed 8/30/84)

WAC 248-63-080 LOCATION AND MAINTENANCE. (1) Labor camps shall be well-drained and located and maintained as not to create a health or safety hazard.

(2) Labor camps shall be located no closer than two hundred feet ~~((of))~~ to an occupied feedlot, dairy, or poultry operation except with the approval of the ~~((department))~~ health officer.

AMENDATORY SECTION (Amending Order 273, filed 8/30/84)

WAC 248-63-120 TOILET, HANDWASHING, BATHING, AND LAUNDRY FACILITIES. (1) Where dwelling units lack toilets and bathroom facilities or where recreational vehicle spaces, campground spaces, or other areas are provided to accommodate temporary worker supplied shelter, conveniently located central toilet, handwashing, and bathing facilities, separate for men and women, shall be provided. These facilities shall be maintained in a clean and sanitary condition.

(2) Toilets shall be provided in a ratio of one for every fifteen occupants or major fraction thereof. Urinals may be substituted for up to one-third of the toilets required for each sex. Water flush toilets shall be required: PROVIDED HOWEVER, That the ~~((department))~~ health officer may make exception to allow privies or other approved methods.

(3) Where central toilet facilities are provided, an adequate and accessible supply of toilet tissue, with holders, shall be furnished.

(4) Lavatories, supplied with hot and cold water under pressure, shall be provided in the ratio of one for every fifteen occupants or major fraction thereof.

(5) Bathing facilities, supplied with hot and cold water under pressure, shall be provided in the ratio of one shower head for each fifteen occupants or major fraction thereof.

(6) Conveniently located central laundry facilities, supplied with hot and cold water under pressure, shall be provided in the ratio of one laundry tray and one mechanical washing machine for each fifty occupants or major fraction thereof; except that additional mechanical washing machines may be provided in lieu of an equivalent number of laundry trays: PROVIDED HOWEVER, That the ~~((department))~~ health officer may waive this requirement when in the ~~((department's))~~ health officer's opinion commercial facilities are accessible and conveniently located.

(7) Where sanitary facilities are provided in each dwelling unit, there shall be provided a minimum of one toilet, lavatory, and bathing facility.

(8) The number of toilets, lavatories, bathing, and laundry facilities provided in central facilities are to be based on the maximum housing capacity of the labor camp, excluding the housing capacity of dwelling units with individual facilities. Where recreational vehicle spaces, campground spaces, or other areas are provided to accommodate temporary worker supplied shelter, the minimum number of toilets, lavatories, bathing, and laundry facilities provided in central facilities for that portion of the camp's occupants shall be determined according to the following table: PROVIDED HOWEVER, That the ((department)) health officer may modify these requirements based upon a mutual written agreement between the ((department)) health officer and person as to the number and type of facilities necessary to satisfy the intent of these regulations.

Number of Spaces	Toilets		Bathing		Handwashing Sinks		Laundry Facilities
	Men	Women	Men	Women	Men	Women	
1-5	1	1	1	1	1	1	0
6-10	1	1	1	1	1	1	1
11-20	2	2	2	2	2	2	1
21-30	3	3	3	3	3	3	2
31-40	4	4	4	4	4	4	2
41-50	5	5	5	5	5	5	3
51-60	6	6	6	6	6	6	4

(9) The floors of central toilet, lavatory, bathing, and laundry facilities shall be sloped to properly trapped floor drains connected to an approved disposal system.

AMENDATORY SECTION (Amending Order 273, filed 8/30/84)

WAC 248-63-150 SAFETY PROVISIONS. (1) In dwelling units two means of escape shall be provided: One may be an accessible window, at least five hundred and seventy-six square inches (four square feet) in size with no side less than sixteen inches.

(2) Flammable or volatile liquids or materials, other than those intended for household use, shall not be stored in or adjacent to rooms of dwelling units.

(3) Pesticides and toxic chemicals, other than those intended for household use, shall not be stored or mixed in the housing area.

(4) The existence of conditions presenting a potential health, safety, and/or fire hazard to occupants of the labor camp are in violation of these regulations.

(5) If the ((department)) health officer has reason to believe there exists a violation of any state or local fire, safety or electrical code, the ((department)) health officer shall immediately refer the suspected violation to the responsible agency.

(6) All dwelling units shall be equipped with a smoke detector. Prior to occupancy and at each change of occupant, the person responsible for operation of the labor camp shall assure the smoke detector in the dwelling unit is operational. Occupants shall be responsible for maintaining the smoke detector in their dwelling units in an operable condition.

AMENDATORY SECTION (Amending Order 273, filed 8/30/84)

WAC 248-63-160 SUPERVISION AND RESPONSIBILITY.

(1) The person responsible for operation of the labor camp shall, once the labor camp is occupied, supervise and maintain such facility and property so as to ensure the labor camp remains in compliance with these rules and regulations.

(2) Receipt of a certificate of occupancy as provided under WAC 248-63-020(2) or the failure of the ((department)) health officer to issue such a certificate of occupancy within the forty-five-day-time period shall not relieve the person owning or controlling a labor camp from the responsibility of ensuring such facility or property meets the requirements of these rules and regulations.

AMENDATORY SECTION (Amending Order 273, filed 8/30/84)

WAC 248-63-170 COMMUNICABLE DISEASE. The person responsible for operation of the labor camp or his or her designated agent shall exercise reasonable efforts to know of the presence of communicable disease within the camp and when such is suspected shall report this to the ((local)) health officer.

AMENDATORY SECTION (Amending Order 273, filed 8/30/84)

WAC 248-63-180 EXEMPTIONS. The director, at his or her discretion, may, upon written application, exempt a labor camp from complying with a requirement of these rules and regulations when it has been found after thorough investigation and consideration that such an exemption may be made in an individual case without placing the health or safety of the occupants in jeopardy and that strict enforcement of the regulation would create an undue hardship on the labor camp((-PROVIDED HOWEVER, That where the health officer has assumed primary responsibility for administering these regulations in accordance with WAC 248-63-020(1) the health officer may, upon concurrence of the director, grant such an exemption)).

WSR 85-06-007
PROPOSED RULES
DEPARTMENT OF LICENSING
(Board of Dental Examiners)
 [Filed February 22, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Dental Examiners intends to adopt, amend, or repeal rules concerning preclinical exam waiver, WAC 308-40-111;

that the agency will at 9:00 a.m., Friday, March 15, 1985, in the Airport Hilton, Elliot East Room, 17620 Pacific Highway South, Seattle, WA, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 18.32.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 15, 1985.

This notice is connected to and continues the matter in Notice No. WSR 85-01-074 filed with the code reviewer's office on December 19, 1984.

Dated: February 20, 1985
 By: Linda Crerar
 Executive Secretary

WSR 85-06-008
PROPOSED RULES
BOARD OF ACCOUNTANCY
 [Filed February 22, 1985]

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

- Amd WAC 4-25-040 State Board of Accountancy.
- Amd WAC 4-25-140 Certified public accountants.
- Rep WAC 4-25-260 Temporary permits;

that the agency will at 10:00 a.m., Friday, March 29, 1985, in the Seatac Marriott Hotel, 3201 South 176th, 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 18.04.055.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 29, 1985.

This notice is connected to and continues the matter in Notice No. WSR 85-02-066 filed with the code reviser's office on January 2, 1985.

Dated: February 18, 1985

By: James R. Silva
Assistant Attorney General

WSR 85-06-009
PROPOSED RULES
DEPARTMENT OF LICENSING
(Board of Osteopathic Medicine and Surgery)
[Filed February 22, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Osteopathic Medicine and Surgery intends to adopt, amend, or repeal rules concerning osteopathic medicine and surgery examination, WAC 308-138-055; that the agency will at 10:00 a.m., Friday, April 19, 1985, in Waldo General Hospital, 10560 5th Avenue N.E., Seattle, WA 98125, 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 18.57.005.

The specific statute these rules are intended to implement is RCW 18.57.005.

Dated: February 22, 1985

By: Barbara Phillips
Assistant Attorney General

STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Osteopathic Medicine and Surgery.

Purpose: To establish standards and procedures concerning the acceptable examination for licensure in the state of Washington as osteopathic physicians and surgeons.

Statutory Authority: RCW 18.57.005.

Summary of the Rules: WAC 308-138-055 Osteopathic medicine and surgery examination: Establishes the federation of state licensing boards FLEX I and II and the board administered examination on osteopathic principles and practices as the official examination for licensure as an osteopathic physician and surgeon. Sets the minimal passing score as seventy-five overall average.

Responsible Departmental Personnel: In addition to members of the Washington State Board of Osteopathic Medicine and Surgery, the following Department of Licensing personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Judy Mayo, Executive Secretary, 1300 South Quince, Olympia, WA 98504, 234-3129 scan, 753-3129 comm.

Proponents: All amendments were proposed by the Washington State Board of Osteopathic Medicine and Surgery.

AMENDATORY SECTION (Amending Order PL 321, filed 11/29/79)

WAC 308-138-055 OSTEOPATHIC MEDICINE AND SURGERY EXAMINATION. (1) Washington examination. Applicants for licensure as osteopathic physicians must pass the Federation of State Licensing Board (FLEX) ~~medical examination with a FLEX weighted average of at least seventy five percent with a minimum score of seventy five on each component of the FLEX I and II Examination,~~ and obtain at least a seventy five percent overall average when the score on a board administered examination on osteopathic principles and practices is factored into the score for ~~Day H~~ of the FLEX examination.

(2) Examination waiver or reciprocity. An applicant who has passed the examination given by the National Board of Osteopathic Examiners may be granted a license without further examination. The board may accept certain other state examinations which conform to the requirements of Washington law. The minimum passing score will depend upon the quality of the examination as determined by the board. Partial waiver may be given for examinations which do not meet Washington state requirements. In the event that a Washington osteopathic principles and practices examination is required it will be considered in the same manner as subsection (1).

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

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

WSR 85-06-010
ADOPTED RULES
BOARD OF PHARMACY
[Order 193-Filed February 22, 1985]

Be it resolved by the Washington State Board of Pharmacy, acting at Olympia, Washington, that it does adopt the annexed rules relating to:

New	WAC 360-12-125	Inactive pharmacist license.
Amd	WAC 360-12-130	Pharmacists—Reinstatement or revocation of license.
Amd	WAC 360-16-255	Prescription labeling.
Amd	WAC 360-18-020	License fees.
Amd	WAC 360-36-010	Uniform Controlled Substances Act.
Rep	WAC 360-36-230	Registration.
Rep	WAC 360-40-080	Suspension or revocation of prophylactic licenses.
Amd	WAC 360-40-010	Definitions.
Amd	WAC 360-40-040	Sale of condoms prohibited.
Amd	WAC 360-40-070	Condom standards.
Rep	WAC 360-40-020	Application for license.
Rep	WAC 360-40-030	Display of licenses and identification.
Rep	WAC 360-40-050	List of approved condoms.
Rep	WAC 360-40-060	Submission of condoms for testing.

This action is taken pursuant to Notice No. WSR 85-02-061 filed with the code reviser on January 2, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.64.140 (WAC 360-12-125, 360-12-130); RCW 18.64.005(4) (WAC 360-18-020, 360-36-010); RCW 18.64.005 and

69.040.730 [69.04.730] (chapter 360-40 WAC); and is intended to administratively implement that statute.

This rule is promulgated under the general rule-making authority of the Washington State Board of Pharmacy as authorized in RCW 18.64.246 (WAC 360-16-255).

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 February 20, 1985.

By Donald H. Williams
Executive Secretary

AMENDATORY SECTION (Amending Order 154, filed 4/28/80)

WAC 360-36-010 UNIFORM CONTROLLED SUBSTANCES ACT. (1) Consistent with the concept of uniformity where possible with the federal regulations for controlled substances (21 CFR), the federal regulations are specifically made applicable to registrants in this state by virtue of RCW 69.50.306. Although those regulations are automatically applicable to registrants in this state, the board is nevertheless adopting as its own regulations the existing regulations of the federal government published in the code of federal regulations revised as of April 1, 1979, and all references made therein to the director or the secretary shall have reference to the board of pharmacy, and the following sections are not applicable: section 1301.11-.13, section 131.31, section 1301.43-.57, section 1303, section 1308.41-.48, and section 1316.31-.67. The following specific rules shall take precedence over the federal rules adopted herein by reference, and therefore any inconsistencies shall be resolved in favor of the following specific rules.

(2) Registrations under chapter 69.50 RCW shall be for an annual period with the registration period ending on a date to coincide with those license renewal dates as found in rules promulgated under chapter 18.64 RCW. ((The registration fee shall be as follows:

- (a) ~~\$30.00 for a dispensing registration (i.e., pharmacies);~~
- (b) ~~\$25.00 for the annual renewal for dispensing (i.e., pharmacies);~~
- (c) ~~\$50.00 for registration for distributors (i.e., wholesalers);~~
- (d) ~~\$50.00 for the annual renewal for distributors (i.e., wholesalers);~~
- (e) ~~\$50.00 for a registration for manufacturers;~~
- (f) ~~\$50.00 for the annual renewal for manufacturers;~~
- (g) ~~\$15.00 for application for physician's assistant;~~
- (h) ~~\$10.00 for the annual renewal for physician's assistant;~~
- (i) ~~\$15.00 for application for limited registration to obtain sodium pentobarbital for animal euthanasia;~~
- (j) ~~\$10.00 for annual renewal of limited sodium pentobarbital registration.))~~

(3) A separate registration is required for each ((principal)) place of business (as defined in section

1301.23) where controlled substances are manufactured, distributed or dispensed. Application for registration must be made on forms supplied by the pharmacy board, and all information called for thereon must be supplied unless the information is not applicable, in which case it must be indicated. An applicant for registration must hold the appropriate wholesaler, manufacturer or pharmacy license provided for in chapter 18.64 RCW.

(4) Every registrant shall be required to keep inventory records required by section 1304.04 (of the federal rules which have been adopted by reference to Rule 1) and must maintain said inventory records for a period of five years from the date of inventory. Such registrants are further required to keep a record of receipt and distribution of controlled substances. Such record shall include:

(a) Invoices, orders, receipts, etc. showing the date, supplier and quantity of drug received, and the name of the drug;

(b) Distribution records; i.e., invoices, etc. from wholesalers and manufacturers and prescriptions records for dispensers;

(c) In the event of a loss by theft or destruction, two copies of DEA 106 (report of theft or loss of controlled substances) must be transmitted to the federal authorities and a copy must be sent to the board;

(d) For transfers of controlled substances from one dispenser to another, a record of the transfer must be made at the time of transfer indicating the drug, quantity, date of transfer, who it was transferred to and from whom. Said record must be retained by both the transferee and the transferor. These transfers can only be made in emergencies pursuant to section 1307.11 (federal rules).

(5) The records must be maintained separately for Schedule II drugs. The records for Schedule III, IV and V drugs may be maintained either separately or in a form that is readily retrievable from the business records of the registrant. Prescription records will be deemed readily retrievable if the prescription has been stamped in red ink in the lower right hand corner with the letter "C" no less than one inch high, and said prescriptions are filed in a consecutively numbered prescription file which includes prescription and noncontrolled substances.

(6) A federal order form is required for each distribution of a Schedule I or II controlled substance, and said forms along with other records required to be kept must be made readily available to authorized employees of the board.

(7) Schedule II drugs require that a dispenser have a signed prescription in his possession prior to dispensing said drugs. An exception is permitted in an "emergency." An emergency exists when the immediate administration of the drug is necessary for proper treatment and no alternative treatment is available, and further, it is not possible for the physician to provide a written prescription for the drug at that time. If a Schedule II drug is dispensed in an emergency, the practitioner must deliver a signed prescription to the dispenser within 72 hours, and further he must note on the prescription that it was filled on an emergency basis.

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

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

REPEALER

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

~~WAC 360-36-230 REGISTRATION~~

AMENDATORY SECTION (Amending Order 171, filed 12/17/82)

~~WAC 360-40-010 DEFINITIONS. (1) The following definitions (set forth in RCW 18.81.010 and 18.64.011)) shall be applicable to these rules. ((in addition:))~~

~~(1) "Board" shall mean the Washington state board of pharmacy;~~

~~((a)) (2) ((A-c)) "Condom" ((is)) shall mean a prophylactic consisting of a very thin sheath designed to be placed over the penis to prevent conception or venereal disease during coitus, and is commonly made of rubber, parchment skins, plastic or similar materials((-);~~

~~(3) "Prophylactic" shall mean any device or medical preparation or compound which is or may be used, designed, intended or which has or may have special utility, for the prevention and/or treatment of venereal diseases;~~

~~(4) "Sell" and "sale" shall, in addition to their usual and ordinary meanings, include possession in violation of the intent of this chapter, exchange, give away or gift, or any disposal.~~

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 171, filed 12/17/82)

~~WAC 360-40-040 SALE OF CONDOMS PROHIBITED ((UNLESS APPROVED)). No condoms shall be sold in this state unless the following conditions are met:~~

~~((1) The product must be on the list of condom products which have been approved by the board:))~~

~~((2)) (1) All condoms shall be individually sealed in plastic, foil or a comparable type seal to protect the product from deterioration due to exposure to air.~~

~~((3)) (2) The container in which the condom is sold to the purchaser shall bear the date of manufacture and the condom may not be sold in this state three years after the date of manufacture.~~

AMENDATORY SECTION (Amending Order 171, filed 12/17/82)

~~WAC 360-40-070 CONDOM ((TESTING)) STANDARDS. ((The testing of condoms shall be performed under the supervision of an employee of the Washington state board of pharmacy. The test will be~~

~~conducted as follows:)) All condoms shall meet the following standards:~~

~~(1) Rubber condoms (elastic material)((:)) ((a) Rubber condoms shall be air tested, and)) shall be capable of withstanding inflation with one cubic foot of air. They shall be free from holes, imperfect rings and blisters.~~

~~((b) Procedure for air testing -- rubber condoms shall be mechanically inflated with one cubic foot of air at prevailing atmospheric pressure at room temperature of approximately 70° Fahrenheit. The apparatus used as an air compressor shall be equipped with a gauge indicating the amount of air injected into the condom being tested. The rate of air injection to inflate the condom shall be approximately one cubic foot of air per minute:))~~

~~(2) Nonrubber condoms (nonelastic material)((:)) shall be of suitable length, not patched, and shall be free from grease or any foreign substances that may be used as a filler for hiding imperfections or discolorations.~~

~~((b) Procedure for water testing -- nonrubber condoms shall be inflated with water, suspended, and observed for a twelve-hour period. If the water is retained, the condom shall be approved. No condom shall be approved if the failure rate exceeds one percent:))~~

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

REPEALER

The following sections of the Washington Administrative Code are hereby repealed:

~~WAC 360-40-020 APPLICATION FOR LICENSE.~~

~~WAC 360-40-030 DISPLAY OF LICENSES AND IDENTIFICATION.~~

~~WAC 360-40-050. LIST OF APPROVED CONDOMS.~~

~~WAC 360-40-060. SUBMISSION OF CONDOMS FOR TESTING.~~

~~WAC 360-40-080. SUSPENSION OR REVOCATION OF PROPHYLACTIC LICENSES.~~

AMENDATORY SECTION (Amending Order 191, filed 11/1/84)

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 the following factors into account:

- (a) the nature of the drug;
- (b) the container in which it was packaged by the manufacturer and the expiration date thereon;
- (c) the characteristics of the patient's container, if the drug is repackaged for dispensing;
- (d) the expected conditions to which the article may be exposed;

(e) the expected length of time of the course of therapy; and

(f) any other relevant factors.

The dispenser shall, on taking into account the foregoing, place on the label of a multiple unit container a suitable beyond-use date or discard by date to limit the patient's use of the drug. ~~((The beyond-use date shall be no more than two years from the date that the drug was dispensed, but in))~~ In no case may this date be later than the original expiration date determined by the manufacturer.

(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.

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

NEW SECTION

WAC 360-12-125 INACTIVE PHARMACIST LICENSE. Any pharmacist who desires to leave the active practice of pharmacy in the state of Washington may request an inactive license from the board. The request for an inactive license must be submitted on a form provided by the board. It must be renewed in the same manner as an active license upon payment of a fee as specified by the board.

The holder of an inactive license shall not practice pharmacy in the state of Washington. The holder of an inactive license need not comply with the continuing education requirements contained in chapter 360-11 WAC.

In order to reactivate an inactive license, the holder of the inactive license must comply with the provisions of WAC 360-12-130.

AMENDATORY SECTION (Amending Order 147, filed 3/27/79)

WAC 360-12-130 ~~((REGISTERED))~~ PHARMACISTS — REINSTATEMENT OR REACTIVATION OF LICENSE. (1) A pharmacist who desires to reinstate or reactivate his or her license after having been out of the active practice of pharmacy must meet the following requirements, as applicable, in addition to paying the fee required by RCW 18.64.140.

(a) If the pharmacist has been unlicensed or the holder of an inactive license for three years or less, he or she must take and pass the jurisprudence examination given by the board.

(b) If the pharmacist has been unlicensed or the holder of an inactive license for between three and five years, he or she must take and pass the jurisprudence examination given by the board and either serve an internship of 300 hours or take and pass such further written practical examinations as are specified by the board in each individual case.

(c) If the pharmacist has been unlicensed or the holder of an inactive license for over five years, he or she must take and pass the full board examination and serve an internship of 300 hours.

(2) A pharmacist desiring to reinstate or reactivate his or her license must complete such continuing education credits as the board may specify in each individual case.

AMENDATORY SECTION (Amending Order 184 [189], filed 1/25/84 [8/22/84])

WAC 360-18-020 LICENSE FEES. Effective October 1, 1983, the following fees shall be charged by the board of pharmacy:

(a) PHARMACY LOCATION, CSA & PROPHYLACTIC	
Original pharmacy fee	\$125.00
((Original CSA fee	35.00
Original prophylactic fee	10.00))
Original pharmacy assistant utilization fee	30.00
Renewal pharmacy fee	65.00
((Renewal CSA fee	30.00
Renewal prophylactic fee	10.00))
Renewal pharmacy assistant utilization fee	30.00
Penalty pharmacy fee	130.00
(b) VENDOR	
Original fee	20.00
Renewal fee	20.00
Penalty fee	20.00
(c) PHARMACIST	
Exam fee (full exam)	100.00
Reexamination fee (jurisprudence portion)	25.00
Original license fee	75.00
Renewal fee, <u>active and inactive license</u>	50.00
Penalty fee	50.00
Reciprocity fee	200.00
Certification of license status to other states	10.00
(d) SHOPKEEPER	
(i) SHOPKEEPER — sixteen or more drugs	
Original fee	10.00
Renewal fee	10.00
Penalty fee	5.00
(ii) SHOPKEEPER — with differential hours	
Original fee	10.00
Renewal fee	10.00
Penalty fee	5.00
(e) DRUG MANUFACTURER	
Original fee	175.00
Renewal fee	175.00
Penalty fee	175.00
(f) DRUG WHOLESALER — full line	
Original fee	175.00
Renewal fee	175.00
Penalty fee	175.00

(g) DRUG WHOLESALER – OTC only	
Original fee	125.00
Renewal fee	125.00
Penalty fee	125.00
(h) DRUG WHOLESALER –export	
<u>Original fee</u>	<u>175.00</u>
<u>Renewal fee</u>	<u>175.00</u>
<u>Penalty</u>	<u>175.00</u>
((††))	
(i) PHARMACY ASSISTANT – Level "A"	
Original	20.00
Renewal fee	15.00
((††))	
(j) PHARMACY INTERN	
Original registration fee	10.00
Renewal registration fee	10.00
(k) CONTROLLED SUBSTANCES ACT (CSA)	
<u>REGISTRATIONS</u>	
<u>Dispensing registration fee (i.e. pharmacies)</u>	<u>35.00</u>
<u>Dispensing renewal fee (i.e. pharmacies)</u>	<u>30.00</u>
<u>Distributors renewal fee (i.e. wholesalers)</u>	<u>50.00</u>
<u>Distributors registration fee (i.e. wholesalers)</u>	<u>50.00</u>
<u>Manufacturers registration fee</u>	<u>50.00</u>
<u>Manufacturers renewal fee</u>	<u>50.00</u>
<u>Physician assistant registration fee</u>	<u>50.00</u>
<u>Physician assistant renewal fee</u>	<u>10.00</u>
<u>CRN with prescriptive authorization registration fee</u>	<u>15.00</u>
<u>CRN with prescriptive authorization renewal fee</u>	<u>10.00</u>
<u>Sodium pentobarbital for animal euthanization registration fee</u>	<u>15.00</u>
<u>Sodium pentobarbital for animal euthanization renewal fee</u>	<u>10.00</u>

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.

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 85-06-011

ADOPTED RULES

DEPARTMENT OF LICENSING

[Order TL/RG 11—Filed February 22, 1985]

I, Theresa Anna Aragon, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to certificates of inspection, amending WAC 308-56A-150.

This action is taken pursuant to Notice No. WSR 85-02-064 filed with the code reviser on January 2, 1985.

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

This rule is promulgated under the general rule-making authority of the director of the Department of Licensing as authorized in RCW 46.01.110.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED February 12, 1985.

By Theresa Anna Aragon
Director

AMENDATORY SECTION (Amending Order MV 208, filed 7/31/74)

WAC 308-56A-150 CERTIFICATE OF INSPECTION. (1) An application for title must be accompanied by a certificate of inspection signed by an authorized inspector whenever the applicant's vehicle is:

((†)) (a) From a state or province other than Washington;

((2) A new vehicle that has been sold by someone other than a Washington licensed dealer;))

((3)) (b) One that has been reported destroyed;

((4)) (c) A homemade, assembled, or rebuilt vehicle;

((5)) (d) One whose identification number has been removed, defaced, altered, destroyed, or has become illegible or ((lost)) is missing;

((6)) (e) One with a structural change in, or modification of, body or frame changing the class designation or body type; ((or))

((7)) (f) A used vehicle and no Washington record can be found((:)); or

((8)) (g) One that has been referred for inspection for any other reason; provided that the request for inspection shall have been made by a commissioned law enforcement officer, an employee of the department of ((motor vehicles)) licensing, or a vehicle license agent.

(2) Where applicable, the statutory inspection fee will be charged.

(3) Inspections will normally be accomplished by the Washington state patrol.

(4) The director may, at his discretion, designate other competent inspecting agencies to perform the inspection required under items ((1 and 2)) (1)(a) and (b) above if the vehicle is located in a foreign state or province and the requirement for inspection will cause undue hardship.

(5) When the inspection is done by the Washington state patrol, the certificate of inspection will be valid for the following periods of time after the inspection date:

(a) Vehicles from a state or province other than Washington: sixty days;

(b) One that has been reported destroyed: ten days;

(c) A homemade, assembled, or rebuilt vehicle: ten days;

(d) One whose identification number has been removed, defaced, altered, destroyed, or has become illegible or is missing: ten days;

(e) One with a structural change in, or modification of, body or frame changing the class designation or body type: ten days;

(f) A used vehicle and no Washington record can be found: sixty days;

(g) A vehicle required inspection under (1)(a) through (1)(f) above and held for sale by a licensed dealer: one year; and

(h) One that has been referred for inspection for any reason not listed above: ten days.

WSR 85-06-012

ADOPTED RULES

DEPARTMENT OF LICENSING

[Order PL 514—Filed February 22, 1985]

I, Theresa Anna Aragon, director of the Department of Licensing, do promulgate and adopt at the Highways-Licenses Building, 4th Floor, Olympia, Washington, the annexed rules relating to:

New	WAC 308-171-030	Fees.
New	WAC 308-171-040	License renewal registration date and fee.

This action is taken pursuant to Notice No. WSR 85-02-063 filed with the code reviser on January 2, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.59.110 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED February 15, 1985.

By Theresa Anna Aragon
Director

NEW SECTION

WAC 308-171-030 FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

<u>Title of Fee</u>	<u>Fee</u>
Application Fee - Occupational Therapist	\$30.00
Application Fee - Occupational Therapy Assistant	20.00
License Renewal for One Year - Occupational Therapist	30.00
License Renewal for One Year - Occupational Therapy Assistant	20.00
License Renewal for Two Years - Occupational Therapist	60.00
License Renewal for Two Years - Occupational Therapy Assistant	40.00

NEW SECTION

WAC 308-171-040 LICENSE RENEWAL REGISTRATION DATE AND FEE. (1) Individuals making application for initial license, provided they meet the requirements for licensure in the state of Washington,

will be issued a license to expire on their next birth anniversary date.

(2) For purposes of implementing a two-year staggered system of renewals:

(a) Every licensee whose birth anniversary date is on an even-numbered date shall renew his or her license on or before the licensee's birth anniversary date for a period of one year for the first renewal, and subsequent renewals shall be for a period of two years; and

(b) Every licensee whose birth anniversary date is on an odd-numbered date shall renew his or her license on or before the licensee's birth anniversary date for a period of two years for the first renewal, and subsequent renewals shall be for a period of two years.

WSR 85-06-013

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 85-11—Filed February 22, 1985]

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 the harvestable quota of Pacific whiting has been taken.

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 February 22, 1985.

By William R. Wilkerson
Director

NEW SECTION

WAC 220-48-01500M PACIFIC WHITING TRAWL CLOSURE. Notwithstanding the provisions of WAC 220-48-015, 220-48-017, and 220-48-019, effective immediately until further notice it is unlawful to fish for or possess Pacific whiting taken for commercial purposes from Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas 24B, 24C, or 26A.

WSR 85-06-014
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 85-13—Filed February 22, 1985]

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 spawning smelt have not moved into the tributaries of the Columbia River, and protection is needed to prevent harvest of unspawned fish.

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 February 22, 1985.

By Russell W. Cahill
 for William R. Wilkerson
 Director

NEW SECTION

WAC 220-32-04200G SMELT—CLOSED AREA. Notwithstanding the provisions of WAC 220-32-042, effective 6:00 p.m., February 22, 1985, until further notice:

(1) It is unlawful to fish for or possess smelt taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas A or B.

(2) There is no weekly closed period for taking smelt for commercial purposes in the Columbia River or its tributaries other than the closed area set out in subsection (1) of this section.

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:00 p.m., February 22, 1985:

WAC 220-32-04200F Smelt—Weekly Period. (85-01)

WSR 85-06-015
PROPOSED RULES
DEPARTMENT OF TRANSPORTATION
(Transportation Commission)
 [Filed February 25, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, 47.60.326 and 47.56.030, that the Washington State Transportation Commission intends to adopt, amend, or repeal rules concerning the adoption of a revised schedule of tolls for the Washington state ferry system;

that the agency will at 10:00 a.m., Thursday, April 18, 1985, in Room 1D2, Transportation Building, Olympia, Washington 98504, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 18, 1985.

The authority under which these rules are proposed is RCW 47.56.030 and 47.60.326.

The specific statute these rules are intended to implement is RCW 47.60.326.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 18, 1985.

Dated: February 21, 1985

By: Lue Clarkson
 Administrator

STATEMENT OF PURPOSE

Title: The adoption of a revised schedule of tolls for the Washington state ferry system.

Statutory Authority: RCW 47.60.326.

Summary of Rule: To revise the fare schedule on the state ferry system to meet the changing economic factors, including costs of inflation and higher operational costs.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Don L. Sorte, Assistant Secretary for Marine Transportation.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Washington State Transportation Commission, governmental.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: No.

Small Business Economic Impact Statement: The department has considered this rule and determined that it does not affect more than 10% of one industry or 20% of all industry.

AMENDATORY SECTION (Amending Order 42, Resolution Nos. 221 and 222, filed 5/17/84)

WAC 468-300-010 FERRY PASSENGER TOLLS. Effective 12:01 a.m. June 16, 1985

ROUTES	Full Fare One Way	Half Fare** One Way	COM-MU-TATION 20 Rides *****	PASSENGER SCHOOL COM-MU-TATION *** ***** 20 Rides Ages	12-20	5-11
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow	((1.50)) 1.55	.75 .80	18.00 18.60	15.00 15.50	7.50 7.75	
Pt. Townsend-Keystone Edmonds-Kingston						
Fauntleroy-Vashon Southworth-Vashon	* ((1.90)) 2.00	1.00	((11.40)) 12.00 *****	9.50 10.00	4.75)) 5.00	
Pt. Defiance-Tahlequah						
Mukilteo-Clinton	((.95)) 1.00	.50	((11.40)) 12.00	9.50 10.00	4.75)) 5.00	
Anacortes to Lopez Shaw, Orcas or Friday Harbor	* ((4.20)) 4.40	2.10 2.20	25.20 26.40	21.00 22.00	10.50 11.00	
Anacortes to Sidney and Sidney to all destinations	((5.50)) 5.75	2.75 2.90	N/A	N/A	N/A	N/A
Between Lopez, Shaw, Orcas***** and Friday Harbor	N/C	N/C	N/C	N/C	N/C	N/C
From Lopez, Shaw, Orcas and Friday Harbor to Sidney@	2.00	1.00	N/A	N/A	N/A	N/A

@These fares rounded to the nearest multiple of \$.25.

Effective 12:01 a.m. June 15, 1986

ROUTES	Full Fare One Way	Half Fare** One Way	COM-MU-TATION 20 Rides *****	PASSENGER SCHOOL COM-MU-TATION *** ***** 20 Rides Ages	12-20	5-11
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow	1.65	.85	19.80	16.50	8.25	
Pt. Townsend-Keystone Edmonds-Kingston						
Fauntleroy-Vashon Southworth-Vashon Pt. Defiance-Tahlequah	* 2.10	1.10	12.60 *****	10.50	5.25	
Mukilteo-Clinton	1.05	.55	12.60	10.50	5.25	
Anacortes to Lopez Shaw, Orcas or Friday Harbor	* 4.65	2.35	27.90	23.25	11.65	
Anacortes to Sidney and Sidney to all destinations	6.05	3.05	N/A	N/A	N/A	N/A
Between Lopez, Shaw, Orcas***** and Friday Harbor	N/C	N/C	N/C	N/C	N/C	N/C

ROUTES	Full Fare	Half Fare**	COM-MU-TATION	PASSENGER SCHOOL COM-MU-TATION	
	One Way	One Way	20 Rides *****	20 Rides *****	Ages
From Lopez, Shaw, Orcas and Friday Harbor@ to Sidney	2.25	1.25	N/A	N/A	12-20 5-11

@These fares rounded to the nearest multiple of \$.25.

*These routes operate on one-way only toll collection system.

**Half Fare

Senior Citizens - Passengers and driver, age 65 and over, with proper identification establishing proof of age, may travel at half-fare tolls on any route.

NOTE: Half-fare privilege does not include vehicle.

Children - Children under five years of age will be carried free when accompanied by parent or guardian. Children five through eleven years of age will be charged half-fare. Children twelve years of age will be charged full-fare.

Handicapped - Any individual who, by reason of illness, injury, congenital malfunction, or other incapacity or disability is unable without special facilities or special planning or design to utilize Ferry System services, may travel at half-fare tolls on any route upon presentation of a WSF Handicapped Travel Permit at time of travel. In addition, those handicapped persons who require attendant care while traveling on the ferries, and are so certified by their physician, may obtain an endorsement on their WSF Handicapped Travel Permit and such endorsement shall allow the attendant to also travel at half fare.

NOTE: Half-fare privilege does not include vehicle.

***School Commutation Tickets - Tickets are for the exclusive use of bona fide students under twenty-one years of age attending grade, junior high, and high schools. Student shall be required to present credentials at time of purchase. A letter indicating school attendance signed by school principal or authorized representative shall be considered proper credentials. Tickets are valid for transportation on school days only.

****A combination Ferry/Bus Public Transit Passenger Monthly Reusable Ticket Rate may be available for a particular route in conjunction with a public transit operating authority whenever it is determined by the Transportation Commission that said ticket is a necessary element of a Transit Operating Plan designed to eliminate the necessity for assigning an additional ferry to such particular route; and that the resulting savings in Ferry System operating and amortized capital costs exceed the total revenue lost as a result of this reduced rate as projected during the period of time during which such transit operating plan is projected to eliminate the need for an additional ferry. The equivalent ferry fare per ride with this special rate shall be one-half the equivalent fare per ride with the standard commutation book, and shall assume 40 one-way trips per month. The total cost of the ticket shall be the cost of the ferry portion, calculated as described above plus the cost of the bus portion as determined by the Public Transit Operating Authority, subject to the approval of the Secretary of Transportation. The ticket shall be valid only for passengers on board a bus; or for walk-on passengers(,-on weekdays only,) on those routes which have connecting bus service as part of the Transit Operating Plan. The assigning of an additional ferry to such particular route may be cause for removal of the special rate. If the conditions of eliminating the assignment of an additional ferry or realizing sufficient resulting savings cannot be met, the ticket may be sold for any route authorized by the Secretary of Transportation, at the full ferry commutation fare per ride based on forty one-way trips per month plus the cost of the bus portion.

*****On the Fauntleroy-Vashon route, a combination Ferry/Bus Public Transit Monthly Reusable Ticket Rate shall apply.

*****Commutation tickets shall be valid only for 90-days from date of purchase after which time the tickets shall not be accepted for passage. Washington state ferries shall enter into agreements with banks to sell commutation tickets.

*****Inter-island passenger fares included in Anacortes tolls.

PROMOTIONAL TOLLS

A promotional rate may be established at the discretion of the secretary of transportation for a specific discount (not to exceed 50 percent of full fare) and effective only at designated times on designated routes (not to exceed 100 days per year on any one route).

AMENDATORY SECTION (Amending Order 42, Resolution Nos. 221 and 222, filed 5/17/84)

WAC 468-300-020 AUTO, MOTORCYCLE AND BICYCLE FERRY TOLLS. Effective 12:01 a.m. June 16, 1985

	AUTO** INCL. DRIVER		MOTORCYCLE INCL. DRIVER			BICYCLE & RIDER	
	One Way	Commutation 20 Rides ***	One Way	Commutation 20 Rides ***	Full Fare One Way	Half Fare One Way	Commutation 20 Rides ***
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow	5.05 5.25	80.80 84.00	2.75 2.85	36.65 38.00	2.10 2.20	1.35 1.45	21.00 22.00
Pt. Townsend-Keystone Edmonds-Kingston							
Fauntleroy-Vashon Southworth-Vashon	6.80 7.10	54.40 56.80	3.70 3.90	24.65 26.00	2.90 3.00	2.00 2.00	14.50 15.00
Pt. Defiance-Tahlequah							

	AUTO** INCL. DRIVER		MOTORCYCLE INCL. DRIVER			BICYCLE & RIDER	
	One Way	Commutation 20 Rides ***	One Way	Commutation 20 Rides ***	Full Fare One Way	Half Fare One Way	Commutation 20 Rides ***
Mukilteo-Clinton	(3.40) 3.55	54.40 56.80	1.85 1.95	24.65 26.00	1.45 1.50	1.00 1.00	14.50) 15.00
Anacortes to Lopez	(10.55) 11.00	42.20 44.00	6.50 6.80	43.35) 45.35			
Shaw, Orcas or Friday Harbor	(12.55) 13.10	50.20 52.40	7.45 7.75	49.65 51.65	5.65 5.90	3.55 3.70	28.25) 29.50
Anacortes to Sidney and Sidney to all destinations	(23.65) 24.65	N/A N/A	11.90 12.40	N/A N/A	7.75 8.10	5.00 5.25	N/A) N/A
Between Lopez, Shaw, Orcas and Friday Harbor **** @	(6.00) 6.25	24.00) 25.00	2.00	N/A	2.00	2.00	N/A
From Lopez, Shaw, Orcas and Friday Harbor to Sidney@	(12.00) 12.50	N/A N/A	5.40 5.50	N/A N/A	3.00 3.25	2.00 2.25	N/A) N/A

@These fares rounded to the nearest multiple of \$.25.

Effective 12:01 a.m. June 15, 1986

	AUTO** INCL. DRIVER		MOTORCYCLE INCL. DRIVER			BICYCLE & RIDER	
	One Way	Commutation 20 Rides ***	One Way	Commutation 20 Rides ***	Full Fare One Way	Half Fare One Way	Commutation 20 Rides ***
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow Pt. Townsend-Keystone Edmonds-Kingston	5.50	88.00	3.00	40.00	2.30	1.50	23.00
Fauntleroy-Vashon Southworth-Vashon Pt. Defiance-Tahlequah	7.50	60.00	4.10	27.35	3.20	2.20	16.00
Mukilteo-Clinton	3.75	60.00	2.05	27.35	1.60	1.10	16.00
Anacortes to Lopez Shaw, Orcas or Friday Harbor	11.55 13.80 15.75	46.20 55.20 63.00	7.15 8.15 9.40	47.65 54.35 62.65	6.20	3.90	31.00
Anacortes to Sidney and Sidney to all destinations	25.95	N/A	13.05	N/A	8.50	5.50	N/A
Between Lopez, Shaw, Orcas and Friday Harbor **** @	6.50	26.00	2.25	N/A	2.25	2.25	N/A
From Lopez, Shaw, Orcas@ and Friday Harbor to Sidney	13.25	N/A	6.00	N/A	3.50	2.50	N/A

@These fares rounded to the nearest multiple of \$.25.

*These routes operate on one-way only toll collection system.

**Vanpools - A commuter vanpool which carries seven or more persons on a regular and expense-sharing basis for the purpose of travel to or from work or school and which is certified as such by a local organization approved by the Washington State Ferry System, may purchase for a \$10 fee, a permit valid for a three-month period on Mondays through Fridays only and valid only during the hours shown on the permit. The permit for commuter pool agency vanpools shall be valid for one year. These hours are selectable by the purchaser but shall designate two periods of use each day not to exceed two hours per period. The permit so purchased shall allow passage of the vehicle only during the valid periods. All riders in the van, including the driver, shall pay the applicable passenger fare. Except that the minimum total paid for all riders in the van shall not be less than the amount equal to seven times the applicable passenger fare.

***Commutation tickets shall be valid only for 90-days from date of purchase after which time the ticket shall not be accepted for passage. Washington state ferries shall enter into agreements with banks to sell commutation tickets.

****Tolls collected westbound only.

SUMMER SURCHARGE

A 20% surcharge shall be applied during the summer schedule period (beginning the third Sunday in June and ending the third Saturday in September) to regular, noncommutation auto and oversized vehicle rates only.

PENALTY CHARGES

Owner of vehicle without driver will be assessed a \$50.00 penalty charge.

Overhang on passenger vehicles will be assessed a penalty charge of 10¢ per lineal foot of overhang in addition to regular applicable tolls, except that no charge for overhang will be assessed when overall length of vehicle and overhang is less than twenty feet. A fraction of a foot of overhang in excess of six inches will be counted as one foot in assessment of charge for overhang.

SPECIAL SCHOOL RATE

School groups when traveling in authorized school vehicles for institution-sponsored activities shall be assessed a flat fee of \$1.00 per vehicles load of students and/or advisors and staff. The flat fee shall be in addition to regular vehicle and drive toll. Private vehicles need letter of authorization.

NOTE: Special School Rate is \$2.00 on routes where one-way only toll systems are in effect. Special Student Rate not available on Anacortes-Sidney, B.C. route beginning the third Sunday in June and ending the third Saturday in September due to limited space.

PROMOTIONAL TOLLS

A promotional rate may be established at the discretion of the secretary of transportation for a specified discount (not to exceed 50 percent of full fare) and effective only at designated times on designated routes (not to exceed 100 days per year on any one route).

AMENDATORY SECTION (Amending Order 42, Resolution Nos. 221 and 222, filed 5/17/84)

WAC 468-300-030 OVERSIZED VEHICLE, STAGE AND BUS, NEWSPAPER, EXPRESS SHIPMENT AND MEDICAL SUPPLIES FERRY TOLLS. Effective 12:01 a.m. June 16, 1985

ROUTES	OVERSIZED VEHICLES** 18' TO UNDER 28' LONG		OVERSIZED VEHICLES** 28' OR LONGER		STAGES AND BUSES INCL. DRIVER***	
	One Way	Commutation 20 Rides *****	One Way	Commutation 20 Rides *****	One Way	Each Pass
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow	(7.55) 7.85	120.80 125.60	10.20 10.65	163.20 170.40	11.10 11.55	.80) .85
Edmonds-Kingston Pt. Townsend-Keystone						
Fauntleroy-Vashon Southworth-Vashon	(10.40) 10.80	83.20 86.40	14.30 14.90	114.40 119.20	14.20 14.80	1.10) 1.10
Pt. Defiance-Tahlequah						
Mukilteo-Clinton	(5.20) 5.40	83.20 86.40	7.15 7.45	114.40 119.20	7.10 7.40	.55) .55
Anacortes to Lopez, Shaw, Orcas or Friday Harbor	(18.55) 19.35	74.20 77.40	24.50 25.55	98.00 102.20	30.25 31.50	2.10) 2.20
Anacortes to Sidney and Sidney to all destinations	(30.05) 31.30	N/A N/A	35.25 36.75	N/A N/A	44.05 45.90	2.75) 2.85
Between Lopez, Shaw, Orcas and@ Friday Harbor*****	(10.00) 10.50	N/A N/A	10.00 10.50	N/A N/A	10.00 10.50	N/C) N/C
From Lopez, Shaw, Orcas, and Friday Harbor to Sidney@	(16.55) 17.25	N/A N/A	20.75 21.50	N/A N/A	14.15 14.75	1.00) 1.00

@These fares rounded to the nearest multiple of \$.25.

(1) BULK NEWSPAPERS per 100 lbs. \$((~~2.00~~))2.10

(Shipments exceeding 60,000 lbs. in any month shall be assessed ((~~.95¢~~)) \$1.00 per 100 lbs.)

Daily Newspapers, in bundles, and medical supplies, to be received and delivered without receipt and subject to owner's risk, will be transported between ferry terminals on regular scheduled sailings.

(2) EXPRESS SHIPMENTS per 100 lbs. \$((~~19.00~~))19.80

(Shipments exceeding 100 lbs. assessed \$((~~7.50~~))7.80 for each 25 lbs. or fraction thereof.)

Express shipments will be handled on scheduled sailings when no other means of shipment is available to shipper. Shipments must be of a size and weight requiring a minimum of handling by carrier's employees. Carrier reserves the right to refuse shipment of any item. Carrier assumes no liability for loss or damage to any shipment. Minimum rate for any shipment shall be the rate for 100 pounds.

San Juan Inter-Island express shipments will be handled @ \$((~~2.55~~))2.65 per 100 lbs.

(3) MEDICAL SUPPLIES per 100 lbs. \$((~~1.00~~))1.05

(Medical supplies exceeding 100 lbs. shall be assessed express shipment rates.)

Effective 12:01 a.m. June 15, 1986

ROUTES	OVERSIZED VEHICLES**		OVERSIZED VEHICLES**		STAGES AND BUSES INCL. DRIVER***	
	18' TO UNDER 28' LONG		28' OR LONGER		One Way	Each Pass
	One Way	Commutation 20 Rides *****	One Way	Commutation 20 Rides *****		
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow Edmonds-Kingston Pt. Townsend-Keystone	8.25	132.00	11.20	179.20	12.15	.90
Fauntleroy-Vashon Southworth-Vashon Pt. Defiance-Tahlequah*	11.40	91.20	15.70	125.60	15.60	1.20
Mukilteo-Clinton	5.70	91.20	7.85	125.60	7.80	.60
Anacortes to Lopez, Shaw, Orcas or * Friday Harbor	20.35	81.40	26.90	107.60	33.15	2.30
Anacortes to Sidney and Sidney to all destinations	32.95	N/A	38.65	N/A	48.30	3.00
Between Lopez, Shaw, Orcas and@ Friday Harbor*****	11.00	N/A	11.00	N/A	11.00	N/C
From Lopez, Shaw, Orcas, and Friday Harbor to Sidney@	18.25	N/A	22.50	N/A	15.50	1.00

@These fares rounded to the nearest multiple of \$.25.

(1) BULK NEWSPAPERS per 100 lbs. \$2.20

(Shipments exceeding 60,000 lbs. in any month shall be assessed \$1.05 per 100 lbs.)

Daily Newspapers, in bundles, and medical supplies, to be received and delivered without receipt and subject to owner's risk, will be transported between ferry terminals on regular scheduled sailings.

(2) EXPRESS SHIPMENTS per 100 lbs. \$20.85

(Shipments exceeding 100 lbs. assessed \$8.20 for each 25 lbs. or fraction thereof.)

Express shipments will be handled on scheduled sailings when no other means of shipment is available to shipper. Shipments must be of a size and weight requiring a minimum of handling by carrier's employees. Carrier reserves the right to refuse shipment of any item. Carrier assumes no liability for loss or damage to any shipment. Minimum rate for any shipment shall be the rate for 100 pounds.

San Juan Inter-Island express shipments will be handled @ \$2.80 per 100 lbs.

(3) MEDICAL SUPPLIES per 100 lbs. \$1.10

*These routes operate on one-way only toll collection system.

**Includes Motor Homes, and Mobile Campers that exceed eight feet in height and 18' in length. Excludes trucks licensed over 8,000 lbs., passenger busses and stages. All oversize vehicles under 18' in length will be considered as regular car and driver.

***Stages - A public transportation operator providing regularly scheduled week-day service for public necessity and convenience may pay a \$10 annual fee for each scheduled vehicle. This fee covers the fare for each trip of the vehicle and operator only. All occupants shall be assessed the applicable passenger rate per trip. The \$10 annual fee does not apply to vehicles providing chartered service or vehicles providing service for special events such as trips for recreational purposes.

- For vanpool fares, see WAC 468-300-020 under Auto.

****Half fare.

*****Commutation tickets shall be valid only for 90-days from date of purchase after which time the tickets shall not be accepted for passage. Washington state ferries shall enter into agreements with banks to sell commutation tickets.

*****Toll collected westbound only.

SUMMER SURCHARGE

A 20% surcharge shall be applied during the summer schedule period (beginning the third Sunday in June and ending the third Saturday in September) to regular, noncommutation auto and oversized vehicle rates only.

PENALTY CHARGES

Owner of vehicle without driver will be assessed a \$50.00 penalty charge.

PROMOTIONAL DISCOUNTS

A promotional rate may be established at the discretion of the secretary of transportation for a specific discount (not to exceed 50 percent of full fare) and effective only at designated times on designated routes (not to exceed 100 days per year on any one route).

AMENDATORY SECTION (Amending Order 42, Resolution Nos. 221 and 222, filed 5/17/84)

WAC 468-300-040 TRUCKS AND TRUCKS WITH TRAILER FERRY TOLLS. Effective 12:01 a.m. June 16, 1985

ROUTES	INCL. DRIVER OVERALL UNIT LENGTH								Cost Per Ft. over 78 Ft.
	Class I ***	Class II	Class III	Class IV	Class V	Class VI	Class VII	Class VIII	
	Under 18'	18' to Under 28'	28' to Under 38'	38' to Under 48'	48' to Under 58'	58' to Under 68'	68' to Under 78'	Over 78'	
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow	((5.05	8.55	16.90	25.30	33.65	42.05	50.40	50.40	.70))
	5.25	8.90	17.60	26.35	35.05	43.80	52.50	52.50	.75
Pt. Townsend-Keystone Edmonds-Kingston									
Fauntleroy-Vashon Southworth-Vashon	((6.80	11.90	23.70	35.40	47.10	58.80	70.60	70.60	.90))
	7.10	12.40	24.70	36.90	49.10	61.30	73.60	73.60	.90
Pt. De fiance-Tahlequah									
Mukilteo-Clinton	((3.40	5.95	11.85	17.70	23.55	29.40	35.30	35.30	.45))
	3.55	6.20	12.35	18.45	24.55	30.65	36.80	36.80	.45
**Anacortes to Lopez	((10.55)								
	11.00								
Shaw, Orcas *	((12.55	20.40	40.50	60.60	80.70	100.85	120.95	120.95	1.70))
	13.10	21.25	42.20	63.15	84.10	105.10	126.05	126.05	1.75
or Friday Harbor	((14.35)								
	14.95								
Anacortes to Sidney **and Sidney to all destinations	((23.65	31.00	52.35	73.70	95.05	116.45	137.80	137.80	1.90))
	24.65	32.30	54.55	76.80	99.05	121.35	143.60	143.60	2.00
Between Lopez, Shaw, Orcas *** @ and Friday Harbor	((6.00	10.00	10.00	10.00	40.00	40.00	40.00	40.00	N/A))
	6.25	10.50	10.50	10.50	41.50	41.50	41.50	41.50	N/A
**From Lopez, Shaw, Orcas and Friday Harbor to Sidney@	((12.55	18.20	30.80	43.35	55.90	68.45	81.05	81.05	1.05))
	13.00	19.00	32.00	45.25	58.25	71.25	84.50	84.50	1.00

@These fares rounded to the nearest multiple of \$.25.

Effective 12:01 a.m. June 15, 1986

ROUTES	INCL. DRIVER OVERALL UNIT LENGTH								Cost Per Ft. over 78 Ft.
	Class I ***	Class II	Class III	Class IV	Class V	Class VI	Class VII	Class VIII	
	Under 18'	18' to Under 28'	28' to Under 38'	38' to Under 48'	48' to Under 58'	58' to Under 68'	68' to Under 78'	Over 78'	
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow	5.50	9.35	18.50	27.70	36.85	46.10	55.25	55.25	.80
Pt. Townsend-Keystone Edmonds-Kingston									
Fauntleroy-Vashon Southworth-Vashon Pt. De fiance-Tahlequah	7.50	13.00	26.00	38.80	51.70	64.50	77.40	77.40	1.00
Mukilteo-Clinton	3.75	6.50	13.00	19.40	25.85	32.25	38.70	38.70	.50
**Anacortes to Lopez Shaw, Orcas *	11.55	22.35	44.40	66.45	88.45	110.55	132.60	132.60	1.85
or Friday Harbor	15.75								
Anacortes to Sidney **and Sidney to all destinations	25.95	34.00	57.40	80.80	104.20	127.65	151.05	151.05	2.10
Between Lopez, Shaw, Orcas *** @ and Friday Harbor	6.50	11.00	11.00	11.00	43.75	43.75	43.75	43.75	N/A

ROUTES	INCL. DRIVER OVERALL UNIT LENGTH								Cost Per Fl. over 78 Ft.
	Class I *** Under 18'	Class II 18' to Under 28'	Class III 28' to Under 38' ****	Class IV 38' to Under 48'	Class V 48' to Under 58'	Class VI 58' to Under 68'	Class VII 68' to Under 78'	Class VIII Over 78'	
**From Lopez, Shaw, Orcas and Friday Harbor to Sidney@	13.50	20.00	33.75	47.50	61.25	75.00	89.00	89.00	1.25

@These fares rounded to the nearest multiple of \$.25.

*These routes operate on one-way only toll collection system.

**Commercial trucks are allowed stop-over at intermediate points upon payment of \$2.50 per stop-over.

***Includes all trucks licensed 8,001 lbs. gross vehicle weight and above, except busses. Trucks under 8,001 lbs. will be classified as automobiles.

Also includes all trucks licensed 8,001 lbs. gross vehicle weight and above pulling trailers, unlicensed vehicles and road machinery on wheels. Vehicles not included in this class cannot be charged under this class.

****UNITED STATES GOVERNMENT SPECIAL RATE - Special rates are available to the United States Government through advance, bulk ticket purchase at the general offices of Washington State Ferries. The per unit price is the same as the 28' to under 38', class III rate.

*****Toll collected westbound only.

PENALTY CHARGES

Owner of vehicle without driver will be assessed a \$50.00 penalty charge.

DISCOUNT PERCENTAGES FROM REGULAR TOLL

12 or more, one-way crossings within any consecutive six day period..... 25%

Emergency trips during nonservice hours - while at locations where crew is on duty charge shall be equal to the cost of fuel consumed to make emergency trip. Such trips shall only be offered as a result of official requests from an emergency services agency and only in the case of no reasonable alternative.

AMENDATORY SECTION (Amending Order 42, Resolution Nos. 221 and 222, filed 5/17/84)

WAC 468-300-070 VEHICLE WITH TRAILER FERRY TOLLS. Effective 12:01 a.m. June 16, 1985

	Vehicle with Trailer Ferry Tolls***				
	Under 18'	18' To Under 28'	28' To Under 38'	38' To Under 48'	48' And Over
Seattle-Winslow Seattle-Bremerton Edmonds-Kingston	(5.05) 5.25	7.55 7.85	10.20 10.65	14.40 15.00	18.60) 19.40
Pt. Townsend-Keystone Fautleroy-Southworth					
*Fautleroy-Vashon *Southworth-Vashon	(6.80) 7.10	10.40 10.80	14.30 14.90	20.20 21.00	26.10) 27.20
*Pt. Defiance-Tahlequah					
Mukilteo-Clinton	(3.40) 3.55	5.20 5.40	7.15 7.45	10.10 10.50	13.05) 13.60
Anacortes to Lopez	(10.55) 11.00				
Shaw, Orcas or Friday Harbor	(12.55) 13.10 (14.35) 14.95	18.55 19.35	24.50 25.55	34.55 36.00	44.60) 46.45
Anacortes to Sidney and Sidney to all destinations	(23.65) 24.65	30.05 31.30	35.25 36.75	45.90 47.85	56.60) 59.00
Between Lopez, Shaw, Orcas and Friday Harbor	(6.00) 6.25	10.00 10.50	10.00 10.50	10.00 10.50	40.00) 41.50
From Lopez, Shaw, Orcas and Friday Harbor to Sidney@	(12.55) 13.00	16.55 17.25	20.75 21.50	27.00 28.25	33.30) 34.50

@These fares rounded to the nearest multiple of \$.25.

Effective 12:01 a.m. June 15, 1986

Vehicle with Trailer Ferry Tolls***

	Under 18'	18' To Under 28'	28' To Under 38'	38' To Under 48'	48' And Over
Seattle-Winslow					
Seattle-Bremerton					
Edmonds-Kingston					
Pt. Townsend-Keystone	5.50	8.25	11.20	15.80	20.40
Fauntleroy-Southworth					
*Fauntleroy-Vashon					
*Southworth-Vashon	7.50	11.40	15.70	22.10	28.60
*Pt. Defiance-Tahlequah					
Mukilteo-Clinton	3.75	5.70	7.85	11.05	14.30
Anacortes to Lopez	11.55				
Shaw, Orcas *	13.80	20.35	26.90	37.85	48.85
or Friday Harbor	15.75				
Anacortes to Sidney and Sidney to all destinations	25.95	32.95	38.65	50.35	62.05
Between Lopez, Shaw, Orcas ****@ and Friday Harbor	6.50	11.00	11.00	11.00	43.75
From Lopez, Shaw, Orcas and Friday Harbor to Sidney@	13.75	18.25	22.50	29.75	36.25

@These fares rounded to the nearest multiple of \$.25.

*These routes operate on one-way only toll collection system.

PENALTY CHARGES

Owner of vehicle without driver will be assessed a \$50.00 penalty charge.

***INCLUDES THE FOLLOWING VEHICLES PULLING TRAILERS:

- Automobiles
- Trucks licensed under 8,001 lbs. (For trucks 8,001 lbs. and over, see WAC 468-300-020)
- Oversize vehicles
- Does not include motorcycles with trailers.

****Toll collected westbound only.

Senior Citizen Discounts for the driver of the above vehicles shall apply.
Senior Citizen Discount is determined by subtracting full fare passenger rate and adding 1/2 passenger fare.

READOPTED SECTION (Readopting Order 57, filed 7/15/80)

WAC 468-300-100 LEASES OF FACILITIES AND FACILITY SPACE. (1) It is hereby declared to be the policy of the department to lease toll and ferry facilities and toll and ferry facility space in excess of current needs where feasible and where such lease will not interfere with the normal functioning or the primary operation of the toll or ferry facility. Such leasing should promote maximum use of the toll or ferry facility and constitute a benefit to the taxpayers of the state.

(2) The department is hereby authorized to lease toll or ferry facility property, and food, drink, amusement machine, and similar concessions for periods of up to five years, (except for the Seattle ferry terminal facilities which may be leased for periods of up to ten years) upon public advertisement for bids as follows:

(a) A call for bids shall be published once a week for at least two consecutive weeks preceding the day set for receiving and opening of bids, in not less than two newspapers, both of general circulation in the state.

In the event that the estimated fair market rental value per year of any lease is less than \$5,000, then the call for bids need be published only in one paper of general circulation in the county where the lease is located. The final publication shall be at least two days prior to the day set for receiving and opening of bids. The call for bids shall state the time, place and date for receiving and opening bids, give a brief description of the facilities or space to be rented, and contain such special provisions or limitations and specifications as may be necessary to comply with applicable statutes and the policy described above.

(b) Award shall be made to the responsive responsible bidder whose proposal is most advantageous to the state. Factors to be considered in making the award shall include, but not be limited to: (i) The monetary return to the state; (ii) the safety and comfort of the traveling

public; (iii) the stability and reliability of the proposed operation; and (iv) the acceptability of the proposed operation with ferry system operational requirements.

AMENDATORY SECTION (Amending Order 37, Resolution No. 191, filed 6/21/83)

WAC 468-300-410 HOOD CANAL BRIDGE TOLL SCHEDULE. Effective 12:01 a.m. June 16, 1985

HOOD CANAL BRIDGE TOLL SCHEDULE

Type of Traffic	Toll
Automobile (All vehicles licensed up to 8,000 lbs.)	\$ 2.00
* Book of 20 tickets for one-way crossing by above type vehicles	32.00
** Carpool	
* Book of 10 tickets for one-way crossing by above type vehicles (available only to senior citizen purchasers, 65 years of age or older)	16.00
Motorcycle	1.00
Bicycle	.50
*** Auto Trailer	2.00
**** Trucks (Over 8,000 lbs. licensed gross weight)	2.00 /axle
Bus, School	2.00
*****Bus, All Others	2.00 /axle

Effective 12:01 a.m. June 15, 1986

HOOD CANAL BRIDGE TOLL SCHEDULE

<u>Type of Traffic</u>	<u>Toll</u>
Automobile (All vehicles licensed up to 8,000 lbs.)	\$ 1.50
* Book of 20 tickets for one-way crossing by above type vehicles	24.00
** Carpool	
* Book of 10 tickets for one-way crossing by above type vehicles (available only to senior citizen purchasers, 65 years of age or older)	12.00
Motorcycle	.50
Bicycle	.30
*** Auto Trailer	1.50
**** Trucks (Over 8,000 lbs. licensed gross weight)	1.50 /axle
Bus, School	1.50
***** Bus, All Others	1.50 /axle

*Frequent user tickets shall be for 20 one-way crossings at a 20% discount and shall be good indefinitely. Refunds on unused tickets shall be according to schedule printed on book covers.

All ticket books may be redeemed on 45 days notice by the Washington state ferry system for the cost of the unused tickets.

**Carpools - A commuter carpool which carries three or more persons on a regular and expense-sharing basis for the purpose of travel to or from work or school and which is certified as such by a local organization approved by the Washington state ferry system may travel at a 50% discount from fares noted. The discount will only be available on Mondays through Fridays and during two two-hour periods as selected by the carpool.

***Any trailer towed by a vehicle classified as an automobile.

****Includes all trucks licensed over 8,000 lbs. gross vehicle weight, except buses. Trucks up to 8,000 lbs. will be classified as automobiles.

TRUCK DISCOUNT PERCENTAGES FROM REGULAR TOLL

50 or more, one-way crossings per month 25%

Available to charge customers only.

Truck and truck-trailer combinations will be classified as a single unit.

Truck discounts apply to all such vehicles operated in the name of a single owner or operator.

*****A publicly owned and operated vehicle providing regularly scheduled weekday service for public necessity and convenience may pay a \$10.00 annual fee for each scheduled vehicle. The \$10.00 annual fee does not apply to vehicles providing chartered service or vehicles providing service for special events such as trips for recreation purposes.

READOPTED SECTION (Readopting Order 18, Resolution No. 105, filed 4/24/81)

WAC 468-300-510 SPOKANE RIVER TOLL BRIDGE. The toll for the Spokane River toll bridge shall be twenty-five cents per two axle vehicle plus ten cents per each additional axle.

NOTE: Vehicles carrying three or more occupants shall be charged a toll of ten cents.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 468-300-005 PORT TOWNSEND-EDMONDS AND LOFALL-SOUTHPOINT FERRY FARES.

WSR 85-06-016

**NOTICE OF PUBLIC MEETINGS
HOSPITAL COMMISSION**

[Memorandum—February 22, 1985]

The State Hospital Commission will meet in Seattle at the Vance Airport Inn on Thursday, March 14, 1985, at 9:30 a.m. The hospitals scheduled for informal hearing have previously filed with the commission their annual budget and rate requests and their requests for amendments to their previously approved budget and rates. Staff findings and recommendations will be transmitted to the scheduled hospitals and to members of the Hospital Commission in accordance with WAC 261-20-135. Such information is on file in the commission's office and is available for inspection.

Meetings of the State Hospital Commission are also scheduled for March 28, 1985, and April 11, 1985, at the Vance Airport Inn, Seattle.

WSR 85-06-017

**ADOPTED RULES
HIGHER EDUCATION
PERSONNEL BOARD**

[Order 125—Filed February 25, 1985—Eff. April 1, 1985]

Be it resolved by the Higher Education Personnel Board, acting at the Everett Community College, that it does adopt the annexed rules relating to Dismissal/separation—Grounds for—Notice, amending WAC 251-10-120.

This action is taken pursuant to Notice No. WSR 85-03-008 filed with the code reviser on January 4, 1985. These rules shall take effect at a later date, such date being April 1, 1985.

This rule is promulgated under the general rule-making authority of the Higher Education Personnel Board as authorized in RCW 28B.16.100.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED February 15, 1985.

By John A. Spitz
Director

AMENDATORY SECTION (Amending Order 105, filed 4/29/83, effective 6/1/83)

WAC 251-10-120 DISMISSAL/SEPARATION—GROUNDS FOR—NOTICE. Appointing authorities may dismiss or separate a permanent employee for just cause as specified in WAC 251-10-110. The employee shall be provided written notice of the specified cause(s), specific charges, and the right to appeal the dismissal action to the board. The notice shall be furnished at least fifteen calendar days prior to the effective date of the action (unless the dismissal is to be effective immediately as provided in WAC 251-10-140) and

shall be furnished directly to the employee during his/her scheduled working hours, or if this is not possible because of the absence of the employee ((on)) during his/her regularly scheduled working ((day)) hours, mailed by certified letter to the employee's last known address. If the notification is furnished directly to the employee, the day it is furnished shall be counted as a day of notice. If the notification is mailed, the notice shall be considered received the same day as it is post-marked and the notice period shall be computed as provided in WAC 251-04-100. A copy of the notice to the employee shall be transmitted to the director.

WSR 85-06-018
ADOPTED RULES
DEPARTMENT OF LICENSING
(Health Care Assistants)
 [Order PL 515—Filed February 25, 1985]

Be it resolved by the Health Care Assistants, acting at Olympia, Washington, that it does adopt the annexed rules relating to health care assistants, adding new sections WAC 308-175-010, 308-175-020, 308-175-030, 308-175-040, 308-175-050, 308-175-060, 308-175-070, 308-175-080 and 308-175-090.

This action is taken pursuant to Notice No. WSR 85-01-075 filed with the code reviser on December 19, 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 18.135-.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 February 22, 1985.

By Theresa Anna Aragon
 Director

NEW SECTION

WAC 308-175-010 DELEGATION OF FUNCTIONS TO HEALTH CARE ASSISTANTS. The authority to perform the functions authorized in chapter 18.135 RCW may only be personally delegated from one individual (the delegator) to another individual (the delegatee). The delegator can only delegate those functions that he or she can order within the scope of his or her license. A licensee who is performing a function at or under the direction of another may not further delegate that function. Functions may not be delegated unless a completed and current certification/delegation form is on file with the Department of Licensing.

NEW SECTION

WAC 308-175-020 SUPERVISION OF HEALTH CARE ASSISTANTS. A health care assistant may be supervised by either the practitioner who delegated the act or by a practitioner who could order the act under his or her own license. The practitioner who is supervising the health care assistant must be physically present and immediately available in the facility during the administration of injections. The supervising practitioner need not be present during procedures to withdraw blood.

NEW SECTION

WAC 308-175-030 CERTIFICATION OF HEALTH CARE ASSISTANTS. Health care assistants' certification is valid for two years. The delegating practitioner or health care facility is responsible for certifying or recertifying health care assistants. An updated form must be submitted if a health care assistant is to be delegated functions by a practitioner other than the delegating practitioner indicated on his or her delegation/certification form.

NEW SECTION

WAC 308-175-040 RECERTIFICATION OF HEALTH CARE ASSISTANTS. Updated certification/delegation forms must be submitted within two years from the date of the most recent certification/delegation form on file with the Department of Licensing. Recertification forms are available from the Department of Licensing. The Department of Licensing will not send renewal forms or notifications of necessity to renew certification.

NEW SECTION

WAC 308-175-050 DEPARTMENT OF LICENSING RESPONSIBILITIES. The Department of Licensing will maintain files with regard to certification of health care assistants and delegation of functions. No fee shall be charged by the Department with regard to certification of health care assistants. Department of Licensing will not approve training programs.

NEW SECTION

WAC 308-175-060 MAINTENANCE OF LISTING OF DRUGS AND FUNCTIONS AUTHORIZED. Each delegator must maintain a list of the specific medications/diagnostic agents and the route of administration of each that he or she has authorized for injection. Both the delegator and the delegatee shall sign the above list, indicating the date of each signature. The signed list shall be available for review by the director of the Department of Licensing of his designee.

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 308-175-070 DECERTIFICATION OR DISCIPLINARY ACTIONS. Any proceeding taken

pursuant to these rules or chapter 18.135 RCW by the Department of Licensing, by the licensing authority of health care facilities or by the disciplinary board of the delegating or supervising health care practitioner shall be pursuant to the provisions of the Administrative Procedure Act, chapter 34.04 RCW.

NEW SECTION

WAC 308-175-080 MINIMUM TRAINING AND DEMONSTRATED PROFICIENCY OF HEALTH CARE ASSISTANTS. (1) In order to administer skin tests or subcutaneous, intradermal, intramuscular and intravenous injections or to perform minor invasive procedures to withdraw blood, a health care assistant shall have been trained and shall have demonstrated proficiency as prescribed in this rule. A delegator or health care facility may require more than the minimum requirements specified by this rule for any health care assistant or for any procedure.

(2) A health care assistant shall be trained for the period of time that is required for that person to demonstrate proficiency to the satisfaction of the training physician, osteopathic physician, podiatrist, certified registered nurse with prescriptive authorization or the training instructor. A health care assistant need only be trained in the functions and procedures that he or she will be delegated to perform.

(3) A health care assistant shall be trained and shall demonstrate proficiency in:

- (a) pertinent anatomy and physiology appropriate to the function or procedures;
- (b) proper choice of equipment;
- (c) proper technique, including sterile technique;
- (d) knowledge of the hazards and complications of the function or procedure;
- (e) familiarity with post-treatment or post-test patient care;
- (f) knowledge of emergency procedures;
- (g) knowledge of the pharmacology of the medications that the health care assistant will be delegated to administer by injection.

(4) Health care assistant who have been trained prior to the effective date of these rules may demonstrate training and proficiency as required in this rule. Retraining or completion of a training program shall not be necessary if the health care assistant is able to so demonstrate.

NEW SECTION

WAC 308-175-090 PROVISION OF HEALTH CARE ASSISTANTS TRAINING. The training of health care assistants as described in WAC 308-175-080 may be provided either:

(1) Under a licensed physician, osteopathic physician, podiatrist or certified registered nurse with prescriptive authorization, who shall ascertain the proficiency of the health care assistant; or under a registered nurse, physician's assistant, osteopathic physician's assistant, health care assistant, or LPN acting under the direction of a

licensed physician, osteopathic physician, podiatrist or certified registered nurse with prescriptive authorization who shall be responsible for determining the content of the training and for ascertaining the proficiency of the health care assistant; or

(2) In a training program provided by a postsecondary institution registered with the Washington State Council for Post Secondary Education, or a community college approved by the Washington State Board for Community College Education, or a vocational education program approved by the Superintendent of Public Instruction, or in a private vocational school registered with the Washington State Commission on Vocational Education, or in a program or post-secondary institution accredited by an accrediting agency recognized by the U.S. Department of Education.

WSR 85-06-019 PROCLAMATION OFFICE OF THE GOVERNOR

On January 27, 1984, (then) Governor John Spellman issued an emergency declaration pursuant to the provisions of RCW 72.12.160, declaring an emergency and increasing the population of the Twin Rivers Corrections Center facility by 10 percent (50 beds). It has been represented to me that since that time, problems with the locking system have delayed utilization of the facility to its maximum capacity. It is anticipated that these problems will be resolved forthwith and the facility will be ready for full occupancy by March of 1985. The population of the State's prisons will continue to exceed 132 percent of rated capacity in the near future despite the addition of more beds system wide. At the time the Twin Rivers Correction Center will be ready for full occupancy (March 1985), the current emergency with respect to prison overcrowding will continue to exist. In order to assist the State in meeting that emergency, it is necessary that the Department of Corrections be authorized to increase the population limitation of the Twin Rivers Corrections Facility by 50 beds in excess of the rated capacity for the facility.

Now, therefore, I, Booth Gardner, Governor of the State of Washington, do hereby declare, pursuant to RCW 72.12.160, that an emergency exists with respect to the number of inmates currently in the custody of the Department of Corrections, and further that the Department of Corrections is authorized to immediately increase the population limitation of the Twin Rivers Correction Center and to house up to 550 prisoners at that facility for a period not to exceed one (1) year from the date the Department exceeds the present rated capacity of the facility, unless this Proclamation shall have been sooner rescinded.

IN WITNESS WHERE-
OF, I have hereunto set my
hand and caused the seal of
the State of Washington to
be affixed at Olympia this
22nd day of February, nine-
teen hundred and eighty-
five.

Booth Gardner

Governor of Washington

BY THE GOVERNOR:

Ralph Munro

Secretary of State

WSR 85-06-020

ADOPTED RULES

LIQUOR CONTROL BOARD

[Order 152, Resolution No. 161—Filed February 27, 1985]

Be it resolved by the Washington State Liquor Control Board, acting at the offices of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, that it does adopt the annexed rules relating to Guest and courtesy cards—Visitors, WAC 314-40-040.

This action is taken pursuant to Notice No. WSR 85-03-094 filed with the code reviser on January 22, 1985. 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 Liquor Control Board as authorized in RCW 66.08.030, 66.98.070 and chapter 34.04 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 February 27, 1985.

By L. H. Pedersen
Chairman

AMENDATORY SECTION (Amending Order 92, Resolution No. 101, filed 1/27/82)

WAC 314-40-040 GUEST AND COURTESY CARDS—VISITORS. (1) Guest cards may be issued only as follows:

(a) For clubs located within the limits of any city or town, only to those persons residing outside of an area ten miles from the limits of such city or town;

(b) For clubs located outside of any city or town only to those persons residing outside an area fifteen miles from the location of such club: PROVIDED, That where such area limitation encroaches upon the limits of any

city or town, the entire corporate limits of such city or town shall be included in the prohibited area;

(c) Such guest cards shall be issued for a period not to exceed two weeks and must be numbered serially, with a record of the issuance of each such card to be filed in a manner as to be readily accessible to the agents of the board;

(d) Mileage restrictions in WAC 314-40-040(1)(a) and (b) shall not apply to contestants in golf or tennis tournaments conducted on the grounds of a licensed club.

(2) Visitors may be introduced when accompanied at all times by a member and may remain as long as such member is present in the club: PROVIDED, That any such visitor may only enjoy the privileges of the club a reasonable number of times in any one calendar year.

(3) Persons who are members in good standing of a national veterans organization may enjoy the privileges of any licensed club affiliated with any national veterans organization, and persons who are members in good standing of a national fraternal organization may enjoy the privileges of any club affiliated with that particular national fraternal organization: PROVIDED, That the bylaws of such clubs authorize reciprocal privileges: PROVIDED FURTHER, That WAC 314-40-040 (1) and (2) shall not apply to members of such organizations.

(4) Persons who are members in good standing of a licensed golf, tennis, or yacht club may enjoy the privileges of any other licensed golf, tennis, or yacht club, respectively: PROVIDED, That the bylaws of such clubs authorize reciprocal privileges: PROVIDED FURTHER, That WAC 314-40-040 (1) and (2) shall not apply to members of such clubs.

(5) Courtesy cards may be issued to the adult members of the immediate family of any member with or without charge upon application being made to the club by the member.

(6) In order to recruit new members and build club membership, a private club may hold one public membership function per calendar year where club liquor may be given to those attending as a part of the membership drive activities.

WSR 85-06-021

ADOPTED RULES

LIQUOR CONTROL BOARD

[Order 153, Resolution No. 162—Filed February 27, 1985]

Be it resolved by the Washington State Liquor Control Board, acting at the offices of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, that it does adopt the annexed rules relating to Issuance fee—Restrictions, WAC 314-18-040.

This action is taken pursuant to Notice No. WSR 85-03-093 filed with the code reviser on January 22, 1985. 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 Liquor Control Board as authorized in RCW 66.08.030, 66.98.070 and chapter 34.04 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 February 27, 1985.

By L. H. Pedersen
Chairman

AMENDATORY SECTION (Amending Order 140, Resolution No. 149, filed 4/11/84)

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

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

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

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

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

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

(d) All other outdoor areas: Issuance is conditioned upon approval of the area liquor enforcement officer.

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

(5) When the application is for a banquet permit for an event to be held in or at a state armory used for military purposes, permits will be issued provided that approval, in writing, by the adjutant general or his/her designee is furnished by the applicant to the board and to the chief of police of the incorporated city or town in which the armory is located or to the county sheriff if the armory is located outside the boundaries of incorporated cities or towns.

(6) Banquet permits will not be issued:

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

(b) For functions held in a tavern.

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

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

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

(10) Where the application is for a banquet permit for an event to be held on a vessel under the jurisdiction of the Washington state ferry system; permits will be issued provided that approval, in writing, by an appropriate official of the Washington state ferry system is furnished with the application.

WSR 85-06-022

Reviser's note: No material was filed under WSR 85-06-022 due to an inadvertent numbering error.

WSR 85-06-023

ADOPTED RULES

LIQUOR CONTROL BOARD

[Order 155, Resolution No. 164—Filed February 27, 1985]

Be it resolved by the Washington State Liquor Control Board, acting at the offices of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, that it does adopt the annexed rules relating to Service limited to license and order—Removal of liquor in open containers—Room service—Price list, WAC 314-16-040.

This action is taken pursuant to Notice No. WSR 85-03-105 filed with the code reviser on January 23, 1985. 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 Liquor Control Board as authorized in RCW 66.08.030.

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 February 27, 1985.

By L. H. Pedersen
Chairman

AMENDATORY SECTION (Amending Order 142, Resolution No. 151, filed 5/23/84)

WAC 314-16-040 SERVICE LIMITED TO LICENSE AND ORDER—REMOVAL OF LIQUOR IN OPEN CONTAINERS—ROOM SERVICE—PRICE LIST. (1) No retail licensee shall possess or allow any person to consume or possess any liquor other than that permitted by his license in or on the licensed premises, or on any public premises adjacent thereto which are under his control except under authority of a banquet permit.

(2) Beer and/or wine only licensees may keep spirituous liquor on the premises for use in the manufacture of confection or food products provided (~~(a permit is obtained pursuant to RCW 66.20.010(5))~~) that prior written permission of the board is obtained, all confection or food products manufactured contain one percent or less of alcohol by weight, and customers are made aware that such confection or food products contain liquor and the alcohol content is one percent or less of the weight of the product.

(3) No retail licensee or employee thereof shall permit the removal of any liquor in an open container from the licensed premises except that liquor brought on a licensed premises under authority of a banquet permit shall be recorked, recapped or resealed in its original container and shall be removed at the termination of such banquet permit function. Further, wine may be removed as authorized by RCW 66.24.340 and 66.24.400.

(4) No holder of a Class H license shall be permitted to hold any other class of retail license covering the premises so licensed. Upon the granting of a Class H license, all other classes of retail licenses which may be held by such new Class H licensee at that time at the premises to be so licensed must be surrendered to the board for cancellation.

(5) Hotel room service is included in on-premises licenses.

(6) No Class H licensee shall sell or serve any spirituous liquor other than ordered, or substitute a nonalcoholic beverage when an alcoholic beverage has been ordered. Such licensee shall display prices for all liquor either by posting a price list or by using menus listing such prices, or by both.

(7) No holder of a Class C license shall advertise for sale, nor sell, any mixed drink under the name of "Old Fashioned," "Whiskey Sour," "Singapore Sling," "Martini," "Manhattan," nor any other name which, by long and general usage, has become associated in the public mind as being the name of a mixed drink made from spirituous liquor, nor under any name which is so similar to the above prohibited names as to be readily confused therewith in the public mind. Nor shall any holder of a Class C license, in the mixing or compounding of any mixed drink, use any mixer or other substance whatsoever which contains any of the aromatic compounds and/or essential oils which give to any spirituous liquor its distinctive characteristics of aroma, bouquet and flavor. Nothing in this section shall deny to any holder of a Class C license the right to advertise for sale, mix, compound or sell upon order, mixed drinks made

from one or more wines under a name which does not conflict with this section.

WSR 85-06-024
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(General Provisions)

[Order 2209—Filed February 27, 1985]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to license fees for radioactive materials, amending WAC 440-44-057.

This action is taken pursuant to Notice No. WSR 85-02-058 filed with the code reviser on January 2, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.20A-.055 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 February 27, 1985.

By David A. Hogan, Director
Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 2050, filed 11/30/83)

WAC 440-44-057 LICENSE FEES FOR RADIOACTIVE MATERIALS. (1) The fee for each radioactive materials license is the single highest fee category license which describes activities subject to the conditions of the license. When multiple licenses are required by the department, each license is subject to the applicable license fee. Multiple licenses may be required by the department based upon physical separation of operations, organizational separations within a licensee's operation, or possession of special nuclear material.

(2) FEE CATEGORIES.

(a) For operation of a radioactive waste treatment facility: Annual fee of eleven thousand five hundred dollars.

(b) For operation of a nuclear pharmacy: Annual fee of two thousand six hundred dollars.

(c) For operation of a mobile nuclear medicine program: Annual fee of two thousand six hundred dollars.

(d) For operation of a nuclear laundry, fixed base: Annual fee of five thousand dollars.

(e) For operation of a nuclear laundry, portable operation: Annual fee of five thousand dollars.

(f) For manufacture and distribution of radioactive products or devices containing radioactive material: Annual fee of two thousand six hundred dollars.

(g) For licenses authorizing decontamination services or waste brokerage: Annual fee of two thousand two hundred dollars.

(h) For licenses authorizing equipment servicing involving incidental use of calibration sources, for maintenance of equipment containing radioactive material, or possession of sealed sources for the purpose of sales demonstration only: Annual fee of two hundred twenty-five dollars.

(i) For licenses authorizing health physics services, leak testing, or calibration services: Annual fee of four hundred thirty-five dollars.

(j) For civil defense licenses: Annual fee of one hundred dollars.

(k) For licenses authorizing possession of atomic numbers three through eighty-three with maximum authorized possession of any single isotope greater than or equal to 1 curie: Annual fee of ten thousand four hundred dollars.

(l) For licenses authorizing possession of atomic numbers three through eighty-three with maximum authorized possession of any single isotope greater than 0.1 curie but less than 1 curie: Annual fee of two thousand six hundred dollars.

(m) For licenses authorizing possession of atomic numbers three through eighty-three with maximum authorized possession less than or equal to 0.1 curie: Annual fee of one thousand four hundred dollars.

(n) For medical licenses authorizing one or more of Groups II-VI, as defined in WAC 402-22-200 Schedule A:

(i) For licenses authorizing Group II and III (diagnostic nuclear medicine): Annual fee of one thousand six hundred dollars.

(ii) For licenses authorizing Group IV and V (unlimited medical therapy): Annual fee of eight hundred dollars.

(iii) For licenses authorizing Group II or III and Group IV or V: Annual fee of two thousand dollars.

(iv) For licenses authorizing Group VI (unlimited brachytherapy): Annual fee of six hundred twenty-five dollars.

(o) For licenses authorizing brachytherapy or teletherapy: Annual fee of six hundred twenty-five dollars.

(p) For licenses authorizing medical or veterinarian possession of greater than 200 millicuries total possession of radioactive material: Annual fee of one thousand four hundred dollars.

(q) For licenses authorizing medical or veterinarian possession of greater than 30 millicuries but less than or equal to 200 millicuries total possession of radioactive material: Annual fee of one thousand six hundred dollars.

(r) For licenses authorizing medical or veterinarian possession of less than or equal to 30 millicuries total possession of radioactive material: Annual fee of two hundred fifty dollars.

(s) For licenses authorizing Group I as defined in WAC 402-22-200 Schedule A or in vitro uses of radioactive materials: Annual fee of one hundred fifty dollars.

(t) For licenses authorizing possession of special nuclear material as pacemakers or depleted uranium as shielding: Annual fee of one hundred dollars.

(u) For licenses authorizing radiographic exposure devices: Annual fee consisting of one thousand five hundred dollars for the first licensed exposure device plus four hundred fifty dollars for each additional exposure device.

(v) For licenses authorizing well-logging activities including the use of radioactive tracers: Annual fee of one thousand fifty dollars.

(w) For licenses authorizing well-logging activities not including the use of tracers: Annual fee of one thousand fifty dollars.

(x) For licenses authorizing possession of unsealed sources in the following amounts:

(i) Greater than or equal to 1 millicurie of I-125 or I-131 or greater than or equal to 100 millicuries of H-3 or C-14 or greater than or equal to 10 millicuries of any single isotope: Annual fee of one thousand fifty dollars.

(ii) Greater than 0.1 millicurie but less than 1 millicurie of I-125 or I-131 or greater than 10 millicuries but less than 100 millicuries of H-3 or C-14 or greater than 1 millicurie but less than 10 millicuries of any other single isotope: Annual fee of five hundred dollars.

(iii) Less than or equal to 0.1 millicurie of I-125 or I-131 or less than or equal to 10 millicuries of H-3 or C-14 or less than or equal to 1 millicurie of any other single isotope: Annual fee of one hundred fifty dollars.

(y) For licenses authorizing possession of portable sealed sources (excluding radiographic exposure devices) in the following groups:

(i) Authorized possession of portable moisture/density gauges: Annual fee of two hundred dollars for the first licensed gauge plus fifty dollars for each additional gauge to a maximum of five hundred dollars.

(ii) Authorized possession of any other portable sealed source, including special nuclear material which is transported from the facility as a condition of use: Annual fee of five hundred dollars.

(iii) Authorized possession of any portable sealed source which is restricted to use at the licensee's facility only and does not enter intra-state transport as a condition of use: Annual fee of two hundred fifty dollars.

(z) For licenses authorizing possession of any non-portable sealed source, including special nuclear material but excluding radioactive material used in a gas chromatograph: Annual fee of two hundred dollars for the first licensed gauge plus fifty dollars for each additional gauge to a maximum of six hundred dollars.

(aa) For licenses authorizing possession of gas chromatograph units containing radioactive material: Annual fee of one hundred fifty dollars.

(bb) For licenses authorizing maximum possession of any nonportable sealed source greater than 100 curies: Annual fee of one thousand fifty dollars.

(cc) For licenses authorizing possession of greater than 1 gram of unsealed special nuclear material or greater than 500 kilograms of source material: Annual fee of two thousand six hundred dollars.

(dd) For licenses authorizing possession of less than or equal to 1 gram of unsealed special nuclear material or

less than or equal to 500 kilograms of source material: Annual fee of three hundred dollars.

(ee) For in vitro registrants (requiring filing of form RHF-15): Annual fee of fifty dollars.

(ff) For depleted uranium registrants (requiring filing of form RHF-20): Annual fee of fifty dollars.

(gg) For licenses issued to mineral processors for naturally occurring radioactive material in excess of exempt concentrations:

(i) License application fee, as defined in chapter 402-70 WAC, not to exceed twenty-seven thousand dollars plus

(ii) The actual cost of the service provided by the department to be paid in quarterly payments equal to the cost incurred by the department during the previous calendar quarter. This quarterly fee may not exceed forty thousand dollars in any calendar quarter and is intended to cover the full cost of regulatory services incurred by the department and its contractors including the department cost of determining and assuring compliance with the provisions of the state environmental policy act.

(3) For reciprocal recognition of out-of-state licenses: Fee equal to fifty percent of the fee that would be charged for an in-state license as described in subsection (2) of this section based upon the actual amount of radioactive material or number of devices requested to be brought into the state. Payment of fee authorizes possession and use in the state of Washington for up to one hundred eighty days of the twelve-month period following payment of the fee.

(4) It is the intent of the department to require all radioactive materials licensees who have not yet paid fees for their licenses to begin doing so on January 1, 1984. The following mechanism will be employed to accomplish this intent. A licensee who has not paid for a license shall remit by January 1, 1984, a prorated amount of the license fee for the period between January 1, 1984 and the annual anniversary of the expiration date of the license. Thereafter, thirty days prior to the annual anniversary date, each licensee shall remit the full annual fee for the license as specified in subsection (2) of this section. The annual anniversary is the month and day of the expiration date of the existing radioactive materials license.

WSR 85-06-025

ADOPTED RULES

DEPARTMENT OF

LABOR AND INDUSTRIES

[Order 85-8—Filed February 28, 1985—Eff. July 1, 1985]

I, R. A. Davis, director of the Department of Labor and Industries, do promulgate and adopt at the Department of Labor and Industries Offices, General Administration Building, Olympia, Washington, the annexed rules applicable to the administration of retrospective rating plans and group insurance plans (chapter 296-17 WAC) for workers' compensation insurance underwritten by the Department of Labor and Industries and offered to employers on an optional basis. Basic premium

ratios, loss conversion factors, size group tables, evaluation date for claims, and clarification of rules are set forth. Proposed rules affect the coverage period beginning July 1, 1985, and ending June 30, 1986.

This action is taken pursuant to Notice No. WSR 85-02-022 filed with the code reviser on December 27, 1984. These rules shall take effect at a later date, such date being July 1, 1985.

This rule is promulgated pursuant to RCW 51.16.035 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 February 28, 1985.

By R. A. Davis
Director

AMENDATORY SECTION (Amending Order 81-02, filed 1/30/81)

WAC 296-17-904 DEFINITIONS. The definitions in this section shall apply throughout WAC 296-17-905 through 296-17-91902.

(1) "Coverage period" means the period beginning July 1 and ending June 30.

(2) "Group" means those members of an association who have elected to have a group dividend and/or retrospective premium calculated based on the combined premium and incurred loss data of the participants, and have satisfactorily complied with eligibility requirements for doing so.

(3) "Premium" means only that portion of the money collected from an employer for worker's compensation (not to include any money paid in penalties or security deposits), which is deposited in the accident fund.

(4) "Standard premium" for a particular coverage period means premium collected or due for insurance coverage provided during the period, prior to any adjustments under a dividend or retrospective rating plan.

(5) "Incurred losses" for a coverage period means the estimated ultimate cost to the accident fund of claims arising from incidents occurring during the coverage period, subject to the special evaluation methods prescribed in WAC 296-17-915.

(6) "Loss development factor" means an actuarially determined factor which is multiplied times individual case basis estimates of claim costs to produce incurred losses for a firm or group of firms during a coverage period. Loss development factors allow for reopenings, aggravations, and any other individually unpredictable contingencies which may affect claim costs based on past experience of the accident fund as a whole.

(7) "Loss ratio" means incurred losses divided by standard premium.

(8) "Dividend" is a partial refund of standard premium based on a firm's standard premium and loss ratio for the coverage period.

(9) "Retrospective premium" is a premium determined after a coverage period has ended, based on a

firm's standard premium, incurred losses, and other pre-selected parameters for the coverage period.

(10) "Retrospective premium adjustment" is an additional assessment or refund of premium owing to an employer's retrospective premium as of a given evaluation date being more or less than the premium previously paid for the coverage period.

(11) "Performance adjustment factor" means an actuarially determined factor which is multiplied times incurred losses prior to application of the retrospective rating formula, to produce "adjusted incurred losses." This adjustment will produce net retrospective premium credits for participating risks in the aggregate when they have combined experience which is more favorable than total state fund experience for the same coverage period. Conversely, this adjustment will produce net retrospective premium penalties for participating risks when their combined experience is more adverse than total state fund experience for the same coverage period. The purpose of the performance adjustment factor is to retain a consistent economic incentive for those employers to improve their accident cost experience while participating in these plans.

AMENDATORY SECTION (Amending Order 84-2, filed 2/29/84, effective 7/1/84)

WAC 296-17-910 QUALIFICATIONS FOR EMPLOYER GROUPS FOR WORKERS' COMPENSATION INSURANCE. The department may insure the workers' compensation obligations of employers as a group, provided the following conditions are met:

(1) All the employers in the group are members of an organization that has been in existence for at least two years.

(2) The organization was formed for a purpose other than that of obtaining workers' compensation coverage.

(3) The business of the employers in the organization is substantially similar, taking into consideration the nature of the work being performed by workers of such employers such that the group comprises substantially homogeneous risks.

(4) The employers in the group constitute at least fifty percent of the total eligible employers in such organization. No groups with less than one hundred participating members will be formed unless the aggregate premium of those members is expected to exceed \$150,000 during the coverage period.

(5) The formation and operation of the group program in the organization will substantially improve accident prevention and claims handling for the employers in the group.

Each employer seeking to enroll in a group for workers' compensation insurance must ~~((maintain))~~ have an industrial insurance account in good standing with the department such that at the time the agreement is processed no outstanding premiums, penalties or assessments are due and ~~((payments for))~~ quarterly reporting ~~((periods have))~~ of payroll has been made in accordance with WAC 296-17-310.

The above conditions do not pertain to groupings or combination of persons or risks by way of common ownership or common use and control for experience rating

purposes. Combinations for experience rating are governed by WAC 296-17-873.

Final determination of group eligibility under this section rests with the department subject to review under chapter 51.52 RCW.

In providing employer group plans under this rule, the department may consider an employer group as a single employing entity for purposes of dividends or retrospective rating. No employer will be a member of more than one group for the purposes of insuring their workers' compensation obligations.

AMENDATORY SECTION (Amending Order 84-2, filed 2/29/84, effective 7/1/84)

WAC 296-17-911 GROUP DIVIDENDS. Group dividends will be calculated provided:

(1) Employers qualify as a group as defined by WAC 296-17-910.

(2) Group submits a satisfactorily completed:

(a) Application for group dividend plan no later than April 30 for the coverage period beginning the following July 1;

(b) Employer's authorization for release of insurance data and group membership enrollment application for each employer account to be enrolled no later than June 15;

(c) Group dividend agreement no later than June 15.

(3) A dividend is declared under provisions of WAC 296-17-905.

Employers associated with the group at any time during the term of the group dividend agreement will remain parties to the group dividend agreement for the balance of its term.

Members of the organization or association which do not elect to participate in the group dividend at the inception of the agreement shall not become participating members in the group during the term of the agreement.

Each employer included as a group member in the group dividend agreement will maintain an individual account with the department and will continue to pay quarterly premiums based on assigned risk classification(s) and individual experience rating.

~~((Any premiums, penalties or assessments owing the department by any member of the group will be withheld from the group's dividend. Any premium, penalties or assessments to be withheld by the department from the group's dividend will be done so according to a pro rata schedule unless the employer group has agreed to use the individual merit allocation system as defined by the department for the distribution of the dividend))~~ The department will withhold any member's pro rata share from the group's dividend and credit the employer's industrial insurance account when premiums, penalties, or assessments are owing the department.

Dividends will be calculated in accordance with WAC 296-17-905 and are subject to WAC 296-17-907 and 296-17-915.

The payment of the group dividend will be made by the department to the association and shall be distributed to the individual group members by the association.

AMENDATORY SECTION (Amending Order 84-2, filed 2/29/84, effective 7/1/84)

WAC 296-17-913 QUALIFICATIONS FOR EMPLOYER PARTICIPATION IN A RETROSPECTIVE RATING PLAN. The department may enroll interested employers in a retrospective rating plan as a means of insuring their workers' compensation obligations provided the following conditions are met:

(1) The employer submits a satisfactorily completed retrospective rating plan agreement for each employer account to be enrolled.

(2) The employer (~~((maintains))~~) has an industrial insurance account in good standing with the department such that at the time the agreement is processed no outstanding premium, penalties or assessments are due and (~~((payments for))~~) quarterly reporting (~~((periods have))~~) of payroll has been made in accordance with WAC 296-17-310.

(3) The employer may be required to post a surety bond or other security deposit separate from the cash deposit required for establishing an industrial insurance account with the department:

(a) The employer's surety bond must be on the prescribed forms authorized by the department;

(b) The employer's surety bond shall be secured in one thousand dollar increments provided further that if the estimated maximum premium falls within two increment ranges, a surety bond at the higher level increment shall be obtained;

(c) The employer's surety bond shall remain in full force and effect for the period required retrospective premium calculations are made.

Such surety bond or security deposit would be sufficient to cover the difference between the employer's estimated standard premium and the maximum premium due under the retrospective rating plan. Past reporting data and current rate levels will be used to determine the estimated standard premium and maximum percentage retrospective premium due under the plan.

Final determination as to the employer's eligibility under this section and financial ability to assume the responsibilities under the retrospective rating plan rests with the department subject to review under chapter 51.52 RCW.

AMENDATORY SECTION (Amending Order 84-2, filed 2/29/84, effective 7/1/84)

WAC 296-17-914 RETROSPECTIVE RATING FORMULA. Employers who elect to have their premium adjusted under a retrospective rating plan must submit an application on a form provided by the department no later than (~~((April 30))~~) June 15 for the coverage period beginning the following July 1. The employer must preselect a "maximum premium ratio" from Plan A or Plan B.

The employer's retrospective premium shall be calculated from the formula:

$$\begin{aligned} \text{Retrospective Premium} = & \\ & (\text{Basic Premium Ratio} \times \text{Standard Premium}) \\ & + \\ & (\text{Loss Conversion Factor} \times \text{Adjusted Incurred Losses}) \end{aligned}$$

In the above formula, the basic premium ratio and loss conversion factor are taken from PLAN A (WAC 296-17-91901) or PLAN B (WAC 296-17-91902) based on the employer's standard premium and preselected maximum premium ratio. Adjusted incurred losses equal incurred losses times the performance adjustment factor applicable to the coverage period. Evaluation of incurred losses will be done according to the methods prescribed in WAC 296-17-915. The maximum retrospective premium is the product of the maximum premium ratio times the employer's standard premium. In the event that the retrospective premium formula produces a value greater than the maximum premium, the retrospective premium shall be reduced to the maximum premium.

Under Plan A, a firm may elect to forego the protection of a maximum premium ratio if its financial condition is sufficiently strong and stable so that it could qualify as a self-insurer under the department's guidelines for certification of self-insurers. The basic premium ratio effective for the coverage period beginning July 1, (~~((1984))~~) 1985, and ending June 30, (~~((1985))~~) 1986, will be (~~((.043))~~) .051 if the firm selects and qualifies for an unlimited maximum premium.

AMENDATORY SECTION (Amending Order 83-4, filed 2/9/83, effective 7/1/83)

WAC 296-17-915 EVALUATION OF INCURRED LOSSES DIVIDEND AND RETROSPECTIVE RATING PLANS. The initial evaluation date for each claim arising from incidents occurring during the coverage period shall be (~~((on and include December 31, six months immediately))~~) approximately twelve months following the end of the coverage period. Each subsequent annual incurred loss evaluation under the retrospective rating plan shall (~~((have a valuation date of December 31;))~~) be approximately twelve months following the preceding evaluation date.

The estimated cost of each claim shall include all payments made as of the valuation date and may also include a reserve for future payments consistent with the following evaluation methods applicable to experience rating (~~((as set forth in WAC 296-17-870 (1) through (6) for the period retrospective premium adjustments are calculated:))~~):

(1) Retroactive adjustments - revision of losses between valuation dates

No claim value shall be revised between valuation dates and no retroactive adjustment of a retrospective premium adjustment shall be made because of dispute concerning the judgment of the claims examiner or because of subsequent developments except as specifically provided in the following cases:

(a) In cases where loss values are included or excluded through mistake other than error of judgment;

(b) In cases where a third party recovery is made;

(c) In cases where the claim qualifies as a second injury claim under the provisions of RCW 51.16.120;

(d) In cases where a claim is officially closed and is determined to be noncompensable.

(2) Third party recovery

In the event of a third party recovery on a claim, the employer shall be charged for a portion of the actual loss amount, gross of such recovery, established on the claim. This portion shall be calculated at the time the recovery is made, and shall be determined by taking the ratio of the total cost of the claim, including attorneys' fees, after recovery, to the total cost of the claim before recovery. If the claim is open at the time the recovery is made, then costs before and after recovery may include an allowance for future claim payments.

(3) Second injury claims

The value of any claim which becomes eligible for second injury relief under the provisions of RCW 51.16.120, as now or hereafter amended, shall be reduced by the percentage of relief granted.

The incurred losses for each employer shall be determined by multiplying the individual claim cost estimates by loss development factors, and adding the resulting developed losses for all the employer's claims. The following special procedures will be used for making individual claim cost estimates:

Fatal claims – retrospective rating plan

Each fatal claim shall include all payments made as of the valuation date and a pension reserve, if any, based on the annuity value at the time the pension is awarded. Pension costs will not be reevaluated based on events after the pension has been awarded.

Fatal claims – dividend plan

Each fatal claim shall be assigned the "average death value," said value to be the average incurred cost for all fatal claims occurring during the coverage period.

Permanent total claims

Pension costs for permanent total injuries will be based on the annuity value at the time that the pension is awarded. Pension costs will not be reevaluated based on events after the pension has been awarded.

Occupational disease claims

The cost of any occupational disease claim paid from the accident fund and arising from exposure to the disease hazard under two or more employers, shall be prorated to each period of employment. Each employer's share of the claim cost shall be assigned to the coverage period during which the employer last employed the claimant under conditions of injurious exposure, provided the employer's share is at least ten percent of the total claim cost.

AMENDATORY SECTION (Amending Order 84-2, filed 2/29/84, effective 7/1/84)

WAC 296-17-916 RETROSPECTIVE PREMIUM ADJUSTMENTS—DUE AND PAYABLE. The initial retrospective premium adjustment will be calculated approximately twelve months from the close of the coverage period and annually thereafter for a period of

four years. Provided a request is made within ninety days following promulgation of the fifth and final required retrospective premium adjustment by either the employer or department up to two subsequent annual retrospective premium adjustments on the coverage period will be made. The additional adjustments will be identified as the sixth and seventh adjustments and must be requested and made in succession.

Retrospective premium adjustments become due or payable within sixty days of notification of amount. Re-evaluation of incurred losses or premium audits will not delay retrospective premium adjustment payments. For employers participating on an individual retrospective rating plan, no retrospective premium adjustment refund check will be written for less than ten dollars. In lieu of refund checks, retrospective premium adjustments of less than ten dollars will be credited to the employer's industrial insurance account.

The department will withhold any member's pro rata share from the group's retrospective premium adjustment refund and credit the employer's industrial insurance account when premiums, penalties, or assessments are owing the department. For employers participating in an individual retrospective rating plan, retrospective premium adjustment refunds will be credited to the employer's industrial insurance account when premiums, penalties, or assessments are owing the department.

AMENDATORY SECTION (Amending Order 84-2, filed 2/29/84, effective 7/1/84)

WAC 296-17-917 QUALIFICATIONS FOR EMPLOYER GROUP PARTICIPATION IN RETROSPECTIVE RATING PLAN. The department may enroll interested groups in the retrospective rating plan provided:

(1) Employers qualify as a group as defined by WAC 296-17-910.

(2) Employers ~~((maintain))~~ have industrial insurance accounts in good standing with the department such that ~~((the conditions described in WAC 296-17-913(2) are met))~~ at the time the agreement is processed no outstanding premium, penalties, or assessments are due and quarterly reporting of payroll has been made in accordance with WAC 296-17-310.

(3) Group submits a satisfactorily completed:

(a) Application for group retrospective rating plan no later than April 30 for the coverage period beginning the following July 1;

(b) Employer's authorization for release of insurance data and group membership enrollment application for each employer account to be enrolled by June 15;

(c) Group retrospective rating plan agreement by June 15.

(4) The group may be required to post a surety bond or other security deposit separate from the individual employer's cash deposits required for establishing industrial insurance accounts with the department:

(a) The group's surety bond must be on the prescribed forms authorized by the department;

(b) The group's surety bond shall be secured in one thousand dollar increments provided further that if the group's estimated maximum premium due falls within

two increment ranges, a surety bond at the higher level increment shall be obtained;

(c) The group's surety bond shall remain in force and effect for the period required retrospective premium calculations are made.

The amount of such surety bond or other security deposit, if required, may be fixed by the department in any amount equal to or less than the difference between the group's estimated standard premium and the maximum premium due under the retrospective rating plan. Past reporting data and current rate levels will be used to determine the estimated standard premium and maximum percentage retrospective premium due under the plan.

Each employer included as a group member in the group retrospective rating plan agreement will maintain an individual account with the department and will continue to pay quarterly premiums based on assigned risk classification(s) and individual experience rating.

Employers associated with the group at any time during the term of the group retrospective rating plan agreement will remain parties to the agreement for the balance of its term.

Members of the organization or association which do not elect to participate in the group retrospective rating plan at the inception of the agreement shall not become participating members in the group during the term of the agreement.

Final determination of an employer's eligibility to participate in a group plan under this section rests with the department subject to review under chapter 51.52 RCW.

The payment of the group retrospective premium adjustment will be made to or collected from the association. The distribution to the individual group members or collection from the individual group members will be done by the association.

~~((Any premium, penalties or assessments owing the department by any employer in the group will be included in the group's retrospective premium adjustment. Any premium, penalties or assessments to be withheld by the department from the group's retrospective premium adjustment will be done so according to a pro rata schedule unless the employer group has agreed to use the individual merit allocation system as defined by the department for the distribution or collection of retrospective premium.))~~

Group retrospective premium adjustment will be calculated according to WAC 296-17-914 and is subject to WAC 296-17-915 and 296-17-916.

AMENDATORY SECTION (Amending Order 84-2, filed 2/29/84, effective 7/1/84)

WAC 296-17-919 TABLE I.

**RETROSPECTIVE RATING PLANS A and B
STANDARD PREMIUM SIZE RANGES**

Effective for the coverage period July 1, ~~((+1984))~~ 1985, through June 30, ~~((+1985))~~ 1986

Size Group Number	Standard Premium Range
((84	\$ 3,160 - \$ 3,539
83	3,540 - 3,969
82	3,970 - 4,449
81	4,450 - 4,979
80	4,980 - 5,589
79	5,590 - 6,269
78	6,270 - 7,009
77	7,010 - 7,679
76	7,680 - 8,409
75	8,410 - 9,199
74	9,200 - 9,839
73	9,840 - 10,499
72	10,500 - 11,299
71	11,300 - 11,999
70	12,000 - 12,799
69	12,800 - 13,699
68	13,700 - 14,699
67	14,700 - 15,799
66	15,800 - 16,899
65	16,900 - 18,099
64	18,100 - 19,299
63	19,300 - 20,699
62	20,700 - 22,099
61	22,100 - 23,599
60	23,600 - 25,299
59	25,300 - 27,099
58	27,100 - 28,899
57	28,900 - 30,999
56	31,000 - 33,199
55	33,200 - 35,499
54	35,500 - 37,899
53	37,900 - 40,599
52	40,600 - 43,399
51	43,400 - 46,399
50	46,400 - 49,599
49	49,600 - 53,099
48	53,100 - 56,699
47	56,700 - 60,799
46	60,800 - 64,999
45	65,000 - 69,499
44	69,500 - 74,699
43	74,700 - 80,699
42	80,700 - 87,099
41	87,100 - 93,999
40	94,000 - 101,999
39	102,000 - 109,999
38	110,000 - 118,999
37	119,000 - 128,999
36	129,000 - 140,999
35	141,000 - 155,999
34	156,000 - 170,999
33	171,000 - 186,999
32	187,000 - 206,999
31	207,000 - 226,999
30	227,000 - 248,999
29	249,000 - 272,999
28	273,000 - 300,999

Size Group Number	Standard Premium Range	Size Group Number	Standard Premium Range
27	301,000 - 329,999	57	30,400 - 32,599
26	330,000 - 362,999	56	32,600 - 34,999
25	363,000 - 399,999	55	35,000 - 37,499
24	400,000 - 439,999	54	37,500 - 40,199
23	440,000 - 483,999	53	40,200 - 43,099
22	484,000 - 531,999	52	43,100 - 46,199
21	532,000 - 583,999	51	46,200 - 49,599
20	584,000 - 643,999	50	49,600 - 53,099
19	644,000 - 707,999	49	53,100 - 56,999
18	708,000 - 778,999	48	57,000 - 61,099
17	779,000 - 856,999	47	61,100 - 65,599
16	857,000 - 942,999	46	65,600 - 70,299
15	943,000 - 1,069,999	45	70,300 - 75,399
14	1,070,000 - 1,214,999	44	75,400 - 80,999
13	1,215,000 - 1,377,999	43	81,000 - 87,299
12	1,378,000 - 1,839,999	42	87,300 - 93,999
11	1,840,000 - 2,325,999	41	94,000 - 100,999
10	2,326,000 - 2,841,999	40	101,000 - 108,999
9	2,842,000 - 3,552,999	39	109,000 - 117,999
8	3,553,000 - 4,567,999	38	118,000 - 126,999
7	4,568,000 - 6,064,999	37	127,000 - 136,999
6	6,065,000 - 8,474,999	36	137,000 - 147,999
5	8,475,000 - 12,659,999	35	148,000 - 161,999
4	12,660,000 - 20,919,999	34	162,000 - 174,999
3	20,920,000 - 41,109,999	33	175,000 - 189,999
2	41,110,000 - 113,899,999	32	190,000 - 206,999
1	113,900,000 & over))	31	207,000 - 224,999
84	\$ 3,230 - \$ 3,639	30	225,000 - 243,999
83	3,640 - 4,109	29	244,000 - 264,999
82	4,110 - 4,639	28	265,000 - 288,999
81	4,640 - 5,239	27	289,000 - 313,999
80	5,240 - 5,919	26	314,000 - 341,999
79	5,920 - 6,629	25	342,000 - 371,999
78	6,630 - 7,259	24	372,000 - 404,999
77	7,260 - 7,879	23	405,000 - 440,999
76	7,880 - 8,549	22	441,000 - 479,999
75	8,550 - 9,259	21	480,000 - 521,999
74	9,260 - 9,929	20	522,000 - 568,999
73	9,930 - 10,599	19	569,000 - 618,999
72	10,600 - 11,399	18	619,000 - 674,999
71	11,400 - 12,199	17	675,000 - 734,999
70	12,200 - 13,099	16	735,000 - 801,999
69	13,100 - 13,999	15	802,000 - 909,999
68	14,000 - 15,099	14	910,000 - 1,032,999
67	15,100 - 16,199	13	1,033,000 - 1,170,999
66	16,200 - 17,399	12	1,171,000 - 1,563,999
65	17,400 - 18,599	11	1,564,000 - 1,976,999
64	18,600 - 19,999	10	1,977,000 - 2,415,999
63	20,000 - 21,399	9	2,416,000 - 3,019,999
62	21,400 - 22,999	8	3,020,000 - 3,882,999
61	23,000 - 24,599	7	3,883,000 - 5,154,999
60	24,600 - 26,399	6	5,155,000 - 7,203,999
59	26,400 - 28,399	5	7,204,000 & over
58	28,400 - 30,399		

AMENDATORY SECTION (Amending Order 84-2, filed 2/29/84, effective 7/1/84)

WAC 296-17-91901 TABLE II.

RETROSPECTIVE RATING PLAN A
BASIC PREMIUM RATIOS

LOSS CONVERSION FACTOR = ((-57+)) .560

Effective for the coverage period beginning July 1, ((-1984)) 1985, through June 30, ((+1985)) 1986

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
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Size Group

84	.954	.944	.933	.923	.915	.908	.902	.896	.889	.884	.872	.859	.847	.824
83	.952	.940	.930	.921	.911	.903	.897	.890	.883	.877	.862	.849	.836	.812
82	.951	.938	.927	.916	.905	.898	.891	.883	.876	.868	.854	.839	.826	.801
81	.947	.935	.922	.912	.901	.892	.884	.876	.868	.859	.844	.829	.814	.790
80	.946	.931	.920	.906	.896	.887	.878	.870	.859	.851	.834	.818	.804	.777
79	.944	.929	.917	.902	.892	.881	.872	.862	.854	.842	.825	.809	.793	.766
78	.944	.926	.911	.898	.886	.877	.865	.855	.845	.835	.814	.797	.782	.755
77	.942	.924	.908	.894	.882	.870	.859	.847	.836	.826	.805	.787	.769	.743
76	.938	.919	.903	.887	.876	.865	.852	.838	.828	.817	.794	.774	.758	.730
75	.936	.917	.900	.883	.870	.858	.844	.833	.819	.808	.785	.764	.747	.719
74	.935	.914	.894	.878	.865	.851	.836	.824	.810	.798	.774	.753	.736	.707
73	.933	.909	.891	.874	.858	.843	.831	.815	.801	.789	.764	.742	.724	.696
72	.927	.906	.885	.868	.854	.838	.823	.807	.791	.779	.751	.730	.712	.683
71	.926	.900	.881	.864	.847	.831	.814	.797	.782	.768	.741	.720	.700	.672
70	.924	.898	.876	.856	.840	.823	.806	.789	.772	.756	.729	.706	.688	.660
69	.922	.892	.872	.853	.835	.817	.797	.779	.763	.746	.719	.695	.677	.649
68	.917	.889	.866	.846	.828	.810	.788	.769	.752	.735	.707	.683	.664	.637
67	.915	.886	.862	.839	.820	.801	.779	.760	.742	.724	.694	.672	.652	.625
66	.913	.880	.856	.835	.812	.792	.772	.750	.731	.714	.683	.658	.641	.613
65	.907	.878	.853	.829	.808	.784	.764	.741	.721	.703	.671	.647	.629	.602
64	.905	.871	.845	.824	.799	.775	.754	.730	.710	.689	.659	.635	.615	.590
63	.898	.862	.835	.810	.788	.763	.738	.718	.696	.677	.646	.624	.604	.576
62	.896	.858	.826	.798	.772	.747	.725	.702	.683	.665	.634	.611	.592	.563
61	.888	.850	.815	.788	.761	.735	.710	.690	.671	.651	.623	.599	.579	.548
60	.885	.841	.806	.777	.749	.723	.699	.676	.656	.639	.611	.587	.566	.535
59	.878	.832	.795	.762	.734	.708	.683	.663	.645	.628	.597	.573	.554	.520
58	.870	.823	.786	.751	.723	.697	.672	.652	.633	.616	.586	.561	.540	.504
57	.867	.813	.775	.741	.712	.685	.660	.637	.619	.602	.573	.548	.526	.489
56	.859	.805	.766	.730	.701	.675	.650	.627	.608	.590	.560	.534	.512	.475
55	.856	.801	.756	.721	.687	.660	.635	.615	.596	.579	.547	.522	.499	.458
54	.849	.791	.746	.710	.677	.649	.624	.604	.582	.565	.535	.509	.485	.442
53	.840	.782	.736	.695	.665	.638	.612	.589	.570	.553	.521	.494	.470	.429
52	.837	.772	.722	.684	.655	.627	.601	.578	.559	.541	.508	.481	.456	.412
51	.829	.763	.711	.674	.640	.612	.587	.566	.546	.526	.493	.466	.441	.398
50	.820	.753	.701	.663	.629	.601	.575	.551	.532	.514	.480	.453	.428	.383
49	.811	.744	.691	.653	.617	.589	.564	.540	.520	.501	.468	.437	.412	.367
48	.802	.734	.680	.637	.607	.575	.549	.527	.505	.487	.453	.424	.399	.353
47	.792	.724	.670	.627	.591	.564	.537	.513	.493	.474	.440	.410	.384	.338
46	.789	.715	.660	.616	.581	.552	.525	.500	.480	.459	.425	.396	.370	.324
45	.781	.700	.645	.605	.569	.537	.510	.488	.465	.446	.411	.381	.355	.312
44	.771	.689	.634	.589	.558	.524	.498	.473	.453	.431	.396	.367	.342	.297
43	.762	.679	.624	.579	.543	.513	.486	.460	.437	.418	.383	.352	.326	.284
42	.753	.669	.612	.567	.531	.498	.470	.445	.425	.405	.367	.339	.313	.270
41	.744	.659	.597	.556	.515	.485	.457	.432	.409	.389	.355	.323	.299	.257
40	.734	.649	.586	.541	.503	.469	.442	.416	.396	.377	.340	.311	.286	.245
39	.724	.638	.575	.528	.491	.456	.430	.404	.380	.361	.326	.299	.272	.232
38	.714	.622	.559	.512	.475	.441	.413	.388	.367	.348	.314	.284	.259	.220
37	.704	.611	.546	.499	.462	.428	.400	.375	.352	.333	.299	.272	.248	.210
36	.687	.593	.529	.483	.445	.411	.385	.359	.339	.321	.287	.260	.236	.199
35	.677	.582	.518	.471	.429	.399	.371	.346	.323	.305	.273	.247	.224	.189
34	.666	.565	.500	.454	.415	.382	.355	.331	.311	.293	.261	.235	.213	.180
33	.648	.552	.482	.436	.399	.369	.343	.318	.299	.281	.250	.225	.203	.171
32	.630	.534	.470	.423	.386	.353	.326	.302	.283	.266	.237	.213	.192	.162
31	.618	.517	.452	.406	.369	.340	.314	.290	.271	.254	.224	.201	.183	.153
30	.600	.504	.434	.388	.352	.323	.298	.277	.255	.239	.212	.189	.172	.144
29	.581	.486	.422	.375	.339	.307	.281	.261	.243	.227	.201	.179	.162	.136
28	.563	.468	.404	.358	.322	.294	.268	.249	.231	.215	.189	.168	.152	.127

Maximum
Premium
Ratio:

1.05 1.10 1.15 1.20 1.25 1.30 1.35 1.40 1.45 1.50 1.60 1.70 1.80 2.00

Size
Group

27	.551	.450	.387	.341	.309	.277	.253	.233	.216	.201	.176	.158	.143	.121
26	.534	.438	.374	.328	.292	.264	.239	.220	.204	.188	.165	.147	.133	.112
25	.522	.421	.356	.310	.275	.247	.223	.205	.188	.176	.153	.137	.123	.104
24	.513	.410	.339	.293	.261	.231	.210	.191	.176	.162	.143	.126	.114	.097
23	.503	.392	.326	.279	.244	.217	.194	.176	.164	.150	.130	.117	.105	.089
22	.494	.381	.308	.262	.227	.200	.181	.164	.149	.138	.119	.107	.096	.082
21	.485	.364	.290	.244	.213	.187	.165	.149	.138	.127	.110	.099	.089	.076
20	.466	.343	.272	.226	.196	.171	.153	.139	.127	.119	.103	.092	.084	.074
19	.447	.323	.253	.212	.179	.159	.142	.128	.118	.109	.096	.086	.079	.070
18	.427	.303	.233	.194	.166	.144	.128	.118	.108	.100	.089	.081	.075	.067
17	.399	.284	.214	.177	.151	.132	.118	.107	.099	.092	.081	.075	.070	.063
16	.371	.258	.201	.164	.138	.121	.106	.098	.090	.083	.076	.070	.065	.059
15	.350	.237	.182	.146	.122	.106	.096	.087	.080	.076	.069	.064	.060	.056
14	.321	.217	.164	.130	.110	.095	.086	.077	.072	.068	.062	.058	.056	.053
13	.292	.192	.145	.118	.099	.084	.075	.069	.064	.061	.056	.054	.052	.050
12	.256	.172	.127	.101	.084	.074	.065	.059	.055	.053	.050	.048	.048	.046
11	.235	.153	.114	.089	.073	.063	.055	.051	.048	.046	.044	.043	.043	.043
10	.207	.134	.099	.078	.064	.056	.051	.048	.046	.045	.043	.043	.043	.043
9	.179	.116	.086	.069	.057	.053	.048	.046	.044	.044	.043	.043	.043	.043
8	.151	.098	.076	.060	.053	.048	.046	.044	.044	.043	.043	.043	.043	.043
7	.131	.085	.065	.054	.048	.046	.044	.043	.043	.043	.043	.043	.043	.043
6	.110	.073	.056	.049	.046	.044	.043	.043	.043	.043	.043	.043	.043	.043
5	.091	.059	.050	.045	.044	.043	.043	.043	.043	.043	.043	.043	.043	.043
4	.073	.053	.046	.044	.043	.043	.043	.043	.043	.043	.043	.043	.043	.043
3	.056	.046	.043	.043	.043	.043	.043	.043	.043	.043	.043	.043	.043	.043
2	.047	.043	.043	.043	.043	.043	.043	.043	.043	.043	.043	.043	.043	.043
1	.043	.043	.043	.043	.043	.043	.043	.043	.043	.043	.043	.043	.043	.043))
84	.975	.957	.942	.931	.918	.910	.901	.895	.887	.880	.869	.858	.848	.829
83	.973	.954	.938	.924	.912	.902	.894	.886	.879	.872	.860	.848	.838	.817
82	.972	.950	.932	.917	.906	.895	.886	.879	.870	.863	.850	.838	.826	.805
81	.967	.946	.925	.913	.898	.889	.878	.869	.861	.854	.840	.828	.816	.794
80	.966	.940	.921	.906	.891	.880	.870	.861	.853	.845	.830	.818	.805	.782
79	.964	.937	.915	.899	.886	.873	.863	.853	.843	.836	.821	.807	.794	.769
78	.962	.932	.911	.895	.879	.866	.856	.846	.836	.826	.811	.797	.783	.757
77	.957	.929	.905	.888	.873	.861	.848	.839	.829	.819	.802	.786	.772	.746
76	.955	.927	.902	.884	.867	.853	.840	.829	.820	.808	.792	.776	.760	.732
75	.953	.920	.896	.877	.860	.844	.830	.820	.808	.799	.781	.764	.749	.720
74	.948	.917	.892	.869	.852	.837	.824	.811	.802	.789	.771	.753	.737	.708
73	.946	.911	.885	.864	.847	.831	.816	.803	.792	.781	.761	.743	.726	.694
72	.944	.908	.881	.858	.840	.823	.808	.794	.783	.771	.751	.731	.714	.682
71	.938	.901	.874	.850	.831	.814	.799	.785	.773	.761	.739	.721	.701	.669
70	.936	.898	.867	.842	.823	.806	.790	.776	.764	.750	.729	.707	.690	.654
69	.935	.892	.862	.838	.815	.797	.782	.767	.754	.740	.717	.696	.677	.641
68	.928	.888	.855	.829	.806	.788	.771	.756	.744	.730	.707	.684	.664	.628
67	.925	.881	.847	.821	.797	.779	.763	.747	.731	.720	.695	.673	.652	.615
66	.918	.873	.839	.813	.791	.770	.752	.737	.721	.710	.682	.660	.639	.602
65	.916	.870	.835	.808	.783	.762	.744	.728	.712	.699	.671	.648	.626	.588
64	.910	.862	.826	.800	.775	.752	.734	.717	.701	.686	.660	.636	.614	.576
63	.907	.855	.819	.790	.766	.743	.724	.707	.691	.675	.649	.624	.602	.562
62	.899	.851	.810	.783	.756	.733	.714	.696	.680	.665	.637	.610	.588	.548
61	.898	.843	.806	.773	.748	.724	.704	.687	.670	.654	.624	.599	.575	.535
60	.890	.836	.798	.765	.738	.713	.694	.675	.659	.642	.612	.586	.563	.520
59	.888	.833	.790	.756	.730	.705	.684	.666	.646	.629	.600	.572	.548	.507
58	.880	.825	.781	.747	.719	.694	.674	.652	.635	.617	.586	.560	.536	.492
57	.879	.817	.772	.737	.710	.684	.660	.640	.623	.606	.574	.545	.522	.480
56	.871	.813	.763	.729	.700	.674	.650	.631	.611	.592	.563	.533	.508	.466
55	.868	.805	.758	.718	.690	.663	.638	.619	.598	.580	.547	.521	.496	.453
54	.860	.795	.749	.709	.679	.653	.628	.605	.586	.569	.536	.507	.482	.440
53	.851	.786	.739	.699	.669	.642	.617	.594	.574	.554	.524	.494	.470	.427
52	.842	.777	.725	.688	.658	.628	.602	.582	.561	.543	.509	.482	.458	.415
51	.833	.767	.715	.677	.644	.617	.591	.567	.548	.530	.497	.468	.443	.402
50	.830	.758	.706	.667	.633	.605	.580	.556	.536	.516	.483	.455	.431	.389
49	.822	.749	.695	.657	.622	.591	.564	.544	.522	.503	.470	.441	.416	.377
48	.813	.739	.685	.642	.611	.579	.553	.529	.509	.490	.458	.429	.404	.364
47	.803	.729	.674	.631	.596	.567	.541	.517	.494	.476	.443	.416	.390	.351
46	.795	.719	.664	.619	.584	.552	.526	.505	.482	.464	.432	.403	.378	.340
45	.786	.709	.648	.604	.568	.540	.513	.489	.470	.449	.416	.391	.368	.330
44	.775	.693	.637	.593	.556	.524	.498	.477	.454	.436	.405	.379	.357	.320
43	.766	.682	.620	.581	.544	.511	.486	.462	.442	.425	.394	.368	.346	.310

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
42	.757	.672	.610	.564	.529	.500	.470	.450	.428	.411	.378	.354	.332	.299
41	.747	.661	.600	.554	.517	.485	.458	.434	.414	.397	.366	.341	.320	.284
40	.737	.645	.588	.538	.502	.472	.446	.422	.403	.382	.354	.327	.307	.273
39	.727	.635	.572	.526	.489	.456	.431	.410	.388	.370	.339	.315	.294	.261
38	.717	.624	.561	.514	.473	.445	.418	.394	.376	.358	.327	.302	.282	.250
37	.700	.607	.544	.498	.461	.429	.402	.381	.360	.342	.315	.289	.269	.238
36	.689	.596	.532	.481	.445	.416	.390	.366	.348	.331	.301	.278	.259	.227
35	.671	.578	.514	.469	.432	.399	.375	.354	.333	.316	.288	.265	.246	.216
34	.660	.560	.496	.451	.415	.387	.361	.339	.321	.304	.277	.255	.235	.207
33	.641	.547	.484	.433	.402	.370	.345	.325	.307	.291	.264	.242	.225	.197
32	.622	.528	.466	.421	.385	.358	.333	.311	.293	.278	.252	.231	.214	.188
31	.604	.510	.449	.404	.369	.341	.318	.299	.282	.266	.242	.221	.206	.180
30	.585	.492	.431	.391	.357	.329	.305	.286	.269	.254	.230	.211	.196	.172
29	.567	.474	.417	.374	.339	.313	.290	.272	.256	.244	.221	.202	.188	.166
28	.548	.456	.400	.357	.327	.301	.278	.260	.244	.229	.207	.191	.176	.153
27	.537	.444	.383	.344	.310	.284	.262	.244	.228	.215	.192	.174	.159	.137
26	.519	.427	.371	.328	.298	.268	.248	.229	.214	.200	.177	.160	.145	.123
25	.499	.408	.353	.310	.281	.255	.232	.214	.199	.187	.164	.146	.132	.112
24	.480	.390	.335	.297	.265	.240	.221	.204	.189	.177	.156	.140	.127	.107
23	.461	.370	.317	.280	.252	.228	.209	.193	.178	.168	.148	.134	.121	.103
22	.434	.351	.302	.263	.236	.215	.195	.183	.170	.159	.140	.126	.116	.099
21	.413	.332	.284	.250	.224	.202	.185	.172	.160	.151	.135	.121	.111	.096
20	.395	.313	.267	.237	.209	.190	.173	.162	.150	.140	.125	.113	.104	.090
19	.377	.301	.250	.221	.195	.177	.161	.148	.138	.130	.116	.104	.096	.083
18	.358	.283	.237	.204	.180	.162	.147	.136	.127	.118	.106	.097	.089	.078
17	.339	.265	.220	.191	.168	.151	.136	.126	.117	.109	.098	.089	.082	.073
16	.319	.246	.203	.175	.155	.138	.126	.116	.108	.101	.090	.082	.077	.068
15	.300	.228	.190	.163	.142	.129	.116	.107	.100	.094	.084	.079	.073	.065
14	.290	.216	.173	.153	.135	.122	.111	.102	.096	.090	.082	.077	.071	.064
13	.280	.199	.162	.143	.128	.116	.106	.098	.093	.087	.080	.075	.070	.063
12	.263	.181	.151	.135	.120	.110	.101	.096	.089	.085	.078	.072	.068	.062
11	.251	.161	.137	.125	.113	.104	.097	.091	.085	.082	.075	.070	.067	.061
10	.234	.143	.128	.116	.107	.098	.092	.087	.082	.079	.073	.068	.065	.060
9	.215	.132	.118	.108	.100	.093	.087	.082	.079	.076	.071	.067	.064	.060
8	.195	.121	.110	.101	.094	.087	.082	.079	.076	.073	.068	.065	.062	.059
7	.167	.111	.102	.094	.088	.083	.079	.075	.073	.070	.066	.062	.061	.058
6	.130	.100	.094	.087	.082	.078	.075	.072	.069	.067	.063	.061	.060	.057
5	.098	.092	.086	.080	.077	.074	.070	.068	.066	.064	.061	.060	.058	.056

AMENDATORY SECTION (Amending Order 84-2, filed 2/29/84, effective 7/1/84)

WAC 296-17-91902 TABLE III.

RETROSPECTIVE RATING PLAN B
BASIC PREMIUM RATIOS
AND LOSS CONVERSION FACTORS

Effective for the coverage period beginning July 1, ((1984)) 1985, through June 30, ((1985)) 1986

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
84														
Basic Premium Ratio	.998	.995	.993	.990	.988	.985	.983	.980	.978	.975	.970	.965	.960	.950
Loss Conversion Factor	.002	.005	.007	.010	.012	.015	.017	.020	.022	.025	.030	.035	.040	.050
83														
Basic Premium Ratio	.997	.994	.992	.989	.986	.983	.981	.978	.975	.972	.967	.961	.956	.945
Loss Conversion Factor	.003	.006	.008	.011	.014	.017	.019	.022	.025	.028	.033	.039	.044	.055
82														
Basic Premium Ratio	.997	.994	.991	.988	.985	.982	.979	.976	.972	.969	.963	.957	.951	.939
Loss Conversion Factor	.003	.006	.009	.012	.015	.018	.021	.024	.028	.031	.037	.043	.049	.061
81														
Basic Premium Ratio	.997	.993	.990	.986	.983	.980	.976	.973	.970	.966	.959	.953	.946	.932
Loss Conversion Factor	.003	.007	.010	.014	.017	.020	.024	.027	.030	.034	.041	.047	.054	.068
80														
Basic Premium Ratio	.996	.993	.989	.985	.981	.978	.974	.970	.966	.963	.955	.948	.940	.925
Loss Conversion Factor	.004	.007	.011	.015	.019	.022	.026	.030	.034	.037	.045	.052	.060	.075

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00	
Size Group															
79	Basic Premium Ratio	.996	.992	.988	.983	.979	.975	.971	.967	.963	.959	.950	.942	.934	.917
	Loss Conversion Factor	.004	.008	.012	.017	.021	.025	.029	.033	.037	.041	.050	.058	.066	.083
78	Basic Premium Ratio	.995	.991	.986	.982	.977	.973	.968	.964	.959	.955	.946	.936	.927	.909
	Loss Conversion Factor	.005	.009	.014	.018	.023	.027	.032	.036	.041	.045	.054	.064	.073	.091
77	Basic Premium Ratio	.995	.990	.985	.980	.975	.970	.965	.960	.955	.950	.940	.930	.920	.900
	Loss Conversion Factor	.005	.010	.015	.020	.025	.030	.035	.040	.045	.050	.060	.070	.080	.100
76	Basic Premium Ratio	.995	.989	.984	.978	.973	.967	.962	.956	.951	.945	.935	.924	.913	.891
	Loss Conversion Factor	.005	.011	.016	.022	.027	.033	.038	.044	.049	.055	.065	.076	.087	.109
75	Basic Premium Ratio	.994	.988	.982	.976	.970	.964	.958	.952	.946	.940	.929	.917	.905	.881
	Loss Conversion Factor	.006	.012	.018	.024	.030	.036	.042	.048	.054	.060	.071	.083	.095	.119
74	Basic Premium Ratio	.994	.987	.981	.974	.968	.961	.955	.948	.942	.935	.922	.909	.896	.870
	Loss Conversion Factor	.006	.013	.019	.026	.032	.039	.045	.052	.058	.065	.078	.091	.104	.130
73	Basic Premium Ratio	.993	.986	.979	.972	.965	.958	.951	.944	.937	.930	.915	.901	.887	.859
	Loss Conversion Factor	.007	.014	.021	.028	.035	.042	.049	.056	.063	.070	.085	.099	.113	.141
72	Basic Premium Ratio	.992	.985	.977	.969	.962	.954	.947	.939	.931	.924	.908	.893	.878	.847
	Loss Conversion Factor	.008	.015	.023	.031	.038	.046	.053	.061	.069	.076	.092	.107	.122	.153
71	Basic Premium Ratio	.992	.984	.975	.967	.959	.951	.942	.934	.926	.918	.901	.885	.868	.835
	Loss Conversion Factor	.008	.016	.025	.033	.041	.049	.058	.066	.074	.082	.099	.115	.132	.165
70	Basic Premium Ratio	.991	.982	.973	.964	.956	.947	.938	.929	.920	.911	.893	.876	.858	.822
	Loss Conversion Factor	.009	.018	.027	.036	.044	.053	.062	.071	.080	.089	.107	.124	.142	.178
69	Basic Premium Ratio	.990	.981	.971	.962	.952	.943	.933	.924	.914	.905	.886	.867	.847	.809
	Loss Conversion Factor	.010	.019	.029	.038	.048	.057	.067	.076	.086	.095	.114	.133	.153	.191
68	Basic Premium Ratio	.990	.980	.969	.959	.949	.939	.929	.918	.908	.898	.878	.857	.837	.796
	Loss Conversion Factor	.010	.020	.031	.041	.051	.061	.071	.082	.092	.102	.122	.143	.163	.204
67	Basic Premium Ratio	.989	.978	.967	.957	.946	.935	.924	.913	.902	.891	.870	.848	.826	.783
	Loss Conversion Factor	.011	.022	.033	.043	.054	.065	.076	.087	.098	.109	.130	.152	.174	.217
66	Basic Premium Ratio	.988	.977	.965	.954	.942	.931	.919	.908	.896	.885	.861	.838	.815	.769
	Loss Conversion Factor	.012	.023	.035	.046	.058	.069	.081	.092	.104	.115	.139	.162	.185	.231
65	Basic Premium Ratio	.988	.976	.963	.951	.939	.927	.915	.902	.890	.878	.854	.829	.805	.756
	Loss Conversion Factor	.012	.024	.037	.049	.061	.073	.085	.098	.110	.122	.146	.171	.195	.244
64	Basic Premium Ratio	.987	.974	.961	.949	.936	.923	.910	.897	.884	.871	.846	.820	.794	.743
	Loss Conversion Factor	.013	.026	.039	.051	.064	.077	.090	.103	.116	.129	.154	.180	.206	.257
63	Basic Premium Ratio	.987	.973	.960	.946	.933	.919	.906	.892	.879	.865	.838	.811	.785	.731
	Loss Conversion Factor	.013	.027	.040	.054	.067	.081	.094	.108	.121	.135	.162	.189	.215	.269
62	Basic Premium Ratio	.986	.972	.958	.944	.930	.916	.902	.888	.874	.860	.831	.803	.775	.719
	Loss Conversion Factor	.014	.028	.042	.056	.070	.084	.098	.112	.126	.140	.169	.197	.225	.281
61	Basic Premium Ratio	.985	.971	.956	.942	.927	.913	.898	.883	.869	.854	.825	.796	.767	.709
	Loss Conversion Factor	.015	.029	.044	.058	.073	.087	.102	.117	.131	.146	.175	.204	.233	.291
60	Basic Premium Ratio	.985	.970	.955	.940	.925	.910	.895	.880	.865	.850	.820	.790	.760	.699
	Loss Conversion Factor	.015	.030	.045	.060	.075	.090	.105	.120	.135	.150	.180	.210	.240	.301
59	Basic Premium Ratio	.982	.963	.945	.927	.909	.890	.872	.854	.835	.817	.780	.744	.707	.634
	Loss Conversion Factor	.018	.037	.055	.073	.091	.110	.128	.146	.165	.183	.220	.256	.293	.366
58	Basic Premium Ratio	.980	.961	.941	.922	.902	.882	.863	.843	.823	.804	.765	.725	.686	.608
	Loss Conversion Factor	.020	.039	.059	.078	.098	.118	.137	.157	.177	.196	.235	.275	.314	.392
57	Basic Premium Ratio	.979	.958	.937	.916	.895	.874	.852	.831	.810	.789	.747	.705	.663	.579
	Loss Conversion Factor	.021	.042	.063	.084	.105	.126	.148	.169	.190	.211	.253	.295	.337	.421
56	Basic Premium Ratio	.977	.954	.932	.909	.886	.863	.841	.818	.795	.772	.727	.681	.636	.545
	Loss Conversion Factor	.023	.046	.068	.091	.114	.137	.159	.182	.205	.228	.273	.319	.364	.455
55	Basic Premium Ratio	.975	.951	.926	.902	.877	.853	.828	.804	.779	.755	.705	.656	.607	.509
	Loss Conversion Factor	.025	.049	.074	.098	.123	.147	.172	.196	.221	.245	.295	.344	.393	.491
54	Basic Premium Ratio	.973	.947	.920	.893	.867	.840	.814	.787	.760	.734	.680	.627	.574	.467
	Loss Conversion Factor	.027	.053	.080	.107	.133	.160	.186	.213	.240	.266	.320	.373	.426	.533
53	Basic Premium Ratio	.971	.942	.914	.885	.856	.827	.798	.769	.741	.712	.654	.597	.539	.424
	Loss Conversion Factor	.029	.058	.086	.115	.144	.173	.202	.231	.259	.288	.346	.403	.461	.576
52	Basic Premium Ratio	.969	.938	.907	.876	.845	.814	.782	.751	.720	.689	.627	.565	.503	.379
	Loss Conversion Factor	.031	.062	.093	.124	.155	.186	.218	.249	.280	.311	.373	.435	.497	.621

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00	
Size Group															
51	Basic Premium Ratio	.966	.933	.899	.866	.832	.799	.765	.732	.698	.665	.598	.531	.464	.330
	Loss Conversion Factor	.034	.067	.101	.134	.168	.201	.235	.268	.302	.335	.402	.469	.536	.670
50	Basic Premium Ratio	.964	.928	.892	.855	.819	.783	.747	.711	.675	.638	.566	.494	.421	.277
	Loss Conversion Factor	.036	.072	.108	.145	.181	.217	.253	.289	.325	.362	.434	.506	.579	.723
49	Basic Premium Ratio	.961	.922	.883	.844	.805	.766	.727	.688	.649	.610	.532	.454	.376	.220
	Loss Conversion Factor	.039	.078	.117	.156	.195	.234	.273	.312	.351	.390	.468	.546	.624	.780
48	Basic Premium Ratio	.958	.916	.874	.832	.790	.748	.706	.664	.622	.580	.496	.412	.328	.159
	Loss Conversion Factor	.042	.084	.126	.168	.210	.252	.294	.336	.378	.420	.504	.588	.672	.841
47	Basic Premium Ratio	.955	.910	.864	.819	.774	.729	.683	.638	.593	.548	.457	.367	.276	.096
	Loss Conversion Factor	.045	.090	.136	.181	.226	.271	.317	.362	.407	.452	.543	.633	.724	.904
46	Basic Premium Ratio	.951	.903	.854	.806	.757	.709	.660	.612	.563	.515	.418	.321	.223	.029
	Loss Conversion Factor	.049	.097	.146	.194	.243	.291	.340	.388	.437	.485	.582	.679	.777	.971
45	Basic Premium Ratio	.948	.895	.843	.791	.738	.686	.633	.581	.529	.476	.372	.267	.162	.000
	Loss Conversion Factor	.052	.105	.157	.209	.262	.314	.367	.419	.471	.524	.628	.733	.838	.977
44	Basic Premium Ratio	.944	.887	.831	.775	.718	.662	.606	.549	.493	.437	.324	.211	.099	.000
	Loss Conversion Factor	.056	.113	.169	.225	.282	.338	.394	.451	.507	.563	.676	.789	.901	.944
43	Basic Premium Ratio	.939	.879	.818	.757	.696	.636	.575	.514	.453	.393	.271	.150	.028	.000
	Loss Conversion Factor	.061	.121	.182	.243	.304	.364	.425	.486	.547	.607	.729	.850	.972	.912
42	Basic Premium Ratio	.935	.870	.805	.739	.674	.609	.544	.479	.414	.348	.218	.088	.000	.000
	Loss Conversion Factor	.065	.130	.195	.261	.326	.391	.456	.521	.586	.652	.782	.912	.979	.883
41	Basic Premium Ratio	.930	.859	.789	.719	.649	.578	.508	.438	.367	.297	.157	.016	.000	.000
	Loss Conversion Factor	.070	.141	.211	.281	.351	.422	.492	.562	.633	.703	.843	.984	.945	.856
40	Basic Premium Ratio	.924	.848	.772	.696	.619	.543	.467	.391	.315	.239	.087	.000	.000	.000
	Loss Conversion Factor	.076	.152	.228	.304	.381	.457	.533	.609	.685	.761	.913	.970	.915	.832
39	Basic Premium Ratio	.918	.836	.754	.673	.591	.509	.427	.345	.263	.181	.018	.000	.000	.000
	Loss Conversion Factor	.082	.164	.246	.327	.409	.491	.573	.655	.737	.819	.982	.936	.884	.811
38	Basic Premium Ratio	.911	.822	.732	.643	.554	.465	.375	.286	.197	.108	.000	.000	.000	.000
	Loss Conversion Factor	.089	.178	.268	.357	.446	.535	.625	.714	.803	.892	.970	.907	.859	.791
37	Basic Premium Ratio	.904	.807	.711	.614	.518	.421	.325	.228	.132	.036	.000	.000	.000	.000
	Loss Conversion Factor	.096	.193	.289	.386	.482	.579	.675	.772	.868	.964	.936	.880	.835	.772
36	Basic Premium Ratio	.895	.790	.685	.580	.475	.370	.265	.161	.056	.000	.000	.000	.000	.000
	Loss Conversion Factor	.105	.210	.315	.420	.525	.630	.735	.839	.944	.981	.906	.854	.813	.756
35	Basic Premium Ratio	.886	.772	.658	.544	.430	.316	.202	.088	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.114	.228	.342	.456	.570	.684	.798	.912	.989	.946	.878	.830	.793	.742
34	Basic Premium Ratio	.875	.751	.626	.501	.377	.252	.127	.003	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.125	.249	.374	.499	.623	.748	.873	.997	.952	.913	.854	.809	.775	.728
33	Basic Premium Ratio	.864	.728	.592	.456	.320	.184	.047	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.136	.272	.408	.544	.680	.816	.953	.964	.920	.884	.829	.790	.760	.716
32	Basic Premium Ratio	.850	.701	.551	.401	.251	.102	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.150	.299	.449	.599	.749	.898	.983	.929	.891	.858	.807	.772	.744	.705
31	Basic Premium Ratio	.834	.669	.503	.338	.172	.007	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.166	.331	.497	.662	.828	.993	.945	.901	.863	.834	.789	.754	.730	.694
30	Basic Premium Ratio	.818	.637	.455	.273	.091	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.182	.363	.545	.727	.909	.966	.913	.872	.837	.811	.769	.740	.715	.684
29	Basic Premium Ratio	.799	.597	.396	.195	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.201	.403	.604	.805	.998	.931	.884	.846	.815	.790	.752	.725	.704	.675
28	Basic Premium Ratio	.778	.555	.333	.110	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.222	.445	.667	.890	.959	.899	.857	.821	.793	.770	.736	.710	.692	.667
27	Basic Premium Ratio	.753	.506	.259	.012	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.247	.494	.741	.988	.928	.872	.831	.798	.772	.752	.721	.698	.681	.659
26	Basic Premium Ratio	.727	.453	.180	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.273	.547	.820	.969	.894	.844	.807	.777	.754	.735	.706	.686	.672	.650
25	Basic Premium Ratio	.699	.398	.097	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.301	.602	.903	.935	.867	.820	.783	.757	.735	.719	.693	.675	.661	.643
24	Basic Premium Ratio	.668	.336	.004	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.332	.664	.996	.903	.841	.795	.763	.738	.720	.704	.680	.664	.652	.637

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00	
23	Basic Premium Ratio	.639	.278	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.361	.722	.968	.875	.815	.773	.743	.720	.703	.690	.669	.655	.644	.631	
22	Basic Premium Ratio	.612	.225	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.388	.775	.943	.848	.790	.751	.725	.704	.688	.676	.658	.645	.636	.625	
21	Basic Premium Ratio	.589	.179	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.411	.821	.915	.822	.767	.732	.708	.690	.676	.665	.649	.638	.630	.621	
20	Basic Premium Ratio	.534	.069	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.466	.931	.875	.792	.745	.715	.693	.677	.666	.656	.642	.634	.627	.617	
19	Basic Premium Ratio	.476	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.524	.979	.837	.767	.725	.698	.680	.666	.656	.648	.636	.628	.622	.615	
18	Basic Premium Ratio	.401	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.599	.927	.806	.743	.706	.683	.668	.655	.647	.640	.630	.624	.619	.612	
17	Basic Premium Ratio	.305	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.695	.881	.775	.720	.690	.670	.655	.647	.638	.632	.624	.619	.615	.610	
16	Basic Premium Ratio	.202	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.798	.841	.748	.704	.676	.658	.646	.637	.631	.626	.619	.615	.612	.608	
15	Basic Premium Ratio	.028	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.972	.798	.724	.686	.662	.646	.636	.629	.624	.619	.614	.610	.608	.605	
14	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.938	.770	.704	.670	.650	.636	.628	.621	.617	.614	.609	.607	.605	.603	
13	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.882	.737	.684	.656	.638	.628	.620	.614	.611	.608	.605	.603	.602	.600	
12	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.821	.711	.667	.642	.628	.619	.612	.608	.605	.603	.601	.601	.599	.598	
11	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.781	.691	.653	.632	.619	.610	.605	.602	.599	.598	.597	.596	.596	.596	
10	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.745	.671	.640	.623	.612	.606	.602	.598	.598	.597	.597	.596	.596	.596	
9	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.712	.654	.629	.615	.608	.603	.599	.598	.597	.597	.596	.596	.596	.596	
8	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.687	.640	.620	.608	.603	.600	.598	.597	.597	.596	.596	.596	.596	.596	
7	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.665	.628	.612	.604	.600	.598	.597	.597	.596	.596	.596	.596	.596	.596	
6	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.645	.617	.606	.600	.598	.597	.596	.596	.596	.596	.596	.596	.596	.596	
5	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.629	.608	.600	.598	.597	.596	.596	.596	.596	.596	.596	.596	.596	.596	
4	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.616	.602	.598	.597	.596	.596	.596	.596	.596	.596	.596	.596	.596	.596	
3	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.606	.598	.597	.596	.596	.596	.596	.596	.596	.596	.596	.596	.596	.596	
2	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.599	.596	.596	.596	.596	.596	.596	.596	.596	.596	.596	.596	.596	.596	
1	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.596	.596	.596	.596	.596	.596	.596	.596	.596	.596	.596	.596	.596	.596	
84	Basic Premium Ratio	.998	.996	.993	.991	.989	.987	.984	.982	.980	.978	.973	.969	.964	.956	
	Loss Conversion Factor	.002	.004	.007	.009	.011	.013	.016	.018	.020	.022	.027	.031	.036	.044	
83	Basic Premium Ratio	.998	.995	.993	.990	.988	.985	.983	.980	.978	.975	.970	.966	.961	.951	
	Loss Conversion Factor	.002	.005	.007	.010	.012	.015	.017	.020	.022	.025	.030	.034	.039	.049	
82	Basic Premium Ratio	.997	.995	.992	.989	.987	.984	.981	.978	.976	.973	.968	.962	.957	.946	
	Loss Conversion Factor	.003	.005	.008	.011	.013	.016	.019	.022	.024	.027	.032	.038	.043	.054	
81	Basic Premium Ratio	.997	.994	.991	.988	.985	.982	.979	.976	.973	.970	.964	.959	.953	.941	
	Loss Conversion Factor	.003	.006	.009	.012	.015	.018	.021	.024	.027	.030	.036	.041	.047	.059	
80	Basic Premium Ratio	.997	.994	.990	.987	.984	.981	.977	.974	.971	.968	.961	.955	.948	.935	
	Loss Conversion Factor	.003	.006	.010	.013	.016	.019	.023	.026	.029	.032	.039	.045	.052	.065	

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group															
79	Basic Premium Ratio	.996	.993	.989	.986	.982	.979	.975	.972	.968	.965	.958	.951	.944	.930
	Loss Conversion Factor	.004	.007	.011	.014	.018	.021	.025	.028	.032	.035	.042	.049	.056	.070
78	Basic Premium Ratio	.996	.992	.988	.984	.980	.976	.973	.969	.965	.961	.953	.945	.937	.922
	Loss Conversion Factor	.004	.008	.012	.016	.020	.024	.027	.031	.035	.039	.047	.055	.063	.078
77	Basic Premium Ratio	.996	.991	.987	.982	.978	.973	.969	.964	.960	.955	.946	.937	.928	.910
	Loss Conversion Factor	.004	.009	.013	.018	.022	.027	.031	.036	.040	.045	.054	.063	.072	.090
76	Basic Premium Ratio	.995	.990	.986	.981	.976	.971	.966	.961	.957	.952	.942	.932	.923	.904
	Loss Conversion Factor	.005	.010	.014	.019	.024	.029	.034	.039	.043	.048	.058	.068	.077	.096
75	Basic Premium Ratio	.995	.990	.984	.979	.974	.969	.964	.958	.953	.948	.938	.927	.917	.896
	Loss Conversion Factor	.005	.010	.016	.021	.026	.031	.036	.042	.047	.052	.062	.073	.083	.104
74	Basic Premium Ratio	.994	.989	.983	.977	.971	.966	.960	.954	.948	.943	.931	.920	.908	.885
	Loss Conversion Factor	.006	.011	.017	.023	.029	.034	.040	.046	.052	.057	.069	.080	.092	.115
73	Basic Premium Ratio	.994	.987	.981	.974	.968	.962	.955	.949	.943	.936	.923	.911	.898	.872
	Loss Conversion Factor	.006	.013	.019	.026	.032	.038	.045	.051	.057	.064	.077	.089	.102	.128
72	Basic Premium Ratio	.993	.986	.979	.972	.965	.958	.951	.944	.936	.929	.915	.901	.887	.859
	Loss Conversion Factor	.007	.014	.021	.028	.035	.042	.049	.056	.064	.071	.085	.099	.113	.141
71	Basic Premium Ratio	.992	.984	.977	.969	.961	.953	.945	.938	.930	.922	.906	.891	.875	.844
	Loss Conversion Factor	.008	.016	.023	.031	.039	.047	.055	.062	.070	.078	.094	.109	.125	.156
70	Basic Premium Ratio	.991	.983	.974	.966	.957	.948	.940	.931	.922	.914	.897	.879	.862	.828
	Loss Conversion Factor	.009	.017	.026	.034	.043	.052	.060	.069	.078	.086	.103	.121	.138	.172
69	Basic Premium Ratio	.991	.981	.972	.962	.953	.944	.934	.925	.915	.906	.887	.869	.850	.812
	Loss Conversion Factor	.009	.019	.028	.038	.047	.056	.066	.075	.085	.094	.113	.131	.150	.188
68	Basic Premium Ratio	.990	.980	.970	.960	.950	.940	.930	.920	.910	.900	.880	.860	.840	.800
	Loss Conversion Factor	.010	.020	.030	.040	.050	.060	.070	.080	.090	.100	.120	.140	.160	.200
67	Basic Premium Ratio	.989	.979	.968	.957	.947	.936	.925	.915	.904	.893	.872	.851	.829	.787
	Loss Conversion Factor	.011	.021	.032	.043	.053	.064	.075	.085	.096	.107	.128	.149	.171	.213
66	Basic Premium Ratio	.988	.977	.965	.954	.942	.931	.919	.908	.896	.885	.862	.839	.816	.770
	Loss Conversion Factor	.012	.023	.035	.046	.058	.069	.081	.092	.104	.115	.138	.161	.184	.230
65	Basic Premium Ratio	.987	.975	.962	.950	.937	.925	.912	.900	.887	.875	.850	.825	.800	.750
	Loss Conversion Factor	.013	.025	.038	.050	.063	.075	.088	.100	.113	.125	.150	.175	.200	.250
64	Basic Premium Ratio	.987	.973	.960	.946	.933	.919	.906	.892	.879	.865	.838	.811	.784	.731
	Loss Conversion Factor	.013	.027	.040	.054	.067	.081	.094	.108	.121	.135	.162	.189	.216	.269
63	Basic Premium Ratio	.985	.971	.956	.942	.927	.913	.898	.884	.869	.855	.826	.797	.767	.709
	Loss Conversion Factor	.015	.029	.044	.058	.073	.087	.102	.116	.131	.145	.174	.203	.233	.291
62	Basic Premium Ratio	.984	.969	.953	.938	.922	.906	.891	.875	.860	.844	.813	.781	.750	.688
	Loss Conversion Factor	.016	.031	.047	.062	.078	.094	.109	.125	.140	.156	.187	.219	.250	.312
61	Basic Premium Ratio	.983	.966	.949	.932	.915	.898	.881	.864	.847	.830	.797	.763	.729	.661
	Loss Conversion Factor	.017	.034	.051	.068	.085	.102	.119	.136	.153	.170	.203	.237	.271	.339
60	Basic Premium Ratio	.982	.963	.945	.927	.908	.890	.872	.853	.835	.817	.780	.743	.707	.634
	Loss Conversion Factor	.018	.037	.055	.073	.092	.110	.128	.147	.165	.183	.220	.257	.293	.366
59	Basic Premium Ratio	.980	.960	.941	.921	.901	.881	.861	.842	.822	.802	.762	.723	.683	.604
	Loss Conversion Factor	.020	.040	.059	.079	.099	.119	.139	.158	.178	.198	.238	.277	.317	.396
58	Basic Premium Ratio	.979	.958	.936	.915	.894	.873	.851	.830	.809	.788	.745	.703	.660	.576
	Loss Conversion Factor	.021	.042	.064	.085	.106	.127	.149	.170	.191	.212	.255	.297	.340	.424
57	Basic Premium Ratio	.977	.954	.931	.909	.886	.863	.840	.817	.794	.771	.726	.680	.634	.543
	Loss Conversion Factor	.023	.046	.069	.091	.114	.137	.160	.183	.206	.229	.274	.320	.366	.457
56	Basic Premium Ratio	.976	.951	.927	.902	.878	.853	.829	.804	.780	.755	.706	.657	.608	.510
	Loss Conversion Factor	.024	.049	.073	.098	.122	.147	.171	.196	.220	.245	.294	.343	.392	.490
55	Basic Premium Ratio	.974	.948	.922	.896	.869	.843	.817	.791	.765	.739	.687	.635	.582	.478
	Loss Conversion Factor	.026	.052	.078	.104	.131	.157	.183	.209	.235	.261	.313	.365	.418	.522
54	Basic Premium Ratio	.972	.944	.916	.888	.860	.831	.803	.775	.747	.719	.663	.607	.550	.438
	Loss Conversion Factor	.028	.056	.084	.112	.140	.169	.197	.225	.253	.281	.337	.393	.450	.562
53	Basic Premium Ratio	.970	.940	.910	.880	.850	.820	.790	.760	.730	.701	.641	.581	.521	.401
	Loss Conversion Factor	.030	.060	.090	.120	.150	.180	.210	.240	.270	.299	.359	.419	.479	.599
52	Basic Premium Ratio	.968	.936	.904	.872	.840	.808	.776	.743	.711	.679	.615	.551	.487	.359
	Loss Conversion Factor	.032	.064	.096	.128	.160	.192	.224	.257	.289	.321	.385	.449	.513	.641

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group															
51	Basic Premium Ratio	.965	.931	.896	.862	.827	.793	.758	.724	.689	.655	.586	.517	.448	.310
	Loss Conversion Factor	.035	.069	.104	.138	.173	.207	.242	.276	.311	.345	.414	.483	.552	.690
50	Basic Premium Ratio	.963	.926	.889	.852	.816	.779	.742	.705	.668	.631	.557	.484	.410	.262
	Loss Conversion Factor	.037	.074	.111	.148	.184	.221	.258	.295	.332	.369	.443	.516	.590	.738
49	Basic Premium Ratio	.960	.921	.881	.842	.802	.762	.723	.683	.644	.604	.525	.446	.366	.208
	Loss Conversion Factor	.040	.079	.119	.158	.198	.238	.277	.317	.356	.396	.475	.554	.634	.792
48	Basic Premium Ratio	.958	.915	.873	.830	.788	.745	.703	.660	.618	.576	.491	.406	.321	.151
	Loss Conversion Factor	.042	.085	.127	.170	.212	.255	.297	.340	.382	.424	.509	.594	.679	.849
47	Basic Premium Ratio	.954	.909	.863	.817	.771	.726	.680	.634	.588	.543	.451	.360	.268	.085
	Loss Conversion Factor	.046	.091	.137	.183	.229	.274	.320	.366	.412	.457	.549	.640	.732	.915
46	Basic Premium Ratio	.951	.902	.852	.803	.754	.705	.656	.607	.557	.508	.410	.312	.213	.017
	Loss Conversion Factor	.049	.098	.148	.197	.246	.295	.344	.393	.443	.492	.590	.688	.787	.983
45	Basic Premium Ratio	.947	.894	.841	.788	.735	.682	.629	.576	.523	.470	.364	.258	.152	.000
	Loss Conversion Factor	.053	.106	.159	.212	.265	.318	.371	.424	.477	.530	.636	.742	.848	.975
44	Basic Premium Ratio	.943	.886	.829	.772	.715	.657	.600	.543	.486	.429	.315	.201	.086	.000
	Loss Conversion Factor	.057	.114	.171	.228	.285	.343	.400	.457	.514	.571	.685	.799	.914	.944
43	Basic Premium Ratio	.939	.877	.816	.754	.693	.631	.570	.508	.447	.385	.262	.140	.017	.000
	Loss Conversion Factor	.061	.123	.184	.246	.307	.369	.430	.492	.553	.615	.738	.860	.983	.917
42	Basic Premium Ratio	.933	.867	.800	.734	.667	.601	.534	.468	.401	.335	.202	.068	.000	.000
	Loss Conversion Factor	.067	.133	.200	.266	.333	.399	.466	.532	.599	.665	.798	.932	.973	.892
41	Basic Premium Ratio	.928	.856	.784	.712	.640	.568	.496	.424	.352	.280	.137	.000	.000	.000
	Loss Conversion Factor	.072	.144	.216	.288	.360	.432	.504	.576	.648	.720	.863	.997	.942	.868
40	Basic Premium Ratio	.922	.845	.767	.689	.612	.534	.457	.379	.301	.224	.068	.000	.000	.000
	Loss Conversion Factor	.078	.155	.233	.311	.388	.466	.543	.621	.699	.776	.932	.964	.912	.843
39	Basic Premium Ratio	.916	.831	.747	.663	.579	.494	.410	.326	.241	.157	.000	.000	.000	.000
	Loss Conversion Factor	.084	.169	.253	.337	.421	.506	.590	.674	.759	.843	.993	.933	.886	.823
38	Basic Premium Ratio	.909	.817	.726	.634	.543	.451	.360	.268	.177	.085	.000	.000	.000	.000
	Loss Conversion Factor	.091	.183	.274	.366	.457	.549	.640	.732	.823	.915	.961	.903	.862	.803
37	Basic Premium Ratio	.901	.802	.703	.603	.504	.405	.306	.207	.108	.008	.000	.000	.000	.000
	Loss Conversion Factor	.099	.198	.297	.397	.496	.595	.694	.793	.892	.992	.930	.877	.838	.785
36	Basic Premium Ratio	.892	.783	.675	.567	.459	.350	.242	.134	.026	.000	.000	.000	.000	.000
	Loss Conversion Factor	.108	.217	.325	.433	.541	.650	.758	.866	.974	.967	.902	.854	.819	.768
35	Basic Premium Ratio	.882	.764	.646	.528	.410	.292	.174	.056	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.118	.236	.354	.472	.590	.708	.826	.944	.971	.933	.874	.830	.798	.754
34	Basic Premium Ratio	.870	.741	.611	.481	.352	.222	.092	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.130	.259	.389	.519	.648	.778	.908	.984	.939	.901	.850	.810	.781	.741
33	Basic Premium Ratio	.856	.712	.568	.424	.280	.137	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.144	.288	.432	.576	.720	.863	.998	.947	.907	.875	.825	.790	.764	.727
32	Basic Premium Ratio	.841	.681	.522	.362	.203	.043	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.159	.319	.478	.638	.797	.957	.959	.914	.878	.850	.805	.774	.749	.715
31	Basic Premium Ratio	.824	.649	.473	.298	.122	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.176	.351	.527	.702	.878	.978	.926	.886	.855	.828	.786	.758	.736	.706
30	Basic Premium Ratio	.803	.607	.410	.213	.017	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.197	.393	.590	.787	.983	.944	.896	.860	.831	.807	.770	.743	.723	.696
29	Basic Premium Ratio	.780	.560	.340	.119	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.220	.440	.660	.881	.967	.913	.870	.835	.809	.788	.755	.732	.713	.688
28	Basic Premium Ratio	.754	.508	.262	.017	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.246	.492	.738	.983	.933	.882	.843	.813	.790	.769	.739	.717	.700	.677
27	Basic Premium Ratio	.723	.447	.170	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.277	.553	.830	.971	.903	.856	.820	.792	.770	.751	.721	.701	.684	.662
26	Basic Premium Ratio	.689	.379	.068	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.311	.621	.932	.937	.875	.833	.798	.771	.750	.733	.705	.686	.670	.648
25	Basic Premium Ratio	.646	.292	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.354	.708	.983	.903	.848	.807	.776	.752	.733	.716	.691	.672	.658	.639
24	Basic Premium Ratio	.595	.190	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.405	.810	.943	.871	.820	.784	.758	.736	.719	.704	.681	.664	.652	.634

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group														
23	Basic Premium Ratio	.520	.040	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.480	.960	.905	.839	.797	.765	.740	.722	.706	.691	.672	.658	.647
22	Basic Premium Ratio	.426	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.574	.960	.871	.814	.774	.747	.725	.707	.694	.682	.664	.651	.642
21	Basic Premium Ratio	.262	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.738	.916	.839	.788	.754	.730	.711	.696	.682	.673	.657	.645	.637
20	Basic Premium Ratio	.092	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.908	.882	.812	.769	.738	.714	.697	.683	.671	.663	.650	.638	.630
19	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.983	.854	.791	.748	.720	.698	.683	.671	.661	.652	.640	.631	.624
18	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.954	.829	.768	.731	.704	.685	.670	.660	.651	.643	.633	.624	.618
17	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.917	.804	.748	.713	.689	.673	.659	.649	.641	.635	.625	.618	.614
16	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.874	.778	.729	.698	.677	.661	.649	.640	.634	.628	.619	.613	.609
15	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.845	.757	.710	.683	.664	.651	.641	.633	.627	.622	.614	.611	.606
14	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.832	.742	.695	.671	.656	.645	.636	.630	.623	.619	.613	.608	.605
13	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.818	.727	.678	.661	.649	.639	.632	.626	.621	.617	.610	.606	.604
12	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.802	.709	.666	.653	.642	.634	.627	.622	.618	.614	.609	.604	.603
11	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.786	.689	.656	.645	.636	.629	.623	.619	.615	.612	.607	.603	.601
10	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.768	.671	.646	.638	.630	.625	.619	.616	.612	.609	.605	.602	.600
9	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.750	.648	.639	.632	.625	.620	.616	.613	.610	.607	.603	.601	.599
8	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.727	.639	.631	.626	.620	.616	.612	.610	.607	.605	.602	.600	.597
7	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.699	.630	.624	.619	.616	.612	.609	.607	.605	.603	.600	.598	.597
6	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.670	.623	.619	.614	.611	.608	.606	.604	.602	.601	.599	.597	.596
5	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.630	.617	.613	.610	.607	.605	.604	.601	.600	.599	.598	.596	.594

WSR 85-06-026

ADOPTED RULES

DEPARTMENT OF

LABOR AND INDUSTRIES

[Order 85-7—Filed February 28, 1985—Eff. April 1, 1985]

I, Richard A. Davis, director of the Department of Labor and Industries, do promulgate and adopt at the General Administration Building, Olympia, Washington 98504, the annexed rules relating to the amendment of rules, definitions, and risk classification language contained in chapter 296-17 WAC including: Addition of two new subsections in WAC 296-17-310 dealing with classification procedures; addition of a new subsection in WAC 296-17-350 regarding the treatment of pilot and flight crew member; addition of two new sections (WAC

296-17-44001 and 296-17-455) providing for treatment of businesses described by a standard exception classification and an interpretation of the temporary help classifications respectively; addition of a new risk classification contained in WAC 296-17-52701 - dealing with low voltage electrical contractors; and repeal of two risk classifications contained in WAC 296-17-601 and 296-17-648—no longer required due to revisions in other risk classifications.

This action is taken pursuant to Notice No. WSR 85-02-052 filed with the code reviser on January 2, 1985. These rules shall take effect at a later date, such date being April 1, 1985.

This rule is promulgated pursuant to RCW 51.16.035 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 February 28, 1985.

By R. A. Davis
Director

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-310 GENERAL RULES AND INSTRUCTIONS. This section constitutes general rules and instructions for chapter 296-17 WAC.

(1) Purposes. This chapter of the Washington Administrative Code, including classifications of risk, premium rates, the experience rating plan, and all other rules contained herein governing the use thereof, is herein referred to as the manual. This manual is promulgated by the department of labor and industries pursuant to RCW 51.16.035. This manual contains a formulation of the rules and regulations providing for (~~occupational~~) basic classifications, rates of premium, method of premium calculation and collection, and a rating system, consistent with recognized principles of workers' compensation insurance. This manual governs the department's underwriting of workers' compensation insurance and assessment of other monetary obligations, under the industrial insurance law of the state of Washington, Title 51 RCW.

(2) Premium payments - quarterly reports. Each employer shall, upon such forms as prescribed by the department, prior to the last day of January, April, July and October of each year, pay to the department for the preceding calendar quarter, for the accident fund, and for the medical aid fund, a certain number of cents for each worker hour or fraction thereof worked by the worker in their employ except when the rules of this manual provide for a different method of premium computation. Provided, that in the event an employer has no employment subject to coverage under Title 51 RCW during a calendar quarter the employer shall submit to the department, according to the schedule described above, a quarterly report indicating "no payroll" or be subject to the penalties provided for in WAC 296-17-480. The director may promulgate, change and revise such rates at such times as necessary, according to the condition of the accident and medical aid funds, and assign rates as appropriate to employers who voluntarily seek coverage under the elective adoption provisions of the law.

(3) Determining accident fund premium. The amounts to be paid into the accident fund shall be determined as follows: The department shall determine a manual premium rate for each classification which shall not be inadequate, excessive or unfairly discriminatory, taking into consideration past and prospective costs in each classification and the financial condition of the accident fund as a whole.

Every employer shall pay into the accident fund at the manual premium rate unless such employer meets the requirements for the experience rating plan provided

elsewhere in this manual, in which event such employer's premium rate for the accident fund shall be paid according to their experience modification as determined under the experience rating plan.

(4) Basis for determining medical aid premium. The amounts to be paid into the medical aid fund shall be determined as follows: The department shall determine a basic medical aid rate for each classification which shall not be inadequate, excessive or unfairly discriminatory, taking into consideration past and prospective costs in each classification and the financial condition of the medical aid fund as a whole.

Every employer shall pay into the medical aid fund at the basic premium rate only, and the experience rating plan shall not apply to medical aid rates.

(5) All section captions or titles or catch lines used in this manual, chapter 296-17 WAC, do not constitute any part of these rules.

(6) Assignment of classifications. The classifications in this manual are all basic classifications other than the standard exception classifications which are defined in WAC 296-17-440. Basic classifications are used to implement the object of the classification system, which is to assign the one basic classification which best describes the business of the employer within this state. Each basic classification includes all the various types of labor found in a business unless it is specifically excluded by language contained within the classification or covered by a separate rule found elsewhere in this chapter, such as "standard exceptions" or "general exclusions." The classification procedure used within this state is intended to classify the business undertaking of the employer and not the separate employments, occupations, or operations of individuals within a business.

(7) All operations. Each basic classification in this manual, other than classifications 48-6, 49-4, 52-6, 63-1, 63-2, 63-3, 71-1, or the temporary help classifications 71-4 through 71-9, include all the operations normally associated with the business undertaking without regard to the location(s) of such operation(s) unless an operation is specifically excluded from the manual language of the basic classification.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-320 GENERAL DEFINITIONS. For the purpose of interpretation of this manual, chapter 296-17 WAC, the following terms shall have the meanings given below:

(1) "Workers' compensation" (~~staff~~) means the obligation imposed upon an employer by the industrial insurance laws of the state of Washington, to insure the payment of benefits prescribed by such laws.

(2) "Risk" (~~staff~~) means and includes all insured operations of one employer within the state of Washington.

(3) "Classification" means a (~~classification of occupations, employments, industries and businesses contained in the listing of classifications contained in this manual~~) grouping of businesses or industries having common or similar exposures without regard to the the

separate employments, occupations, or operations comprising the employer's work force.

(4) "Basic classification" shall be understood to have the same meaning as classification defined in subsection (3) of this section.

(5) "Exposure" means worker hours, worker days, payroll or other measure of the extent to which an employer's workers have been exposed to the hazards of a particular classification of employment.

((5)) (6) "Rate" means the amount of premium for each unit of exposure. All rates are rates per worker hour except where specifically provided otherwise in this manual.

((6)) (7) "Premium" means the sum derived from the application of the rates to the exposures in each classification, after application of any duly authorized experience modification, except where the rules of this manual indicate otherwise.

((7)) (8) Unless the context indicates otherwise, the words used in this manual shall have the meanings given in Title 51 RCW.

AMENDATORY SECTION (Amending Order 84-23, filed 11/28/84, effective 1/1/85)

WAC 296-17-350 MINIMUM PREMIUMS—ASSUMED WORKER HOURS. A minimum premium is the lowest amount of premium to be paid by an employer and is also the basis for determining premium computation for workers for whom an assumed number of worker hours must be, and hereby, is established:

(1) Minimum premium. Except as otherwise provided in this chapter, every employer shall be liable for a premium not less than ten dollars for any calendar quarter regardless of number of worker hours reported.

(2) Minimum premium for elective adoption. Any employer having in their employ any person exempt from mandatory coverage ((under the provisions of RCW 51.12.020 and)) whose application for coverage under the elective adoption provisions of RCW 51.12.110 is accepted by the director, shall have a minimum premium rate for such employer's applicable class based upon not less than 40 worker hours for each month, until such time as elective adoption coverage is cancelled: PROVIDED, That the minimum premium rate as specified above shall not apply to sole proprietors, partnerships, or executive officers obtaining coverage ((under this rule and the elective adoption provisions of RCW 51.12.110)) subject to other provisions of this chapter.

(3) ((Apartment house, apartment hotel, motor court and similar operations:)) Resident managers, caretakers, or ((other)) similar ((occupations who)) employments that are employed for irregular periods and whose compensation is for a stipulated sum in money or a substitute for money shall be reported for the purpose of premium calculation ((of premiums, each four dollars of compensation in money or a substitute for money shall represent one worker hour: PROVIDED, That the employer shall not be required to report in excess of 40 hours per week for each person so employed)) as provided in subsection (6) of this section.

(4) Commission personnel. Commission personnel are persons whose compensation is based upon a percentage

of the amount charged for the commodity or service rendered. Commission personnel are to be reported for premium purposes at a minimum of assumed worker hours of not less than eight worker hours a day for part-time employment, or not less than 40 worker hours per week for full-time employment: PROVIDED, That the assumed eight worker hours daily for part-time employment will apply only if the employer's books and records are maintained so as to show separately such person's actual record of employment.

(5) Salaried personnel. Salaried personnel for the purposes of this chapter means persons whose compensation is not governed by the number of hours devoted to employment for their employer. Employers having salaried personnel in their employ shall for the purpose of premium calculation report assumed worker hours based upon one hundred sixty worker hours for each month in which the employee is on salary: PROVIDED, That if the employer maintains complete and accurate records, supported by original time cards or timebook entries, the employer may report and pay premium on the actual hours worked by salaried personnel. All salaried personnel must be reported in the same manner: PROVIDED FURTHER, That the department may, at its discretion, authorize some other method in assuming workers hours for premium calculating purposes in the case of contract personnel employed by schools and/or school districts.

(6) Piece workers. Employees whose compensation is based upon the accomplishment of a number of individual tasks whether computed on the number of pounds, items, pieces, or otherwise, the employer shall for the purpose of premium calculation assume each two dollars of earnings of each employee as representing one worker hour: PROVIDED, That if the average rate of compensation for the applicable classification is at least \$3.00 but less than \$3.50 per worker hour the assumed amount shall be \$3.00 of earnings as representing one worker hour, and on a progressive basis, if the average compensation is at least \$3.50 but less than \$4.00 the assumed amount shall be \$3.50 of earnings as representing one worker hour, and so forth. The records of the department as compiled for the preceding fiscal year ending June 30, shall be the basis for determining the average rate of compensation for each classification: PROVIDED FURTHER, That if the employer maintains books and records to show separately the hours employed for each worker in their employ engaged in piece work then such actual worker hours shall be reported for the purpose of premium calculation. Notwithstanding any other provisions of this section, workers employed in a work activity center pursuant to WAC 296-17-779 shall be reported on the basis of the piece worker rule.

(7) Noncontact sports teams. All employers having personnel in their employ as defined under WAC 296-17-745 shall for the purpose of premium calculations, report assumed worker hours based upon 40 worker hours for each week in which any duties are performed.

(8) All employers having personnel in their employ as defined under WAC 296-17-739 shall, for the purpose of premium calculations, report assumed worker hours based upon ten hours for each mount in each horse race; professional drivers shall report worker hours based upon

ten hours for each heat or race of any racing event: PROVIDED, That any day such personnel do not ride or drive in a race, the premium calculation shall be made by assuming ten worker hours for any day in which duties are performed.

(9) Pilots and flight crew members having flight duties during a work shift including preflight time shall have premium calculated by utilizing daily readings logged per federal requirements of the aircraft tachometer time: PROVIDED, That if the total tachometer time for any day includes a fraction of an hour, the reportable time will be increased to the next full hour: PROVIDED FURTHER, That pilots and flight crew members who assume nonflying duties during a work shift will have premium calculated in accordance with the appropriate rules and classifications applicable to nonflight duties.

AMENDATORY SECTION (Amending Order 78-23, filed 11/27/78, effective 1/1/79)

WAC 296-17-352 AUDITS. An audit of the employer's books, records and payrolls performed pursuant to the authority contained in RCW 51.48.040 ~~((staff))~~ may include~~(:)~~ but will not be limited to:

(1) An audit to determine whether an employer engaged in a business or trade has employment subject to the Industrial Insurance Laws.

(2) A visual inspection of the employer's workplace or places for the purpose of determining appropriate classifications in accordance with the industrial insurance laws and rules as set forth in chapter 296-17 WAC.

(3) Audits containing a complete and detailed examination of the employer's books and records for a specific period to establish the reporting of the employer's payroll in accordance with the industrial insurance laws and the rules as set forth in chapter 296-17 WAC, and as well, chapter 296-15 WAC in the event the employer has been certified a self-insurer.

Except as otherwise provided in this rule any audit time period may be less than, but will not exceed, three years of the due dates of any payments from any employer where the department has requested submission of the employer's books, or three years of the due dates of any payments where the employer makes claim for adjustment, recomputation or alteration of any such payment: PROVIDED, That an employer certified to self-insure pursuant to the authority contained in chapter 51.14 RCW, shall be subject to such audit as deemed necessary to guarantee its compliance with the industrial insurance laws and rules and regulations for self-insurers: PROVIDED FURTHER, That an employer who fails to make any books and records, or certified copies thereof, available for audit in the state of Washington, will be charged for all costs incurred by the department in auditing any books and records maintained at other places: PROVIDED FURTHER, That in any instance where fraud may be indicated with respect to underpayment or nonpayment of premiums the audit time period may be extended beyond that previously set forth.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-360 ASSIGNMENT OF CLASSIFICATION BY ANALOGY. The classification section of this manual contains a listing of basic classifications ~~((for))~~ covering most ~~((occupations, employments, industries and))~~ businesses and industries.

Any enterprise or operation which is not described by such classifications shall be assigned to the basic classification(s) ~~((or classifications))~~ most analogous from the standpoint of process and hazard.

The alphabetical index section of the manual includes a number of ~~((occupations, employments, industries, and))~~ businesses and industries that are not contained in the rule part of this manual ~~((and are))~~. When such a listing is identified by the letter "A" standing for analogy~~(:)~~, it is the intended purpose of this symbol and listing of such ~~((employments))~~ operations in the index to be included in the same manner as if such ~~((employments))~~ operations were contained in the rule part of this manual.

The limitations and conditions of the basic classification(s) ~~((or classifications))~~ so assigned and all manual rules pertaining thereto shall be applicable: PROVIDED, That when a basic classification carries the phraseology of N.O.C. and the business undertaking of the employer to be classified is not specifically described by a basic manual classification or listed in the alpha index but the classification containing the phraseology of N.O.C. contains common or similar businesses or industries it is intended that the operation be classified into the N.O.C. Code.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-370 GOVERNING CLASSIFICATION. The governing classification of a risk is defined as that classification, other than classifications 48-6, 49-4, 52-6, 63-1, 63-2, 63-3, 71-1 or temporary help classifications 71-4 through 71-9, which carries the largest number of worker hours. Provided, that this rule is only applicable when multiple basic classifications are to be assigned to an employer's business undertakings.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-380 SINGLE ENTERPRISE. If the employer's business, conducted at one or more locations, consists of a single operation or a number of separate operations which normally prevail in the business described by a single ~~((manual))~~ basic classification, that single classification which most accurately describes the entire enterprise shall be applied. Division of worker hours shall be made as provided hereinafter in respect to standard exceptions, general exclusions and special exceptions. No division of worker hours shall be permitted in respect to any other operation even though such operation may be specifically described by some other classification, unless the applicable classification phraseology or other manual provision specifically provides for such division of worker hours.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-390 MULTIPLE ENTERPRISES. ((If the employer's business includes a separate operation which does not normally prevail in the business described by the governing classification, such operation shall be separately rated in accordance with the following rules:

(1) If such separate operation is described by a classification which carries a rate either equal of or higher than the rate for the governing classification, division of worker hours shall be required, provided that:

(a) The operation is not described by any of the general inclusions;

(b) The division is not contrary to the classification phraseology;

(c) The division is not contrary to the provisions of any other rules of the manual.

(2) If such separate operation is described by a classification which carries a rate lower than the rate for the governing classification, division of worker hours shall be permitted only when the conditions as provided above in subdivisions (a), (b) and (c), of subsection (1) are met.)) If an employer operates a secondary business within this state, an additional basic classification shall be assigned only if the following conditions exist:

(1) The secondary business does not normally prevail in the principal business undertaking of the employer.

(2) The secondary business is conducted as a separate undertaking or enterprise. This condition does not apply if the classification wording requires the assignment of an additional classification for specified employees or operations.

(3) Separate and distinct payroll records are maintained for each business undertaking.

(4) Each business is physically separated by structural partitions and is conducted without an interchange of labor.

(5) The assignment of the separate classification is not prohibited by the wording of the classification governing the principle business undertaking of the employer or any other classification assigned to the employer.

If all of the above conditions do not exist:

(a) All employees shall be assigned to the classification applicable to the principle business if the classification for the principle business carries a rate which is the same or higher than that for the classification of the secondary business.

(b) The secondary business shall be assigned to the classification which describes that business if such classification carries a rate higher than that applicable to the principal business.

(c) The principle business is the business with the greatest number of worker hours, excluding standard exception or general exclusion operations.

(6) Employers with more than one classification may have employees working in connection with several classifications. Payroll assignment for such employees is subject to WAC 296-17-410 "division of single employee's worker hours."

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-410 DIVISION OF SINGLE EMPLOYEE'S WORKER HOURS. The worker hours of any one employee may be divided between two or more classifications, provided the employer has maintained complete and accurate records supported by original time cards or time book entries which show separately both by individual employee and in summary by operations performed the worker hours of such employees, except such division SHALL NOT BE ALLOWED:

(1) ((In connection with the)) Between a basic classification and standard exception classification((s which must be rated in accordance with the specific rules under WAC 296-17-440)) unless specifically provided for in other rules.

(2) Between two standard exception classifications.

(3) If the division is contrary to the classification phraseology.

If the employer fails to keep complete and accurate records as provided in this rule, the entire number of worker hours of the employee shall be assigned to the highest rated classification representing any part of their work. Division of worker hours by means of percentages, averages, estimates, or any basis other than specific time records, shall not be accepted by the department.

AMENDATORY SECTION (Amending Order 83-5, filed 2/9/83)

WAC 296-17-411 CLASSIFICATION FOR EMPLOYEES SUPPORTING SEPARATE OPERATIONS. Employees who perform duties which support separate operations which are subject to different ((risk)) basic classifications are to be reported in accordance with the language of that classification, applicable to the operations supported, which carries the largest number of worker hours for the employer. For purposes of this rule, "duties which support separate operations" shall mean duties which remain the same and are performed at the same location(s) regardless of the operation being supported.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-420 GENERAL INCLUSIONS. ((The classifications in this manual, other than standard exceptions, include the operations listed in this section and referred to as general inclusions, unless specifically excluded by the language of the manual classification:

(1) Aircraft travel by employees, other than members of the flying crew, including employees whose worker hours are assigned to the standard exception classifications.

(2) Commissaries and restaurants except in connection with construction, erection, lumbering or mining operations.

(3) Manufacture of containers, such as bags, barrels, bottles, boxes, cans, cartons or packing cases.

(4) Plant hospitals or dispensaries.

~~(5) Maintenance or ordinary repair of employer's buildings or equipment when performed by employees of the employer.~~

~~(6) Printing or lithographing.~~

~~(7) Drivers.~~

~~(8) In house sales of goods or products being manufactured by the employer.~~

~~(9) Transportation of equipment and material by job contractor.)) All of the basic classifications in this manual, other than standard exceptions, include certain operations which would be classified separately if they were run as separate business undertakings. These operations are referred to as general inclusions and are included in the scope of each basic classification. The following operations are included in all basic classifications unless they are specifically excluded by the language of the basic classification.~~

~~(1) Aircraft travel by employees, other than members of the flying crew.~~

~~(2) Commissaries and restaurants for the employers' employees. Provided that such operations conducted in connection with construction, erection, lumbering, or mining operations shall be assigned to Code 39-5 "restaurants."~~

~~(3) Manufacture of containers, such as bags, barrels, bottles, boxes, cans, cartons, wooden pallets, or packing cases by the employers for use in their operations.~~

~~(4) Hospitals, medical facilities, or dispensaries operated by the employers for their employees.~~

~~(5) Printing, lithography, or similar operations of the employers when used exclusively for their own products.~~

~~(6) Maintenance or ordinary repair of the employer's building or equipment when performed by employees of the employer.~~

~~(7) Pick up and delivery when done by employees of the employer in connection with the business of the employer.~~

~~(8) Sales of all goods or products being manufactured by the employer.~~

~~(9) Warehousing, handling, packing, and shipping when done by an employee of the employer and done in connection with the business of the employer.~~

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-430 GENERAL EXCLUSIONS. ~~((Subject to division of worker hours rules, all classifications, including standard exceptions, exclude the following operations referred to as general exclusions, unless specifically included by the language of the manual, or the employer is a political subdivision. Operations described by general exclusions shall require division of worker hours notwithstanding that the classification wording may include the term "all" as in such phrases as "all employees," "all operations," etc.:~~

~~(1) Aircraft operation — all members of the flying crew.~~

~~(2) Maintenance or repair work if performed by contractors and all new construction or alteration work whether done by the employer's workers or by contractors.~~

~~(3) Musicians and entertainers having no other duties.)) Some operations are so exceptional or unusual that they are excluded from the scope of all basic classifications. Such operations are referred to as general exclusions and are subject to the division of worker hours rules in all classifications including the standard exception classifications. The following operations are excluded from all basic classifications including the standard exception classifications unless they are specifically included.~~

~~(1) Aircraft operation — All operations of the flying and ground crews.~~

~~(2) Racing operations — All operations of the drivers and pit crews.~~

~~In addition to the above two listed exclusions, the following operations are similarly excluded from all basic classifications, provided that no division of these operations shall be permitted between the basic classifications assigned to cover these operations and any standard exception classifications.~~

~~(a) New construction or alterations by employees of the employer.~~

~~(b) Musicians and entertainers.~~

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-440 STANDARD EXCEPTIONS. The following ~~((operations))~~ employments referred to as standard exceptions are ~~((subject to division of worker hours in connection with all other classifications regardless of directional phrases beginning with "all employees" or "all operations" except those which specifically provide for the inclusion of certain standard exceptions.))~~ to be separately rated unless these employments are specifically included within the scope of a basic classification by use of words such as "including clerical office and outside sales." (Use of the words "clerical office" ~~((shall))~~ will also include draftsmen and use of the words "sales personnel" ~~((shall))~~ will also include collectors and messengers.) Provided that a division of a single employee's worker hours shall not be permitted between a standard exception classification and a basic business classification except as provided in the general exclusion rules of this manual.

The standard exceptions are defined below:

(1) Clerical office employees are defined as those employees whose duties are confined to keeping the books or records of the employer, or conducting correspondence or who are engaged wholly in office work where such books or records are kept or where such correspondence is conducted, having no other duty of any nature in or about the employer's premises. If any clerical office employee is exposed to any operative hazard of the business, their entire worker hours shall be assigned to the highest rated classification of work to which they are exposed. The clerical office classification shall be applied only to persons as herein described who are employed exclusively in separate buildings or on separate floors of buildings or in departments on such floors which are physically separated from all other work ((places)) areas of the employer by structural partitions and within

which no work is performed other than clerical office duties as defined in this paragraph.

(2) Draftsmen will be considered to be clerical office employees ~~((and are defined as those employees whose))~~ when their duties are limited to office work only and who are engaged strictly as draftsmen in such a manner that they are not exposed to the operative hazard of the business. If any draftsman is exposed to any operative hazard of this business, their entire worker hours shall be assigned to the highest rated classification of work to which they are exposed.

(3) ~~((Sales personnel, collectors, messengers, appraisers outside are defined as those employees engaged principally in any such duties away from the premises of the employer. It does not apply to any such employee whose duties include delivery, even though they may also collect or solicit:~~

~~(4)) "Sales personnel - outside" are defined as those employees engaged in such duties away from the premises of the employer who sell or solicit new accounts or customers for the employer or who service existing accounts or customers for the employer. Provided that no employee shall be assigned to a sales classification code if their duties include delivery, even though they may also solicit or collect. Employees having delivery duties, even if they walk or use public transportation, shall be assigned to the governing classification of the employer.~~

~~(4) Messengers will be considered sales employees, provided the following conditions are met:~~

~~(a) The messenger is used solely by the employer in connection with the employer's business operation.~~

~~(b) The operation is not provided to the public as a general delivery service.~~

~~(c) The employer's basic classification does not include the standard exception classification designations.~~

~~(d) The employer's other assigned basic classifications are not that of a commercial or general delivery service, or similar business undertaking.~~

If all the above conditions do not exist, any employee assigned such duties shall be assigned to the governing classification of the employer when multiple basic classifications are assigned or to the basic classification in the event an employer has only a single basic classification assigned.

(5) Executive officers as defined in WAC 296-17-330.

With the exceptions of occupations falling within any classification that specifically includes clerical office, inside draftsmen or sales personnel, the following designated occupational classifications shall apply.

Classification 49-4 clerical office employees including inside draftsmen.

Classification 63-3 sales personnel ~~((Defined as)),~~ outside or away from the employer's premises ~~((and))~~ including collectors ~~((:))~~ and messengers ~~((, appraisers, solicitors, and claims adjusters)).~~

Classification 63-1 automobile, truck, camper, trailer, mobile home, motorcycle and pleasure craft sales personnel.

Classification 63-2 all door to door sales personnel.

Classification 71-1 executive officers.

NEW SECTION

WAC 296-17-44001 BUSINESS DESCRIBED BY A STANDARD EXCEPTION CLASSIFICATION. If the principle business undertaking of an employer is described by a standard exception classification, the operations of all employees not included in the definition of the standard exception classification shall be assigned to the separate basic classification which most accurately describes their operations.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-450 SPECIAL AGRICULTURAL ~~((CLASS))~~ CLASSIFICATION INTERPRETATIONS. Farming in classifications 48-2 through 48-6, 48-8, 48-9, 73-1, 73-2, and 73-7 will include farm labor by contractors and farm machinery operations by contractors.

To qualify for a separate rating of ground hand-picking or any other separation of agricultural classifications, separate and distinct payroll records of such operations will be required.

If a single establishment or work comprises more than one of classifications 48-2 through 48-6, 48-8, 48-9, 73-1, 73-2, and 73-7 the premiums shall be computed according to the payroll for operations of each classification. The department in its discretion may assess a single rate of premium for an agricultural establishment when a substantial portion of the operation falls within one classification, and in such cases, the entire operation will be required to be reported in such largest classification: PROVIDED, That under no circumstances will the hand-picking classification (48-6) apply for the purpose of single rating of an entire establishment engaged in other phases of agricultural activities. Provided further, that the hand-picking classification (48-6) may be assigned to a farm labor contractor as a sole classification assignment when the farm labor contractor undertakes a contract to provide a crew to hand-pick crops enumerated in that classification, but who is not or was not engaged in other agricultural activities associated with the planting, raising, or caring for the crops being harvested.

NEW SECTION

WAC 296-17-455 SPECIAL TEMPORARY HELP CLASSIFICATION INTERPRETATION. For the purposes of administering the temporary help classifications 71-4 through 71-9, the term "temporary help" shall be given the same meaning as temporary service contractors defined in RCW 19.31.020(2) and shall mean any person, firm, association or corporation conducting a business which consists of employing individuals directly for the purpose of furnishing such individuals on a part-time or temporary help basis to others.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-501 CLASSIFICATION 1-1.

~~((Highway, street and road construction, N.O.C., includes all operations such as grading, grubbing, clearing, surfacing, striping, guard rails, highway dividers, highway lighting and highway signs installation, excludes bridges and logging roads. See risk classification 2-1 (WAC 296-17-508) and/or risk classification 69-2 (WAC 296-17-747)~~

~~Alley and parking lot construction~~

~~Airports, landing strips, runways and taxi ways, construction and repair~~

~~Excavation, N.O.C.~~

~~Grading, N.O.C. - including land leveling and grading of farm lands by contractor~~

~~Land clearing, N.O.C. including slope grooming and forest trail construction, firefighting, and slash burning, N.O.C.~~

~~Diking, N.O.C. including oil spill clean-up involving diking and/or ditching work~~

~~Pit, crusher and bunker operations in connection with road, street and highway construction~~

~~Railroads, construction, maintenance and repair, N.O.C., including dismantling. Excludes bridges and log railroads~~

~~Retaining walls with road, street and highway construction, N.O.C.~~

~~Tunnels and approaches including lining, cofferdam work, shaft sinking, and well digging with caisson except where subject to dam construction rated under risk classification 7-1 (WAC 296-17-528)~~

~~Humus or peat digging - including humus or peat dealers~~

~~Sand or gravel, or shale digging~~

~~See risk classification 52-6 (WAC 296-17-675) for permanent yard operations:)) Airports, landing strips, runways and taxi ways, construction and repair~~

~~Alley and parking lot construction~~

~~Diking, N.O.C. including oil spill clean-up involving diking and/or ditching work~~

~~Excavation, N.O.C.~~

~~Grading, N.O.C. - including land leveling and grading of farm lands by contractor~~

~~Highway, street and road construction, N.O.C., includes operations such as grading, grubbing, clearing, surfacing, striping, guard rails, highway dividers, highway lighting and highway signs installation~~

~~Humus or peat digging - including humus or peat dealers~~

~~Land clearing, N.O.C. including slope grooming and forest trail construction, firefighting, and slash burning, N.O.C.~~

~~Parking lot striping~~

~~Pit, crusher and bunker operations in connection with road, street and highway construction~~

~~Railroads, construction, maintenance and repair, N.O.C., including dismantling~~

~~Retaining walls with road, street and highway construction, N.O.C.~~

~~Sand or gravel, or shale digging~~

Tunnels and approaches including lining, cofferdam work, shaft sinking, and well digging with caisson

This classification excludes bridge construction which is to be separately rated under risk classification 2-1 (WAC 296-17-508) although such a structure may be constructed as a part of a highway, street or road construction project. This classification further excludes logging road construction rated under risk classification 69-2 (WAC 296-17-747); railroad bridge construction rated under risk classification 2-1 (WAC 296-17-508) "bridge construction"; log railroad construction rated under risk classification 69-2 (WAC 296-17-747); and tunnels and approaches including lining, cofferdam work, shaft sinking and well digging with caisson done in connection with dam construction rated under risk classification 7-1 (WAC 296-17-528)

See risk classification 52-6 (WAC 296-17-675) for permanent yard operations.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-502 CLASSIFICATION 1-2.

Concrete and asphalt construction, N.O.C. - including concrete sawing, drilling and pumping

Concrete culverts or other types with span of 12 feet or less

This classification will include house foundations and flatwork such as sidewalks and residential driveways (~~- Larger concrete construction projects will be rated under risk classification 2-6 (WAC 296-17-50904)~~) but excludes concrete construction not residential in nature which will be rated under risk classification 2-6 (WAC 296-17-50904) provided that concrete building construction will be rated under risk classification 5-5 (WAC 296-17-520)

See risk classification 52-6 (WAC 296-17-675) for permanent yard operations.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-503 CLASSIFICATION 1-3.

Drilling, N.O.C.

~~((For drilling done in connection with construction work; see construction classification applicable to work being done))~~

Geophysical exploration, seismic detection of the mechanical properties of the earth

See construction classification applicable to work being done, for drilling done in connection with construction work

See risk classification 52-6 (WAC 296-17-675) for permanent yard operations.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-509 CLASSIFICATION 2-2.

Diving operations and subaqueous work, N.O.C.

Pile driving, concrete piles, N.O.C.

Wharf, pier, dock and marine railway, construction, maintenance and repair (~~(and subaqueous work)~~), N.O.C.

~~((Diving operations will be rated with subaqueous work, N.O.C.))~~

See risk classification 52-6 (WAC 296-17-675) for permanent yard operations.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-50904 CLASSIFICATION 2-6.

Sewage disposal, swimming pool, fish hatchery (~~(and)~~), water purification plant construction, and similar concrete projects

This classification will be used to report (~~(larger)~~) concrete construction projects other than concrete building construction rated in risk classification 5-5 (WAC 296-17-520); concrete projects residential in nature which are ((enumerated)) rated in risk classification 1-2 (WAC 296-17-502); highway, street, and road construction projects rated in risk classification 1-1 (WAC 296-17-501); and bridge construction projects rated in risk classification 2-1 (WAC 296-17-508)

See risk classification 52-6 (WAC 296-17-675) for permanent yard operation.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-510 CLASSIFICATION 3-1.

Agricultural irrigation pipe installation, service or repair
Agricultural sprinkler system installation, service or repair

Chemical spraying and fumigating(~~(-Excludes crop dusting by air craft rated under risk classification 69-3 (WAC 296-17-748))~~)

Landscape gardening

Landscaping and lawn yard care

~~((Landscape gardening will also include sodding, seeding, planting, and related landscape work necessary for the beautification of median strips and road sides))~~

~~Lawn-type sprinkler systems installation((-Agricultural-type sprinkler and irrigation system installation. Excludes ditches and canals rated under risk classification 1-8 (WAC 296-17-50602).)), service or repair~~

This classification includes sodding, seeding, planting, and related landscape work for the beautification of median strips and roadsides but excludes crop dusting by aircraft rated under risk classification 69-3 (WAC 296-17-748) and ditches and canals rated under risk classification 1-8 (WAC 296-17-50602).

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-511 CLASSIFICATION 3-2.

Brick and slate work, N.O.C.

Masonry, N.O.C., including chimney and fireplace construction

Plastering and stuccoing work - outside, N.O.C.

See risk classification 52-6 (WAC 296-17-675) for permanent yard operations.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-512 CLASSIFICATION 3-6.

~~((Plumbing, N.O.C., sewer pipe cleaning~~

~~Boilers, N.O.C., installation, service and repair~~

~~Sprinkler installation - automatic~~

~~Steam pipe, boiler, etc., covering insulation~~

~~Boiler scaling and tank erection within buildings will be rated with boilers, N.O.C. installation~~

~~Roto-roooter service companies will be rated under sewer pipe cleaning~~

~~Pump installation, service or repair, N.O.C.~~

~~See risk classification 52-6 (WAC 296-17-675) for permanent yard operations:)) Boilers, N.O.C., installation, service or repair including boiler scaling and tank erection within buildings~~

Plumbing, N.O.C.

Pump installation, service or repair, N.O.C.

Sewer pipe cleaning, including Roto rooter or similar service providers

Side sewer installation (street to house hook ups) including service or repair

Sprinkler installation - automatic

Steam pipe, boiler, etc., covering insulation

See risk classification 52-6 (WAC 296-17-675) for permanent yard operations.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-514 CLASSIFICATION 4-1.

Cleaning, washing, sand blasting buildings, including shop operations((-))

This classification excludes portable washing and cleaning operations ((enumerated)) rated under risk classification 66-2 (WAC 296-17-724).

AMENDATORY SECTION (Amending Order 73-22, filed 11/9/73, effective 1/1/74)

WAC 296-17-515 CLASSIFICATION 4-2.

Window cleaning

This classification excludes domestics, janitors and handymen regularly employed for other purposes((-)), but will include((s)) the actual time of all ((workmen)) workers employed by contract janitorial service companies while engaged in window washing.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-516 CLASSIFICATION 4-3.

Sign erection, painting, repair and maintenance or removal ((of signs)), including shop operations

Sign painting or lettering outside buildings or structures, N.O.C., including shop operations

Street and building decorating, hanging flags or bunting.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-521 CLASSIFICATION 5-8.

~~((Erection, maintenance and repair radio, television, water towers, poles and towers, N.O.C.~~

~~Smokestacks, structural iron or steel framework, erection, maintenance and repair~~

~~Windmills, all types, erection, maintenance and repair, silo erection~~

~~Crane or derrick installation~~

~~Oil still or refinery construction. Excludes plant maintenance by contractor rated under risk classification 6-3 (WAC 296-17-524)~~

~~Blast furnace and metal burners construction~~

~~Exterior tanks - all types - erection~~

~~Elevated railway, tram, lift, etc., construction, maintenance and repair~~

~~This classification includes erection of skeletons for pillars, posts and like columns~~

~~This classification includes all excavations, foundation work, and includes dismantling, and repairing of above types of structures~~

~~See risk classification 52-6 (WAC 296-17-675) for permanent yard operations.)) Blast furnace and metal burners construction~~

~~Crane or derrick installation~~

~~Elevated railway, tram, lift, etc., construction, maintenance and repair~~

~~Erection, maintenance and repair radio, television, water towers, poles and towers, N.O.C.~~

~~Exterior tanks - all types - erection~~

~~Oil still or refinery construction. Excludes plant maintenance by contractor rated under risk classification 6-3 (WAC 296-17-524)~~

~~Smokestacks, structural iron or steel framework, erection, maintenance and repair~~

~~Windmills, all types, erection, maintenance and repair, silo erection~~

~~This classification includes erection of skeletons for pillars, posts and like columns, all excavations, foundation work, and dismantling and repairing of above types of structures~~

~~See risk classification 52-6 (WAC 296-17-675) for permanent yard operations.~~

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-522 CLASSIFICATION 6-1.

~~((Electrical wiring in buildings, and electrical wiring, N.O.C.~~

~~Intercom or audio call box, installation, service or repair
Telecommunication and PBX equipment installation in buildings by contractor including wiring of new construction or rewiring existing structure for such services~~

~~Meat slicer or grinder - service and repair~~

~~Electrical alarm systems, business machine systems including computer mini and mainframe systems - installation in buildings))~~

Electrical machinery and auxiliary apparatus installation and repair - including incidental wiring
Electrical wiring in buildings, and electrical wiring, N.O.C.

Erection of temporary floodlights - search light operation mounted on and generated by truck

Permanent flood lighting stadiums and parks

Television cable installation in buildings by contractor including drop line connection (pole to house hook-up)

See risk classification 52-6 (WAC 296-17-675) for permanent yard operations.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-524 CLASSIFICATION 6-3.

~~((Machinery installation, dismantle and repair and millwright work, including installation and repair of x-ray machinery, escalator and conveyor systems, and commercial laundry equipment N.O.C.~~

~~Engines and gas machines installation and belts, erection of shafting~~

~~Dynamos, installation, service and repair including electrical generators and turbines~~

~~This classification will also include plant maintenance by contractor which will be rated as millwright work.))~~

~~Dynamos, installation, service and repair including electrical generators and turbines~~

~~Engines and gas machines installation and belts, erection of shafting~~

~~Machinery installation, service and repair and millwright work, including installation and repair of x-ray machinery, escalator and conveyor systems, and commercial laundry equipment N.O.C.~~

~~This classification includes the dismantling of all the above types of machinery and will also include plant maintenance by contractor which will be rated as millwright work.~~

AMENDATORY SECTION (Amending Order 73-22, filed 11/9/73, effective 1/1/74)

WAC 296-17-525 CLASSIFICATION 6-4.

Battery salvaging

Iron or steel scrap dealers

Junk dealers

Metal scrap dealers - collect, sort and reduction of scrap metal

~~((Battery salvaging)).~~

AMENDATORY SECTION (Amending Order 73-22, filed 11/9/73, effective 1/1/74)

WAC 296-17-526 CLASSIFICATION 6-6.

~~((Vending or coin-operated machines, operation, installation maintenance and service, includes product preparation by vending company~~

~~Operation and maintenance amusement devices, N.O.C., fire extinguisher sales and service.)) Operation and maintenance amusement devices, N.O.C., fire extinguisher sales and service~~

Vending or coin-operated machines, operation, installation maintenance and service, includes product preparation by vending company

This classification excludes honor snack food services which will be rated under risk classification 11-1 (WAC 296-17-536) driver delivery sales, provided that in the event such an operation is conducted as a part of and in connection with an operation rated in this classification (6-6), risk classification 6-6 will be assigned to cover both operations.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-527 CLASSIFICATION 6-7.

~~((Household appliances electrical installation, service and repair~~

~~Television antenna or satellite disc installation and repair~~

~~Safes and vaults, installation and removal~~

~~Venetian blinds and shades, installation~~

~~Advertising display service for stores~~

~~Drapes or curtain installation~~

~~This classification will include installation, service and repair of radio and television receiving sets, two-way radio, car stereo systems and radio-television repair.))~~

~~Advertising display service for stores within buildings~~

~~Drapes or curtain installation~~

~~Household appliances electrical installation, service and repair~~

~~Meat slicer or grinder installation, service and repair~~

~~Safes and vaults, installation and removal~~

~~Television antenna or satellite disc installation and repair~~

~~Venetian blinds and shades, installation~~

~~This classification will include installation, service and repair of radio and television receiving sets, two-way radio, car stereo systems and radio-television repair.~~

NEW SECTION

WAC 296-17-52701 CLASSIFICATION 6-8.

Business machine systems including computer mini and mainframe systems

Electrical alarm systems including smoke alarms

Intercom or audio call box

Telecommunication and PBX or similar equipment

Telephone service prewire by contractor

This classification includes installation, service or repair of the above types of equipment and includes all shop or yard operations.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-529 CLASSIFICATION 8-3.

Cities and towns, ((all operations, except)) excluding municipal power and transit systems, law enforcement officers and fire fighters

This classification excludes clerical office, sales personnel and white collar employees rated under risk classification 53-5 (WAC 296-17-678).

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-530 CLASSIFICATION 8-4.

Commercial production of sand, gravel and processing clay and stone products

~~((This classification does not include quarry operations rated under risk classification 17-4 (WAC 296-17-551)) including rock crushing.~~

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-532 CLASSIFICATION 9-1.

Boat or ship building ~~((and dismantling metal hulls in excess of 35 feet, this classification includes all shop and yard operations))~~ or repair, all types, 35 feet or more in length

Dismantling of boat or ship hulls 35 feet or more in length

This classification includes all ship and yard operations See risk classification 36-6 (WAC 296-17-598) for boat building or hull dismantling of vessels less than 35 feet in length.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-536 CLASSIFICATION 11-1.

~~((Automobile delivery drive away, automobile repossessing~~

~~Drivers of sound trucks, street vending vehicles~~

~~Delivery by retail, wholesale, combined wholesale and retail stores and distributors, N.O.C.~~

~~Delivery companies, deliver parcels and packages, no bulk merchandise~~

~~Septic tank and cesspool cleaning, excludes installation or repair~~

~~Street sweeping, parking lot sweeping, portable chemical toilets servicing~~

~~Anhydrous ammonia delivery~~

~~News agents or distributors of magazines, periodicals and telephone books, no retail dealer~~

~~Distribution of sample merchandise by vehicle~~

~~Armoured car service.)) Anhydrous ammonia delivery~~

~~Armoured car service~~

~~Automobile delivery drive away, automobile repossessing~~

~~Computer tape/accounting records delivery service~~

~~Delivery by retail, wholesale, combined wholesale and retail stores and distributors, N.O.C.~~

~~Delivery companies, deliver parcels and packages, no bulk merchandise~~

~~Distribution of sample merchandise by vehicle~~

~~Driver delivery sales, N.O.C.~~

~~Drivers of sound trucks~~

~~News agents or distributors of magazines, periodicals and telephone books, no retail dealer~~

~~Septic tank and cesspool cleaning, excludes installation or repair~~

~~Street sweeping, parking lot sweeping, portable chemical toilets servicing~~

~~Street vending vehicles, route food services.~~

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-53801 CLASSIFICATION 11-4.

Automobile or truck wrecking ((all operations including)) or dismantling

This classification includes over the counter sales of new or used parts and tow truck operations.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-53803 CLASSIFICATION 11-6.

Rental stores N.O.C. ((all operations including))

This classification includes clerical office and sales personnel.

AMENDATORY SECTION (Amending Order 82-38, filed 11/29/82, effective 1/1/83)

WAC 296-17-53805 CLASSIFICATION 11-8.

Auto glass merchants

Glass merchants - ((includes auto glass installation if done by glass merchants, N.O.C.)) including bending, grinding, beveling, silvering or tempering of plate or sheet glass

This classification excludes installation of glass, mirrors, aluminum or wood window sashes or similar products away from the shop which are rated subject to risk classification 5-5 (WAC 296-17-520).

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-539 CLASSIFICATION 13-1.

((Electric light and power plants, cities, towns and counties

Electric light and power cooperatives

Electric light and power public utility districts

Electric systems, N.O.C.

Steam heat and power plants

Bridge tenders, electrically operated bridges, vehicular tunnels operation

This classification includes extension of lines and meter readers when done by employees of firms operating such facilities subject to this classification:)) Bridge tenders, electrically operated bridges, vehicular tunnels operation

Electric light and power cooperatives

Electric light and power plants, cities, towns and counties

Electric light and power public utility districts

Electric systems, N.O.C.

Steam heat and power plants

This classification includes extension of lines and meter readers when done by employees of employers having operations subject to this classification.

This classification excludes contractors engaged in underground line construction, maintenance or repair subject to risk classification 1-7 (WAC 296-17-

50601); contractors engaged in overhead line construction, maintenance or repair subject to risk classification 5-9 (WAC 296-17-52101); and contractors engaged in wiring within buildings subject to risk classification 6-1 (WAC 296-17-522).

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-540 CLASSIFICATION 13-3.

Telegraph companies, all other employees, operation and maintenance, extension of lines

Telephone companies, all other employees, operation and maintenance, extension of lines

((Telegraph companies, all other employees, operation and maintenance, extension of lines))

This classification includes new construction and extension of lines when done by employees of ((firms)) employers having operations subject to this classification

This classification excludes contractors ((subject to risk classification 1-7 (WAC 296-17-50601) engaged in underground line construction, maintenance or repair; risk classification 5-9 (WAC 296-17-52101) engaged in overhead line construction, maintenance or repair; and risk classification 6-1 (WAC 296-17-522) engaged in building wiring and telecommunication hookups within buildings)) engaged in underground line construction, maintenance or repair subject to risk classification 1-7 (WAC 296-17-50601); contractors engaged in overhead line construction, maintenance or repair subject to risk classification 5-9 (WAC 296-17-52101); and contractors engaged in wiring within buildings subject to risk classification 6-8 (WAC 296-17-52701).

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-54101 CLASSIFICATION 13-5.

Television cable companies, operation and maintenance, extension of lines all outside employments

This classification includes new construction and extension of lines when done by employees of ((firms)) employers having operations subject to this classification

This classification excludes contractors ((subject to risk classification 1-7 (WAC 296-17-50601) engaged in underground line construction, maintenance or repair; risk classification 5-9 (WAC 296-17-52101) engaged in overhead line construction, maintenance, or repairs; and risk classification 6-1 (WAC 296-17-522) engaged in building wiring and telecable hookups within buildings)) engaged in underground line construction, maintenance or repair subject to risk classification 1-7 (WAC 296-17-50601); contractors engaged in overhead line construction, maintenance or repair subject to risk classification 5-9 (WAC 296-17-52101); and contractors engaged in wiring within buildings and telecable hookups within buildings subject to risk classification 6-1 (WAC 296-17-522).

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-546 CLASSIFICATION 15-7.

~~((Waterworks all operations, including extension of lines and meter readers~~

~~Irrigation ditches, operation, repair and maintenance:))
Irrigation ditches, operation, repair and maintenance when done by employees of firms subject to this classification~~

Waterworks including extension of lines and meter readers when done by employees of employers having operations subject to this classification

This classification excludes contractors engaged in waterline construction, maintenance or repair subject to risk classification 1-7 (WAC 296-17-50601); and contractors engaged in ditch or canal construction, maintenance or repair subject to risk classification 1-8 (WAC 296-17-50602).

AMENDATORY SECTION (Amending Order 75-38, filed 11/24/75, effective 1/1/76)

WAC 296-17-549 CLASSIFICATION 17-2.

~~((Mines, N.O.C., underground, all operations))~~

~~Coal mines, underground((-all operations))~~

~~Coke ovens((-all operations))~~

Mines, N.O.C., underground.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-563 CLASSIFICATION 21-2.

~~((Warehouses - general merchandise. Wholesale dealers to be separately rated. Drivers will be separately rated under risk classification 11-2 (WAC 296-17-537) trucking, N.O.C.~~

~~Recycle, collection and receiving stations, and dealers of rags, bottles, paper and metal containers, N.O.C., no junk dealers. Drivers will be separately rated under risk classification 11-2 (WAC 296-17-537) trucking, N.O.C.~~

~~Grocery, fruit or produce distributors, wholesale or combined wholesale and retail. Drivers will be separately rated under risk classification 11-1 (WAC 296-17-536) delivery by combined wholesale and retail stores~~

~~Anhydrous ammonia, fertilizer and agricultural chemical dealers. Drivers will be separately rated under risk classification 11-1 (WAC 296-17-536) anhydrous ammonia delivery~~

~~Wool or cotton merchants. Drivers will be separately rated under risk classification 11-2 (WAC 296-17-537) trucking, N.O.C.~~

~~All operations, including handling or packaging materials at warehouse:)) Anhydrous ammonia, fertilizer and agricultural chemical dealers. Drivers will be separately rated under risk classification 11-1 (WAC 296-17-536) anhydrous ammonia delivery~~

Grocery, fruit or produce distributors, wholesale or combined wholesale and retail. Drivers will be separately rated under risk classification 11-1 (WAC 296-

17-536) delivery by combined wholesale and retail stores

Recycle, collection and receiving stations, and dealers of rags, bottles, paper and metal containers, N.O.C., no junk dealers. Drivers will be separately rated under risk classification 11-2 (WAC 296-17-537) trucking, N.O.C.

Warehouses - general merchandise. Wholesale dealers to be separately rated. Drivers will be separately rated under risk classification 11-2 (WAC 296-17-537) trucking, N.O.C.

Wool or cotton merchants. Drivers will be separately rated under risk classification 11-2 (WAC 296-17-537) trucking, N.O.C.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-564 CLASSIFICATION 21-4.

~~((Vegetable packing))~~

~~Fruit packing - fresh~~

Vegetable packing - fresh

This classification includes cold storage operations if it is conducted as a part of packing operations; if a separate distinct operation or business exists, it is to be separately rated

This classification ((does not include)) excludes all canning or freezing operations.

AMENDATORY SECTION (Amending Order 81-30, filed 11/30/81, effective 1/1/82)

WAC 296-17-56401 CLASSIFICATION 21-5.

Beer, ale, wine or soft drink importers, exporters and distributors, wholesale or combined wholesale and retail((-All operations))

This classification is not to be assigned if a business operation is already assigned to report operations subject to risk classification 37-2 (WAC 296-17-600).

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-568 CLASSIFICATION 29-3.

~~((Excelsior, kindling wood, hog fuel, particle board, lumber remanufacturing including planing and molding operations~~

~~Fishing pole manufacturing, wood, rattan or willow ware manufacturing~~

~~Coffin or casket manufacturing or assembly - wood~~

~~Pencil or furniture stock manufacturing~~

~~Furniture manufacturing, wood - including assembly~~

~~Sash, door or assembled millwork manufacturing~~

~~Assembly of other wood products from manufactured parts, N.O.C.~~

~~Box or shook, pallet, lath manufacturing, wood~~

~~Cabinet shop, barrel stock manufacturing and assembly~~

~~Wood products manufacturing and assembly, N.O.C.~~

~~Veneer products manufacturing~~

~~Pipe or tube manufacturing, wood only~~

~~Door, door frames or sash manufacturing - wood covered with metal~~

~~Fibre ware manufacturing, N.O.C.~~

~~Counter tops manufacturing other than metal~~

~~Wooden gun stock manufacturing, woodenware manufacturing, N.O.C.~~

~~Sawmill operations to be separately rated under risk classification 10-2 (WAC 296-17-534). Veneer manufacture to be separately rated under risk classification 29-4 (WAC 296-17-569)~~

~~Physically separated upholstery departments of firms engaged in furniture, coffin or casket manufacturing, assembly, or finishing, may be separately rated under risk classification 38-8 (WAC 296-17-612), and in accordance with WAC 296-17-410.) Assembly of other wood products from manufactured parts, N.O.C.~~

Box or shook, pallet, lath manufacturing, wood

Cabinet shop, barrel stock manufacturing and assembly

Coffin or casket manufacturing or assembly - wood

Counter tops manufacturing other than metal

Door, door frames or sash manufacturing - wood covered with metal

Excelsior, kindling wood, hog fuel, particle board, lumber remanufacturing including planing and molding operations

Fibre ware manufacturing, N.O.C.

Fishing pole manufacturing, wood, rattan or willow ware manufacturing

Furniture manufacturing, wood - including assembly

Pencil or furniture stock manufacturing

Pipe or tube manufacturing, wood only

Sash, door or assembled millwork manufacturing

Sawmill operations to be separately rated under risk classification 10-2 (WAC 296-17-534). Veneer manufacture to be separately rated under risk classification 29-4 (WAC 296-17-569)

Veneer products manufacturing

Wooden gun stock manufacturing, woodenware manufacturing, N.O.C.

Wood products manufacturing and assembly, N.O.C.

Physically separated upholstery departments of firms engaged in furniture, coffin or casket manufacturing, assembly, or finishing, may be separately rated under risk classification 38-8 (WAC 296-17-612), and in accordance with WAC 296-17-410

This is a shop or plant only classification but does contemplate work being performed in an adjacent yard when operated by an employer having operations subject to this classification. This classification excludes all activities away from the shop or plant.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-569 CLASSIFICATION 29-4.

Plywood manufacturing

Veneer, commercial production

((Plywood manufacturing))

This classification includes all types of veneer production.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-571 CLASSIFICATION 31-1.

Ready mix concrete dealers ((=all operations))

This classification to include any miscellaneous operations made up of tools, equipment and building materials sales which is less than twenty-five percent of the dollar volume of ready mix concrete sales.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-576 CLASSIFICATION 33-1.

((Fish canneries, fish freezing and processing, fish curing fish trap operation, oystermen, oyster raising, fish rearing

Oyster, crab, clam, canning or cold packing

Sea foods products, N.O.C., canning or manufacturing

Fish oil manufacturing

Marine life, nonedible, processing

This classification excludes diving operations which will be separately rated under risk classification 2-2 (WAC 296-17-509.) Fish canneries, fish freezing and processing, fish curing

Fish oil manufacturing

Fish rearing

Fish trap operation, oystermen, oyster raising

Marine life, nonedible, processing

Oyster, crab, clam, canning or cold packing

Sea foods products, N.O.C., canning or manufacturing

This classification excludes diving operations which will be separately rated under risk classification 2-2 (WAC 296-17-509).

AMENDATORY SECTION (Amending Order 78-23, filed 11/27/78, effective 1/1/79)

WAC 296-17-57601 CLASSIFICATION 33-2.

Meat, fish and poultry dealers, wholesale or combined wholesale/retail

Use of this classification is limited to employers engaged in selling fresh meat, fish and poultry who are not engaged in slaughter or packing house operation which are rated subject to risk classification 43-1 (WAC 296-17-630).

AMENDATORY SECTION (Amending Order 78-23, filed 11/27/78, effective 1/1/79)

WAC 296-17-57602 CLASSIFICATION 33-3.

Meat, fish and poultry dealers, retail

Use of this classification is limited to employers engaged in selling fresh meats, fish and poultry over the counter, by the pound to a retail consumer and who maintain show cases displaying fresh cuts of meat, fish and poultry available for sale by the pound to such consumers

This classification excludes custom meat cutting facilities licensed under chapter 16.49 RCW who are prohibited by law from selling fresh meat, fish and poultry by the pound to a retail customer which are

subject to risk classification 43-2 (WAC 296-17-631).

AMENDATORY SECTION (Amending Order 73-22, filed 11/9/73, effective 1/1/74)

WAC 296-17-578 CLASSIFICATION 33-9.

Motorcycle sales or rental agency, including repair
Pleasurecraft sales or rental agency, N.O.C., including repair
((Motorcycle sales or rental agency, including repair)).

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-579 CLASSIFICATION 34-1.

((Automobile, truck service specialty shops including sales, installation and repair of air conditioning systems, electrical systems, cruise controls, mufflers, and sun roofs

Automobile, truck, mobile home, camper, canopy, and trailer sales and/or rental agency, including repair shops

Boat dealers, including repair shops

Marinas and boat house operations, including repair shops

Automobile, truck, body and fender repair shops, including painting and incidental upholstery and glass repair

Automobile, truck, repair shops or garages

This classification will include mobile home delivery and set up when done by employees of the mobile home sales agency. Contractors doing set up and delivery of mobile homes who are not employees of the mobile home sales agency will be rated under risk classification 5-5 (WAC 296-17-520:)) Automobile, truck, body and fender repair shops, including painting and incidental upholstery and glass repair

Automobile, truck, mobile home, camper, canopy, and trailer sales and/or rental agency, including repair shops

Automobile, truck, repair shops or garages

Automobile, truck service specialty shops including sales, installation and repair of air conditioning systems, electrical systems, cruise controls, mufflers, and sun roofs

Boat dealers, including repair shops

Marinas and boat house operations, including repair shops

This classification will include mobile home delivery and set up when done by employees of the mobile home sales agency. Contractors doing set up and delivery of mobile homes who are not employees of the mobile home sales agency will be rated under risk classification 5-5 (WAC 296-17-520).

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-580 CLASSIFICATION 34-2.

((Air compressor manufacturing, elevator manufacturing, gear grinding or manufacturing

Printing or bookbinding machinery manufacturing

Pump manufacturing, safe manufacturing, scale manufacturing or repair shop, auto jack manufacturing, water meter manufacturing and repair

Shoe machinery manufacturing, sprinkler head manufacturing, textile machinery manufacturing

Confectioners machinery manufacturing, food processing machinery manufacturing, precision machined parts, N.O.C., manufacturing

Machine shops, N.O.C., including mobile shops, tool sharpening and marine engine repair

Power saw, lawn and garden equipment and small motor repair, N.O.C.

Furnace, heater or radiator manufacturing

Saw manufacturing

Heat treating metal

Nut, bolt, screw, nail, tack, rivet, eyelet, spike and needle manufacturing, N.O.C.

Abrasive wheel manufacturing

Welding or cutting, N.O.C.

Lead burning, metal spraying - copper

Automobile, truck, tractor radiator and heater core manufacturing and repair shops

Coppersmithing, shop

Office machinery manufacturing, N.O.C., cash register and sewing machine manufacturing

Small arms, speedometer and carburetor manufacturing

Sewing machine, commercial - repair and rebuild

Tool manufacturing, not hot forming or stamping, die manufacturing - ferrous

Auto body manufacturing - truck, trailer, bus body manufacturing, travel trailer body repair

Tool manufacturing, machine finishing

Auto or truck parts, machining or rebuild not in vehicle

Auto or truck engine manufacturing, aircraft engine manufacturing or rebuild, N.O.C.

Bed spring or wire mattress manufacturing

Valve manufacturing

Battery manufacturing and repair

Machinery manufacturing or assembly, N.O.C.

Auto or motorcycle manufacturing or assembly:)) Abrasive wheel manufacturing

Air compressor manufacturing or assembly, elevator manufacturing, gear grinding or manufacturing

Automobile, truck, tractor radiator and heater core manufacturing and repair shops

Auto body manufacturing - truck, trailer, bus body manufacturing, travel trailer body repair

Auto or motorcycle manufacturing or assembly

Auto or truck engine manufacturing, aircraft engine manufacturing or rebuild, N.O.C.

Auto or truck parts, machining or rebuild not in vehicle

Battery manufacturing or assembly including repair

Bed spring or wire mattress manufacturing

Confectioners machinery manufacturing or assembly, food processing machinery manufacturing or assembly, precision machined parts, N.O.C., manufacturing

Coppersmithing, shop

Furnace, heater or radiator manufacturing

Heat treating metal

Lead burning, metal spraying - copper

Machinery manufacturing or assembly, N.O.C.

Machine shops, N.O.C., including mobile shops, tool sharpening and marine engine repair

Nut, bolt, screw, nail, tack, rivet, eyelet, spike and needle manufacturing, N.O.C.

Office machinery manufacturing or assembly, N.O.C., cash register and sewing machine manufacturing or assembly

Photo processing machinery manufacturing or assembly
Power saw, lawn and garden equipment and small motor repair, N.O.C.

Printing or bookbinding machinery manufacturing or assembly

Pump manufacturing or assembly, safe manufacturing or assembly, scale manufacturing or assembly including repair, auto jack manufacturing or assembly, water meter manufacturing or assembly including repair

Saw manufacturing or assembly

Sewing machine, commercial - repair and rebuild

Shoe machinery manufacturing or assembly, sprinkler head manufacturing or assembly, textile machinery manufacturing or assembly

Small arms, speedometer and carburetor manufacturing or assembly including rebuild

Tool manufacturing, machine finishing

Tool manufacturing, not hot forming or stamping, die manufacturing - ferrous

Valve manufacturing

Welding or cutting, N.O.C. including mobile operations

This is a shop or plant only classification but does contemplate work being performed in an adjacent yard when operated by an employer having operations subject to this classification. Unless outside activities are specifically provided for they are to be separately rated

This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations rated within this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-581 CLASSIFICATION 34-3.

Aircraft manufacturing((, including aircraft operations incidental thereto))

For the purposes of this rule aircraft manufacturing means the original manufacture of such aircraft as distinguished from rebuilding, modifying, or converting existing aircraft and only applies to the production of units when completed that are capable of in air flight as distinguished from aircraft kits to be assembled by the purchaser and are not capable of air flight when sold

This classification includes ((all operations including)) clerical office and sales personnel and aircraft operations incidental to the manufacture such as test flights.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-582 CLASSIFICATION 34-4.

((Cans manufacturing

Galvanized iron works, manufacturing - not structural

Hardware manufacturing, N.O.C.

Metal stamping, including plating and polishing

Sign manufacturing other than wood - no installation

Metal goods manufacturing, N.O.C., from material lighter than 9 gauge

Aluminum ware manufacturing - from sheet aluminum

Coffin-casket manufacturing or assembly, other than wood

Awning manufacturing - metal - no installation

Furniture, bedstead, shower-door, showcases - not wood - manufacturing

Stove manufacturing, excluding wood stove manufacturing and other stoves made from material 9 gauge or heavier rated under risk classification 52-9 (WAC 296-17-67602)

Water heater assembly

Electric or gas lighting fixtures, lampshades or lantern manufacturing - metal

Brass or copper goods manufacturing

Window, sash or door manufacturing - aluminum

Auto parts manufacturing, miscellaneous stamped parts

Ski manufacturing and toboggan manufacturing other than wood

Physically separate upholstery departments of firms engaged in furniture, coffin or casket manufacturing, assembly, or finishing may be separately rated under risk classification 38-8 (WAC 296-17-612), and in accordance with WAC 297-17-410.)) Aluminum ware manufacturing - from sheet aluminum

Auto parts manufacturing or assembly N.O.C. - miscellaneous stamped parts

Awning manufacturing or assembly - metal

Brass or copper goods manufacturing

Cans manufacturing - aluminum or galvanized

Coffin-casket manufacturing or assembly, other than wood

Electric or gas lighting fixtures, lampshades or lantern manufacturing or assembly - metal

Furniture, bedstead, shower-door, showcases - not wood - manufacturing or assembly

Galvanized iron works, manufacturing - not structural

Hardware manufacturing, N.O.C.

Metal goods manufacturing, N.O.C., from material lighter than 9 gauge

Metal stamping, including plating and polishing

Sign manufacturing - metal

Ski manufacturing and toboggan manufacturing other than wood

Stove manufacturing, excluding wood stove manufacturing and other stoves made from material 9 gauge or heavier rated under risk classification 52-9 (WAC 296-17-67602)

Water heater manufacturing or assembly

Window, sash or door manufacturing or assembly - aluminum

Physically separate upholstery departments of firms engaged in furniture, coffin or casket manufacturing, assembly, or finishing may be separately rated under risk classification 38-8 (WAC 296-17-612), and in accordance with WAC 296-17-410

This is a shop or plant only classification but does contemplate work being performed in an adjacent yard when operated by an employer having operations subject to this classification. Unless outside activities are specifically provided for they are to be separately rated

This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations rated in this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation.

AMENDATORY SECTION (Amending Order 81-30, filed 11/30/81, effective 1/1/82)

WAC 296-17-58201 CLASSIFICATION 34-5.

Aircraft parts manufacturing, N.O.C.

For the purpose of this rule; aircraft parts means the component parts making the aircraft operative and becoming part of the aircraft when being manufactured by the aircraft manufacturing company

Provided that this classification will not be assigned to an employer who has operations rated in risk classification 34-2 (WAC 296-17-580); risk classification 34-4 (WAC 296-17-582); risk classification 35-8 (WAC 296-17-592); or risk classification 52-1 (WAC 296-17-670) unless such operations are conducted as a distinct and separate business undertaking and rated in accordance with WAC 296-17-390

This is a shop or plant only classification but does contemplate work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-583 CLASSIFICATION 34-6.

Automobile or truck car washes

Automobile or truck gas service stations, N.O.C.

((Automobile or truck car washes. Excludes portable washes subject to risk classification 66-2 (WAC 296-17-724)))

Automobile or truck storage garages - no repair

This classification includes cashiers who receive payments from customers and excludes portable automobile or truck car washes subject to risk classification 66-2 (WAC 296-17-724).

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-585 CLASSIFICATION 34-8.

Gas companies - natural gas ((=all operations=)) including clerical office and sales personnel

This classification includes new construction and extension of lines when done by employees of employers having operations subject to this classification

This classification excludes contractors engaged in gas line construction, maintenance or repair subject to risk classification 1-7 (WAC 296-17-50601).

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-594 CLASSIFICATION 36-2.

((Electronic products manufacturing, resistors, capacitors, chip and relays manufacturing

Telegraph or radio apparatus manufacturing, N.O.C.

Telephone set manufacturing or repair, N.O.C.

Dental laboratories

Jewelry manufacturing or engraving

Trophy engraving

Electronic parts assembly

Electrical cordset radio and ignition assembly

Watch manufacturing

Motion picture projectors and camera repair

Fishing tackle manufacturing, N.O.C., including assembly

Instrument manufacturing, scientific, medical or professional

Sound recording equipment, thermometer and steam gauge manufacturing

Incandescent lamp manufacturing, electric tube or transistor manufacturing

Tag, button, zipper or fastener manufacturing, bottle cap manufacturing

Silverware manufacturing, watch case manufacturing

Magnetic tape manufacturing

This classification does not apply to the production of raw material for use in the manufacturing of the above articles

All operations:)) Camera manufacturing or assembly including repair in shop

Dental laboratories

Electrical cordset radio and ignition assembly

Electronic circuit board assembly, N.O.C.

Electronic products manufacturing; resistors, capacitors, chip and relays manufacturing

Fishing tackle manufacturing, N.O.C., including assembly

Incandescent lamp manufacturing, electric tube or transistor manufacturing

Instrument manufacturing, scientific, medical or professional

Jewelry manufacturing or engraving

Magnetic tape manufacturing

Motion picture projectors manufacturing or assembly including repair in shop

Silverware manufacturing, watch case manufacturing

Sound recording equipment, thermometer and steam gauge manufacturing

Stereo components manufacturing or assembly

Tag, button, zipper or fastener manufacturing, bottle cap manufacturing

Telegraph or radio apparatus manufacturing, N.O.C.

Telephone set manufacturing or repair, N.O.C.

Trophy engravingWatch manufacturing

This is a shop or plant only classification although the classification allows for repair work when specified it is contemplated that such repairs are limited to those brought into the shop by the customer or sent through a common carrier. This classification excludes all outside repair work

This classification does not apply to the production of raw material for use in the manufacturing of the above articles.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-598 CLASSIFICATION 36-6.

Boat building or repair, all types, N.O.C. under 35 feet in length((:

All)) This classification includes dismantling of boat or ship hulls, all types under 35 feet in length but excludes boat building or repair of boats ((in excess of)) 35 feet or more in length ((will be)) rated under risk classification 9-1 (WAC 296-17-532).

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-614 CLASSIFICATION 39-1.

Bakeries - retail
((All operations))

This classification applies only to those bakeries that sell products at retail primarily on the premises of the bakery and contemplates minimal delivery of products off premise such as delivery of wedding cakes.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-618 CLASSIFICATION 39-5.

((Restaurants and taverns

Cocktail and soft drink lounges

~~Food, drink, candy, etc. concessionaires at parks, tracks and exhibitions including vending concessionaires dispensing food, drink, candy, etc. at ball parks, race tracks, theatres and exhibitions. This classification is not applicable to street vendors who shall be rated under class 11-1 (WAC 296-17-536)~~

~~Commissaries and restaurants with construction, erection, logging or mine operations~~

~~Eating establishments, N.O.C., including public lunch counters in stores, cookie and doughnut shops, and ice cream parlors.)) Cocktail and soft drink lounges~~

~~Commissaries and restaurants with construction, erection, logging or mine operations~~

Eating establishments, N.O.C., such as public lunch counters in stores, ice cream parlors, popcorn stores or stands, and retail candy stores with on premise manufacturing

Food, drink, candy, etc. concessionaires at parks, tracks and exhibitions including vending concessionaires dispensing food, drink, candy, etc. at ball parks, race tracks, theatres and exhibitions

Restaurants and taverns

This classification is not applicable to street vendors or route food services who shall be rated under class 11-1 (WAC 296-17-536).

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-61801 CLASSIFICATION 39-6.

~~((Bakeries, cracker or potato chip manufacturing, N.O.C.~~

~~Ravioli or tamale manufacturing~~

~~Pizza manufacturing, N.O.C.~~

~~Macaroni manufacturing~~

~~Confectionery and chewing gum manufacturing~~

~~Cough drop manufacturing~~

~~All operations.)) Bakeries, cracker or potato chip manufacturing, N.O.C.~~

~~Confectionery and chewing gum manufacturing~~

~~Cough drop manufacturing~~

~~Macaroni manufacturing~~

~~Pizza manufacturing, N.O.C.~~

~~Ravioli or tamale manufacturing.~~

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-619 CLASSIFICATION 40-2.

~~((Dairy products manufacturing, N.O.C.~~

~~Butter, cheese, ice cream and ice cream mix manufacturing~~

~~Creameries and dairies, operation~~

~~Condensed milk manufacturing~~

~~This classification does not include operations subject to risk classification 73-1 (WAC 296-17-644.)) Butter, cheese, ice cream and ice cream mix manufacturing~~

~~Condensed milk manufacturing~~

~~Creameries and dairies, operation~~

~~Dairy products manufacturing, N.O.C.~~

~~This classification does not include dairy or farming operations subject to risk classification 73-1 (WAC 296-17-644).~~

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-622 CLASSIFICATION 41-3.

~~((Newspaper publishing~~

~~Outside reporters, advertising or circulation solicitors and photographers shall be rated under risk classification 63-3 (WAC 296-17-698)~~

~~Editing, designing, proofreading, photographic composition and clerical office employees shall be rated under risk classification 49-4 (WAC 296-17-653)~~

~~This classification excludes newspaper publishers with no printing operations.)) Newspaper publishing~~

~~This classification excludes:~~

~~Employees whose duties are limited to editing, designing, proofreading, photographic composition and clerical office will be rated under risk classification 49-4 (WAC 296-17-653);~~

Outside reporters, advertising or circulation solicitors and photographers with no other duties will be rated under risk classification 63-3 (WAC 296-17-698); and
Newspaper publishers with no printing operations will be governed by WAC 296-17-44001, business described by a standard exception classification.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-626 CLASSIFICATION 41-7.

Business machine service, adjustment, or repair, N.O.C. This classification includes the installation of typewriters, adding machines and reproduction machines, either electric or manual, and micro computer systems but ~~((does not include))~~ excludes the installation service or repair of computer mini or main frame systems which will be rated under risk classification ((6-+ (WAC 296-17-522))) 6-8 (WAC 296-17-52701)
 Piano tuning.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-627 CLASSIFICATION 41-8.

Letter service shops and mailing or addressing companies ~~((; all operations including))~~
This classification includes clerical office employees and sales personnel.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-628 CLASSIFICATION 41-9.

Sign painting in shop

Sign painting or lettering inside buildings
 ((Sign painting in shop))

This classification does not include painting done in connection with sign manufacturing rated under risk classification 29-3 (WAC 296-17-568) ((σ)); risk classification 34-4 (WAC 296-17-582); risk classification 35-3 (WAC 296-17-587); or risk classification 35-8 (WAC 296-17-592) or painting done in connection with sign repair rated under risk classification 4-3 (WAC 296-17-516). Sign erection outside will be rated under risk classification 4-3 (WAC 296-17-516).

AMENDATORY SECTION (Amending Order 73-22, filed 11/9/73, effective 1/1/74)

WAC 296-17-629 CLASSIFICATION 42-1.

~~((Longshoring and stevedoring~~

~~Wharf and pier, operation~~

~~Port districts, including salesmen~~

~~Coal dock operation - by means of mechanical apparatus, including stevedoring~~

~~Stevedoring, N.O.C., supercargo checkers~~

~~Stevedoring - by hand or hand truck exclusively, no hoisting of cargo~~

~~Stevedoring, loading and unloading ships designed for freight carrying containers~~

~~Tallymen, checking clerks in connection with stevedoring work~~

~~Employees engaged in mending and repacking of damaged containers in connection with stevedoring work.))~~ Coal dock operation - by means of mechanical apparatus, including stevedoring

Longshoring and stevedoring

Port districts, including sales personnel

Stevedoring, by hand or hand truck exclusively, no hoisting of cargo

Stevedoring, loading and unloading ships designed for freight carrying containers

Stevedoring, N.O.C., supercargo checkers

Tallymen, checking clerks in connection with stevedoring work

Wharf and pier, operation

This classification includes employees engaged in mending and repacking of damaged containers in connection with stevedoring work.

AMENDATORY SECTION (Amending Order 78-23, filed 11/27/78, effective 1/1/79)

WAC 296-17-630 CLASSIFICATION 43-1.

~~((Fertilizer manufacturing~~

~~Glue manufacturing~~

~~Lard making or refining~~

~~Sausage manufacturing~~

~~Packing house - all operations - including butchering and handling livestock~~

~~Meat products manufacturing, including canning or dehydrating~~

~~Peat moss shredding and baling~~

~~Fallow making~~

~~Tanneries, fur manufacturing~~

~~Sausage casings, wholesale dealer~~

~~Rendering works, N.O.C.))~~ Fertilizer manufacturing

Glue manufacturing

Lard making or refining

Meat products manufacturing, including canning or dehydrating

Packing house - including butchering and handling livestock

Peat moss shredding and baling

Rendering works, N.O.C.

Sausage casings, wholesale dealer

Sausage manufacturing

Slaughter houses

Fallow making

Tanneries, fur manufacturing.

AMENDATORY SECTION (Amending Order 76-36, filed 11/30/76)

WAC 296-17-631 CLASSIFICATION 43-2.

~~((Slaughter houses, custom butchering))~~ Custom meat cutting facilities as licensed under chapter 16.49 RCW including farm kill operations.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-634 CLASSIFICATION 43-5.

Garbage, refuse or ashes collecting

Garbage works, landfill, reduction or incineration including cashiers collecting fees from customers

Radioactive waste landfill

~~((Garbage, refuse or ashes collecting)).~~

AMENDATORY SECTION (Amending Order 73-22, filed 11/9/73, effective 1/1/74)

WAC 296-17-638 CLASSIFICATION 45-2.

Radio broadcasting stations, all other employment including clerical office and sales personnel

Recording companies, studio including clerical office and sales personnel

Television broadcasting stations, all other employment including clerical office and sales personnel

~~((Recording companies, studio and clerical office employees))~~

Television cable companies, ((studio and)) all other employment including clerical office ((employees)) and sales personnel

"All other employees" ((includes)) is limited to employees confined to the studio or office and includes control operators ((confined to studio exclusively)), announcers, players, entertainers or musicians.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-640 CLASSIFICATION 45-4.

~~Theatres((, all operations, including clerical office and sales personnel, excluding players, entertainers, musicians)) all types~~

This classification includes managers, stage hands, box office employees, parking lot attendants, ushers, motion picture operators ((and)), snack bar employees, clerical office and sales personnel but excludes players, musicians or entertainers rated under risk classification 66-5 (WAC 296-17-727).

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-643 CLASSIFICATION 48-2.

~~((Truck gardening - farm-to-market fresh produce, excluding meats of any kind~~

Berry farms

Flower seed growing

Bulb raising

Vineyards including harvesting of fruit

Picking of forest products, N.O.C.)) Berry farms

Bulb raising

Flower seed growing including harvesting of seeds

Picking of forest products, N.O.C.

Truck gardening - farm-to-market fresh produce including harvesting, picking and packing of produce, excluding meats of any kind

Vineyards including harvesting of fruit

This classification excludes fresh fruit packing operations rated under risk classification 21-4 (WAC 296-17-564); and fruit cannery or freezer operations rated under risk classification 39-2 (WAC 296-17-615) unless specifically included by manual language.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-644 CLASSIFICATION 48-3.

Farms, N.O.C.

Orchards and hop farms - applies to all tree crops, deciduous and fruits, nuts, and shall include all acreage devoted to the raising of such crops

This classification includes ((aH)) operations incidental to the enterprises described above including harvesting of all crops. Provided that ground hand picking of nuts will be separately rated under risk classification 48-6 (WAC 296-17-647) if the conditions stipulated in that risk classification are met

This classification excludes fresh fruit packing operations rated under risk classification 21-4 (WAC 296-17-564); and fruit cannery or freezer operations or nut processing rated under risk classification 39-2 (WAC 296-17-615).

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-646 CLASSIFICATION 48-5.

Nurseries, including greenhouse operations incidental thereto

~~((Nursery))~~ This classification applies to all acreage devoted to nursery operations and including tree nurseries and sod growing.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-647 CLASSIFICATION 48-6.

~~((Farms - hand harvest~~

This classification includes ground hand picking of vegetables, nuts, berries, asparagus, rhubarb, prunes, field flowers, and bulbs. Excludes pumpkin, squash, melon or potato harvesting)) Ground hand harvesting of fruits and vegetables, N.O.C.

For the purposes of this rule ground hand harvesting of fruits and vegetables means those crops which are harvested from the ground by hand by a worker either sitting, kneeling, bending, stooping or in a similar position or in the upright position when standing on the ground with no aid of ladders, stools or other climbing devices. This classification excludes all harvesting operations that employ or require the use of hand held cutting devices or tools or any mechanical picking or harvesting machinery including incidental pickers which may or may not follow behind such machinery and collect the harvested crops by hand, and trimming of fresh produce after being harvested such as clipping tops from onions or carrots.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-649 CLASSIFICATION 48-8.

Alfalfa and clover seed growing
Field crops, N.O.C., including raising of all hay, cereal grains, sugar beets, and vegetables
Potato sorting and storage, N.O.C.

((~~Field crops — includes raising of all hay, cereal grains, sugar beets, and vegetables, N.O.C.~~))

This classification applies to all operations incidental to the enterprises described above ((~~with the exception of asparagus harvesting~~))

This classification excludes grain milling operations rated under risk classification 21-1 (WAC 296-17-562); fresh vegetable packing operations rated under risk classification 21-4 (WAC 296-17-564); and vegetable cannery or freezer operations rated under risk classification 39-2 (WAC 296-17-615).

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-64901 CLASSIFICATION 48-9.

((~~Wholesale florists, N.O.C.~~))

Greenhouses, N.O.C.

Flowers - field growing ((~~excludes~~)), excluding bulb raising((~~t~~)) rated in risk classification 48-2 (WAC 296-17-643)

Mushroom raising

Sprouts ((~~growing for food, all operations~~)) raising

This classification excludes fresh vegetable packing operations rated under risk classification 21-4 (WAC 296-17-564); and vegetable cannery or freezer operations rated under risk classification 39-2 (WAC 296-17-615).

AMENDATORY SECTION (Amending Order 82-38, filed 11/29/82, effective 1/1/83)

WAC 296-17-650 CLASSIFICATION 49-1.

Consulting engineering and architectural firms, N.O.C.
((~~Oil or gas geologists or scouts~~)) Geologists, N.O.C.

Lease buyers performing work similar to oil geologists ((~~Geologists, N.O.C.~~)) Oil or gas geologists or scouts.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-651 CLASSIFICATION 49-2.

State ((~~employees~~)) government - ((~~clerical office and white collar employees, N.O.C.~~)) use of this classification is limited to clerical office, sales personnel and professional white collar employees that have no field exposure, law enforcement powers, or provide patient health care. For the purposes of this rule field exposure is defined as anything other than the normal travel to a work assignment such as a field auditor or social worker would encounter

This classification includes all departments, agencies, boards, commissions and committees of either the executive, legislative or judicial branches of state government. See risk classifications 49-6 (WAC 296-17-

655), 53-7 (WAC 296-17-67901), 71-3 (WAC 296-17-756) and 72-1 (WAC 296-17-763) for other state ((~~employees~~)) government operations.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-653 CLASSIFICATION 49-4.

Clerical office, N.O.C.

((~~Clerical office, information and reservation clerks and ticket sellers of air and bus lines and airports~~

~~Draftsmen~~

~~Hotel and motel desk clerks with no other duties~~

~~Parimutuel clerks and cashiers at race tracks.))~~

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-654 CLASSIFICATION 49-5.

((~~Hotels, all operations — excluding restaurant and bar employees~~

~~Motels, all operations — excluding restaurant and bar employees~~

~~Apartment houses, all operations~~

~~Building and property management — all operations~~

~~Hotel and motel desk clerks with no other duties will be reported under risk classification 49-4 (WAC 296-17-653.))~~ Apartment houses

Building and property management

Hotels

Motels

This classification excludes restaurant and lounge employees rated under risk classification 39-5 (WAC 296-17-618). Hotel and motel desk clerks with no other duties will be rated under risk classification 49-4 (WAC 296-17-653) clerical office N.O.C.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-655 CLASSIFICATION 49-6.

Academic and nonacademic employees of institutions of higher learning

((~~All operations including~~)) This classification includes clerical office, sales personnel and white collar employees.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-659 CLASSIFICATION 50-1.

Firewood cutting — all woods operations

Logging, N.O.C.

Sawmill operations conducted in the woods in connection with logging operations

Shake, shingle bolt and post cutting — all woods operations

((~~Firewood cutting — all woods operations~~

~~Logging operations, N.O.C.~~)) For the purposes of this rule logging, N.O.C. shall be considered the complete operation, including such activities as falling and bucking, skidding, yarding, loading, and maintenance of equipment except as otherwise provided((~~This~~

~~classification also includes~~) and aircraft operations incident thereto

See risk classification 52-6 (WAC 296-17-675) for permanent yard operations.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-66002 CLASSIFICATION 50-4.

Tree planting and precommercial tree thinning—forestry type operations

This classification excludes ((any)) all operations subject to risk classification 50-1 (WAC 296-17-659) logging, N.O.C.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-669 CLASSIFICATION 51-9.

Heavy arms manufacturing or repair

Heavy machinery and equipment manufacturing or repair ~~((= used in connection with construction, agriculture, logging, or mining~~

~~Heavy arms manufacturing or repair))~~.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-670 CLASSIFICATION 52-1.

Electric motors, generators, alternators, starters, converters, solenoids and servomotors manufacturing or assembly including repair

Electric power or transmission equipment manufacturing or assembly

Electrical toasters, frying pans, and wire harnesses manufacturing or assembly

Vacuum cleaners and electrical appliances manufacturing or assembly, N.O.C.

~~((Electric motors, generators, alternators, starters, converters, solenoids and servomotors manufacturing and repair))~~

This classification contemplates the manufacturing or repair of transformers, switchboards, circuit breakers, switches or switchboard apparatus, power switching devices or systems, power invertors or ((incident)) similar equipment but excludes installation or service

This is a shop or plant only classification, all outside activities are to be separately rated.

AMENDATORY SECTION (Amending Order 81-30, filed 11/30/81, effective 1/1/82)

WAC 296-17-676 CLASSIFICATION 52-7.

Bowling alleys

Skating rinks—ice or roller

((All operations including)) This classification includes food and beverage operations.

AMENDATORY SECTION (Amending Order 82-38, filed 11/29/82, effective 1/1/83)

WAC 296-17-67601 CLASSIFICATION 52-8.

Brass, bronze, iron—ornamental – shop fabricating, assembly and manufacturing

Iron or steel works, shop, fabricate or assemble structural iron or steel

~~((Brass, bronze, iron—ornamental—shop fabricating, assembly and manufacturing))~~

Iron works – shop – fabricate, assemble or manufacture nonstructural iron or steel

Iron works – shop – manufacturing railings, staircases, fire escapes, etc.

This is a shop or plant only classification but does contemplate work being performed in an adjacent yard when operated by an employer having operations subject to this classification

Unless outside activities are specifically provided for they are to be separately rated.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-67602 CLASSIFICATION 52-9.

Boilermaking, tank building (shop)

~~((Wood stove manufacturing))~~

Metal goods manufacturing, N.O.C., from material 9 gauge or heavier

Wood stove manufacturing

This is a shop or plant only classification but does contemplate work being performed in an adjacent yard when operated by an employer having operations subject to this classification

Unless outside activities are specifically provided for they are to be separately rated.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-677 CLASSIFICATION 53-1.

~~((Computer software or word processing services~~

~~Accounting or bookkeeping firms~~

~~Secretarial or telephone answering services~~

~~Law firms~~

~~Credit bureaus~~

~~Employment or temporary help agencies~~

~~Court reporting firms~~

~~Management analyst firms~~

~~Travel agencies~~

~~All operations including clerical office and sales personnel~~

~~This classification is service oriented and does not include retailing or store operations:)) Accounting or bookkeeping firms~~

Computer software or word processing services

Court reporting firms

Credit bureaus

Employment agencies

Law firms

Management analyst or consulting firms, N.O.C.

Secretarial or telephone answering services

Temporary help agencies – administrative offices onlyTravel agenciesThis classification includes clerical office and sales personnelUse of this classification is limited employers engaged in such services being provided to the general public.This is a services only classification and does not include retailing or store operations, nor is this classification to be assigned to employers setting up separate business operation to manage other commonly owned or operated business undertakings unless coincidentally the other operations are also subject to this classification.AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-678 CLASSIFICATION 53-5.

Clerical office, sales personnel and white collar employees of cities and towns.AMENDATORY SECTION (Amending Order 73-22, filed 11/9/73, effective 1/1/74)

WAC 296-17-679 CLASSIFICATION 53-6.

Clerical office, sales personnel and white collar employees of county and taxing districts, N.O.C.Clerical office, sales personnel and white collar employees of Indian tribal councils.AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-67901 CLASSIFICATION 53-7.

((State employees, N.O.C.This classification includes all departments, agencies, boards, commissions and committees of either the executive, legislative or judicial branches of state governmentFor the purpose of this rule, this classification will include any state employee performing manual labor or having field supervision of a work crew performing manual labor such as custodial or maintenance, construction, and machinery or equipment operators. See risk classifications 49-2 (WAC 296-17-651), 49-6 (WAC 296-17-655), 72-1 (WAC 296-17-763), and 71-3 (WAC 296-17-756) for other state employees.)) State government, N.O.C.For the purpose of this rule, this classification will include any state employee performing manual labor, supervising a work crew performing manual labor such as custodial or maintenance, construction, and machinery or equipment operators or professional white collar employments such as engineers, safety inspectors, biologists who have field exposuresThis classification includes all departments, agencies, boards, commissions and committees of either the executive, legislative or judicial branches of state governmentSee risk classifications 49-2 (WAC 296-17-651), 49-6 (WAC 296-17-655), 72-1 (WAC 296-17-763), and 71-3 (WAC 296-17-756) for other state employees.AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-680 CLASSIFICATION 61-3.

((Schools – public – academicSchools – private – academicSchools – trade or vocationalSchools, N.O.C. including dance, modeling, music and flight instructions classroom onlyLibraries, N.O.C.ChurchesMuseums, N.O.C.Day nurseries or child care centers – publicDay nurseries or child care centers – privateThis classification includes professional and clerical office employeesSee risk classification 61-4 (WAC 296-17-681) for other employees.)) ChurchesDay nurseries or child care centers – privateDay nurseries or child care centers – publicLibraries, N.O.C.Museums, N.O.C.Schools, N.O.C. including dance, modeling, music and flight instructions classroom onlySchools, private – academicSchools, public – academicSchools, trade or vocationalUse of this classification is limited to clerical office, sales personnel and white collar professional employeesSee risk classification 61-4 (WAC 296-17-681) for other operations.AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-681 CLASSIFICATION 61-4.

((Schools – public – academicSchools – private – academicSchools – trade or vocationalSchools, N.O.C. including dance, modeling, musicLibraries, N.O.C.ChurchesMuseums, N.O.C.Day nurseries or child care centers – publicDay nurseries or child care centers – privateAll employees, N.O.C.)) ChurchesDay nurseries or child care centers – privateDay nurseries or child care centers – publicLibraries, N.O.C.Museums, N.O.C.Schools, N.O.C. including dance, modeling, musicSchools, private – academicSchools, public – academicSchools, trade or vocationalAll other employments, N.O.C.AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-682 CLASSIFICATION 61-5.

((Hospitals – religious, charitable or nonprofitHospitals – private proprietary

~~Hospitals – N.O.C. including hospital districts
Nursing care, N.O.C.
All operations, including clerical office and sales personnel.)~~ Home health services
~~Hospitals – N.O.C. including hospital districts
Hospitals – private proprietary
Hospitals – religious, charitable or nonprofit
Nursing care, N.O.C.~~
This classification includes clerical office and sales personnel.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-684 CLASSIFICATION 61-7.

Veterinary hospitals or clinics
~~((All operations including))~~ This classification includes clerical office and sales personnel.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-685 CLASSIFICATION 61-8.

Convalescent or nursing homes
Homes for the aged
Rest homes
~~((Homes for the aged
All operations))~~
This classification includes ((convalescent or nursing homes, rest homes or homes for the aged required to provide)) nursing care for the residents.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-686 CLASSIFICATION 61-9.

~~((Psychologists and psychiatrists, N.O.C.
Physicians and surgeons, N.O.C.
Dentists, N.O.C.
Chiropractors, N.O.C.
Osteopaths, N.O.C.
Naturopaths, N.O.C.
Podiatrists, N.O.C.
Medical clinics, N.O.C.
Dental clinics, N.O.C.
Physical therapists, N.O.C.
Optometrists, N.O.C.
All operations including clerical office and sales personnel.)~~ Child preparatory classes
Chiropractors, N.O.C.
Dental clinics, N.O.C.
Dentists, N.O.C.
Medical clinics, N.O.C.
Naturopaths, N.O.C.
Optometrists, N.O.C.
Osteopaths, N.O.C.
Physical therapists, N.O.C.
Physicians and surgeons, N.O.C.
Podiatrists, N.O.C.
Psychologists and psychiatrists, N.O.C.

This classification includes clerical office and sales personnel.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-687 CLASSIFICATION 62-1.

Crematoriums
Funeral directors – mortuaries
~~((Crematoriums))~~ This classification excludes cemetery operations rated under risk classification 62-2 (WAC 296-17-688).

AMENDATORY SECTION (Amending Order 73-22, filed 11/9/73, effective 1/1/74)

WAC 296-17-688 CLASSIFICATION 62-2.

Cemeteries ((=all operations)).

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-689 CLASSIFICATION 62-3.

~~((YMCA/YWCA institutions))~~
Boys or girls clubs
Excludes camp operations
~~((All operations including))~~ YMCA/YWCA institutions
This classification includes clerical office and sales personnel.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-690 CLASSIFICATION 62-4.

~~((Baths or saunas, N.O.C.
Massage parlors
Health clubs
Exercise or health institutes
Gymnasiums
All operations including clerical office and sales personnel.)~~ Baths or saunas, N.O.C.
Exercise or health institutes
Gymnasiums
Health clubs
Massage parlors
This classification includes clerical office and sales personnel.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-691 CLASSIFICATION 62-5.

Beach clubs, N.O.C.
Clubs, N.O.C.
Fraternal clubs
Social clubs
Tennis clubs
~~((Social clubs
Beach clubs, N.O.C.
All operations including))~~ This classification includes food and beverage operations.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-692 CLASSIFICATION 62-6.

((Fishing clubs
Ski clubs
Country clubs
Golf clubs
Swimming clubs — including swimming instructors
Yachting clubs
Golf courses, N.O.C., not miniature golf
All operations including food and beverage operations:))

Country clubs

Fishing clubs

Golf clubs

Golf courses, N.O.C., not miniature golf

Ski clubs

Swimming clubs — including swimming instructors

Yachting clubs

This classification includes food and beverage operations.

AMENDATORY SECTION (Amending Order 77-27, filed 11/30/77, effective 1/1/78)

WAC 296-17-693 CLASSIFICATION 62-7.

((Carnivals — traveling
Circuses — traveling
Amusement device operators — traveling
Rodeos — arena employees
Fireworks exhibition
All operations including)) Amusement device operators

— traveling

Carnivals — traveling

Circuses — traveling

Fireworks exhibition

Rodeos — arena employees

This classification includes clerical office.

AMENDATORY SECTION (Amending Order 81-30, filed 11/30/81, effective 1/1/82)

WAC 296-17-694 CLASSIFICATION 62-8.

((Amusement parks
Ranges — archery, ball, dart, golf
Caves or caverns operation for exhibition purposes — including rides, ticket sellers, gate attendants
Concessions — boats in parks
Fairs
Shows — animal
Shows — flower, art
Miniature golf courses
Kiddie rides — permanent locations
Race tracks
Shooting galleries, air rifle — no firearms
Care, custody and maintenance
All operations including food and beverage operations:))

Concessions — boats in parks

Fairs

Shows — animal

Shows — flower, art

Miniature golf courses

Kiddie rides — permanent locations

Race tracks

Shooting galleries, air rifle — no firearms

Care, custody and maintenance

All operations including food and beverage operations:))

Amusement parks

Caves or caverns operation for exhibition purposes — including rides, ticket sellers, gate attendants

Concessions — boats in parks

Fairs

Kiddie rides — permanent locations

Miniature golf courses

Race tracks, excluding parimutuel clerks and cashiers with no other duties which will be rated under risk classification 49-4 (WAC 296-17-653) clerical office, N.O.C.

Ranges — archery, ball, dart, golf

Shooting galleries, air rifle — no firearms

Shooting ranges — firearms

Shows — animal

Shows — flower, art

This classification includes food and beverage operations and care, custody and maintenance of the above facilities.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-695 CLASSIFICATION 62-9.

((Boy/Girl Scout Council camp employees
Trailer/mobile home parks or camps
Resorts or camp grounds
Dude ranches — not cattle ranches
Bath houses — beach
Church camps
Swimming pools — public
YMCA/YWCA camp employees
Camp operations, recreational or educational, N.O.C.
All operations including food and beverage operations, clerical office and sales personnel:)) Bath houses — beach

Bath houses — beach

Church camps

Swimming pools — public

YMCA/YWCA camp employees

Camp operations, recreational or educational, N.O.C.

All operations including food and beverage operations, clerical office and sales personnel:)) Bath houses — beach

Boy/Girl Scout Council camp employees

Camp operations, recreational or educational, N.O.C.

Church camps

Dude ranches — not cattle ranches

Resorts or camp grounds

Swimming pools — public

Trailer/mobile home parks or camps

YMCA/YWCA camp employees

This classification includes food and beverage operations, clerical office and sales personnel.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-696 CLASSIFICATION 63-1.

Automobile sales personnel

((Truck sales personnel

Camper sales personnel

Trailer or mobile home sales personnel

Motorcycle sales personnel

Pleasurecraft sales personnel — no aircraft

Instructors — driving school (standard exception WAC 296-17-440 does not apply to this activity:)) Camper sales personnel

Driving school instructors

Motorcycle sales personnel

Pleasurecraft sales personnel — no aircraft

Trailer or mobile home sales personnel

Truck sales personnel.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-697 CLASSIFICATION 63-2.

~~((Coffee, tea, grocery sales personnel
Household furnishings sales personnel
Wearing apparel sales personnel
Vacuum cleaner sales personnel
Book sales personnel
Cosmetics sales personnel
Magazine sales personnel
Door to door sales personnel, N.O.C.
This classification is for door to door sales personnel.))~~

Book sales personnel
Coffee, tea, grocery sales personnel
Cosmetics sales personnel
Door to door sales personnel, N.O.C.
Household furnishings sales personnel
Magazine sales personnel
Vacuum cleaner sales personnel
Wearing apparel sales personnel
This classification is for door to door sales personnel.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-698 CLASSIFICATION 63-3.

~~((Sales personnel, N.O.C. = outside
Collectors, messengers, appraisers, estimators, public relations, counsellors, N.O.C.
Insurance sales personnel and claims adjustors = outside
Machinery sales personnel = outside = construction, mining, heavy equipment
Farm machinery sales personnel = outside:)) Collectors, messengers, counsellors, N.O.C.
Farm machinery sales personnel - outside
Insurance sales personnel and claims adjustors - outside
Machinery sales personnel - outside - construction, mining, heavy equipment
Sales personnel, N.O.C. - outside~~

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-699 CLASSIFICATION 63-4.

Department stores ((=including))
This classification includes clerical office and sales personnel and installation of household furnishings such as lamps, pictures, draperies or curtains etc.
This classification excludes automotive repair and service and other outside installation or construction.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-700 CLASSIFICATION 63-5.

Clothing stores - retail
Concessions for hat and coat checking
Dry goods stores - retail
Shoe stores - retail
~~((Concessions for hat and coat checking
All operations including))~~ This classification includes clerical office and sales personnel.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-701 CLASSIFICATION 63-6.

~~((Furniture stores wholesale/retail
Furniture rental stores
Appliance stores wholesale/retail
Piano or organ stores, N.O.C., wholesale/retail
Office furniture stores = wholesale/retail
This classification will include installation of house furnishings, and household floor coverings, household appliances, service and repair of household appliances
Excludes contract installation:)) Appliance stores wholesale/retail excluding second hand appliance stores which will be rated in risk classification 6-7 (WAC 296-17-527) household appliances service and repair
Furniture rental stores
Furniture stores wholesale/retail
Office furniture stores - wholesale/retail
Piano or organ stores, N.O.C., wholesale/retail
This classification will include installation of household furnishings, household floor coverings, and household appliances including incidental service and repair of household appliances
This classification excludes contract installation which for the purposes of this rule shall mean the bidding and ultimate furnishing to a purchaser such items listed in this classification that are specially ordered from others (i.e., factories, manufacturers, brokers, etc.) to fulfill the terms of the contract.~~

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-703 CLASSIFICATION 63-8.

Clock and watch stores - wholesale/retail
Hearing-aid stores - wholesale/retail
Jewelry stores - wholesale/retail((=watch repair
Hearing-aid stores = wholesale/retail))
Optical stores, no lens grinding - wholesale/retail
~~((All operations including))~~ This classification includes clerical office and sales personnel.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-704 CLASSIFICATION 63-9.

~~((Hardware stores = wholesale/retail
Gunsmithing
Bicycle stores = wholesale/retail
Electrical hardware dealers = wholesale/retail
Garden supply stores = wholesale/retail
Locksmiths
Automobile, truck, motorcycle accessory or replacement parts stores, wholesale, retail = excludes repair
All operations including clerical office and sales personnel:)) Automobile, truck, motorcycle accessory or replacement parts stores, wholesale/retail - excluding repairs
Bicycle stores - wholesale/retail, including repairs
Custom picture or u-frame stores - wholesale/retail, including repairs~~

Electrical hardware dealers – wholesale/retail, excluding repairs

Garden supply stores – wholesale/retail, excluding repairs

Gun stores – wholesale/retail, including repairs

Hardware stores – wholesale/retail, excluding repairs

Locksmiths, including repairs but excluding installation of dead bolt locks or similar activities which will be rated in risk classification 5-5 (WAC 296-17-520) fixture installation

Stained art glass stores – wholesale/retail, excluding manufacturing

Wood stove and accessory stores – wholesale/retail excluding installations or repairs

This classification includes clerical office and sales personnel.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-706 CLASSIFICATION 64-2.

Grocery ((and meat)) stores with fresh meat counters, combined – retail ((all operations including))

This classification includes clerical office and sales personnel

Lunch counters and restaurant operations to be separately rated.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-707 CLASSIFICATION 64-3.

((Grocery stores – retail, no fresh meat cutting))

Coffee, tea or spice stores – retail

Dairy products stores – retail

Delicatessens – retail, no fresh meat

Fruit or vegetable stores – retail

((All operations including)) Grocery stores – retail, N.O.C.

This classification includes clerical office and sales personnel

Lunch counters and restaurant operations to be separately rated.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-708 CLASSIFICATION 64-4.

Florists stores ((=)) wholesale/retail

Balloon arrangement stores ((=)) wholesale/retail

Christmas tree sales – from lot retail only

((All operations including)) This classification includes clerical office and sales personnel.

AMENDATORY SECTION (Amending Order 75-38, filed 11/24/75, effective 1/1/76)

WAC 296-17-709 CLASSIFICATION 64-5.

((Tire sales and service, wholesale and retail

fire manufacturing, vulcanizing, rebuilding and/or recapping:)) Tire manufacturing, vulcanizing, rebuilding and/or recapping

Tire sales and service, wholesale and retail including incidental mechanical repair work to automobiles or trucks.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-710 CLASSIFICATION 64-6.

((Coin and stamp stores

Book, record, video stores – retail

Candy, cigarette and tobacco stores – retail

Retail store risks, N.O.C.

Telephone stores – retail

Camera/photo supplies stores – retail

Floor covering stores, carpet sample stores, excluding installation

Microwave oven and stereo component stores – retail

News butchers

Wood stoves and accessory stores – retail

Pawn shops

Pet shops

Sporting goods stores – retail

Paint/wallpaper stores – retail

Laundromats, coin-operated self service

Coin-operated arcades, excluding repair rated under risk classification 6-6 (WAC 296-17-526)

Wine stores and retail liquor agencies; soft drink stores

Office stationary stores, and office machinery stores including microcomputer and copy machines excluding repair

Fabric and yardage stores, yarn and needle work stores – retail

Dry cleaning – coin-operated self service

Musical instrument stores – retail, no pianos or organs

Sewing machine stores – retail

Drug stores – retail

Variety and five and ten cent stores

Includes clerical office and sales personnel. Excludes delivery drivers and outside installation

Lunch counters and restaurant operations to be separately rated:)) Book, record, video stores – retail

Camera/photo supplies stores – retail

Candy, cigarette and tobacco stores – retail

Coin and stamp stores – retail

Coin operated arcades, excluding repair rated under risk classification 6-6 (WAC 296-17-526)

Drug stores – retail

Dry cleaning – coin-operated self service

Fabric and yardage stores, yarn and needle work stores – retail

Floor covering stores, carpet sample stores, retail – excluding installation which will be rated in risk classification 5-2 (WAC 296-17-517)

Laundromats, coin-operated self service

Microwave oven and stereo component stores – retail

Musical instrument stores – retail, excluding pianos or organs stores which will be rated in risk classification 63-6 (WAC 296-17-701)

News butchers or news/magazine stands – retail

Office stationery stores, and office machinery stores including microcomputer and copy machines excluding repair

Paint/wallpaper stores – retail
Pawn shops
Pet shops – retail including incidental pet grooming
Private mailbox, safety deposit box or computer tape storage facilities
Retail stores, N.O.C.
Sewing machine stores – retail
Sporting goods stores – retail
Telephone stores – retail
Variety and five and ten cent stores – retail
Wine stores and retail liquor agencies; soft drink stores
This classification includes clerical office and sales personnel, but excludes all on premise manufacturing of any kind, delivery drivers, outside installation, lunch counters and restaurant operations which are to be separately rated.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-711 CLASSIFICATION 64-7.

~~((Wholesale stores, N.O.C.~~
~~Barber and beauty supply houses~~
~~Paint and wallpaper dealers – wholesale~~
~~Welding supply dealers~~
~~Mill supply dealers~~
~~Stores, combined wholesale and retail, N.O.C.~~
~~Drug stores wholesale~~
~~Clothing, wearing apparel or dry goods stores – wholesale~~
~~Drivers to be separately rated under risk classification 11-1 (WAC 296-17-536), delivery by combined wholesale and retail stores.))~~ Barber and beauty supply houses
Clothing, wearing apparel or dry goods stores – wholesale
Drug stores wholesale
Mill supply dealers
Paint and wallpaper dealers – wholesale
Stores, combined wholesale and retail, N.O.C.
Welding supply dealers
Wholesale stores, N.O.C.
This classification excludes drivers which are to be separately rated under risk classification 11-1 (WAC 296-17-536), delivery by combined wholesale and retail stores.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-714 CLASSIFICATION 65-1.

Barber shops
Beauty parlors
Cosmetologists and electrolysis studios
Sun tanning parlors
~~((Cosmetologists and electrolysis studios~~
~~All operations including))~~ This classification includes clerical office and sales personnel.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-715 CLASSIFICATION 65-2.

~~((Banks~~
~~Loan companies~~
~~Savings and loan associations~~
~~Mortgage companies~~
~~Credit unions~~
~~Financial institutions, N.O.C.~~
~~Investment companies~~
~~Stock brokers and escrow companies~~
~~All operations including clerical office and sales personnel.))~~ Banks
Credit unions
Financial institutions, N.O.C.
Investment companies
Loan companies
Mortgage companies
Savings and loan associations
Stock brokers and escrow companies
This classification includes clerical office and sales personnel.

AMENDATORY SECTION (Amending Order 81-30, filed 11/30/81, effective 1/1/82)

WAC 296-17-717 CLASSIFICATION 65-4.

~~Stores – welfare – ((all operations including clerical office and salesmen))~~ such as Goodwill or Salvation Army
This classification includes clerical office and sales personnel and collecting, conditioning and resale of ((used)) donated ((articles of the household type (Goodwill – Salvation Army type stores.))) used household articles.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-718 CLASSIFICATION 65-5.

~~Welfare special works program ((=all operations))~~
~~Use of this classification will be limited to nonprofit organizations that administer special training block grant moneys which are used to provide eligible unemployable candidates work experience. "Work experience" for the purpose of this rule shall mean activities performed under direct and close supervision for a limited period of time, usually less than six months, wages or remuneration for which is paid by the referring or sponsoring organization without reimbursement from the person or entity in whose work-place the activities are performed.~~

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-719 CLASSIFICATION 65-6.

~~((Photograph studios~~
~~Film print shops – including developing and printing~~
~~Film exchanges~~
~~Microfilming~~
~~Includes clerical office and sales personnel~~

~~Outside photographers to be separately rated subject to risk classification 63-3 (WAC 296-17-698)~~

~~Drivers to be rated under risk classification 11-1 (WAC 296-17-536), delivery by combined wholesale and retail stores.)) Film exchanges – commercial type movie theatre films excluding video cassettes which are to be separately rated~~

~~Film print shops including developing and printing~~

~~Microfilming~~

~~Photograph studios including outside photographers~~

~~This classification includes clerical office and sales personnel but excludes drivers which are to be separately rated under risk classification 11-1 (WAC 296-17-536), delivery by combined wholesale and retail stores.~~

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-721 CLASSIFICATION 65-8.

Chore services

Domestic servants employed in or outside private residences of homeowners.

AMENDATORY SECTION (Amending Order 73-22, filed 11/9/73, effective 1/1/74)

WAC 296-17-722 CLASSIFICATION 65-9.

~~((Rooming houses~~

~~Boarding houses~~

~~Foster homes~~

~~Orphanages~~

~~Boarding homes and centers, N.O.C.~~

~~Fraternity houses~~

~~Sorority houses~~

~~All operations:)) Boarding homes and centers, N.O.C.~~

~~Boarding houses~~

~~Foster homes~~

~~Fraternity houses~~

~~Orphanages~~

~~Rooming houses~~

~~Sorority houses.~~

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-723 CLASSIFICATION 66-1.

Detective agencies

Merchant police or patrol

Security guard agencies

Security guard at logging or construction sites as allowed for in WAC 296-17-441(1)

~~((All operations)).~~

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-724 CLASSIFICATION 66-2.

~~((Janitorial service – does not include contract window cleaning~~

~~Janitors, N.O.C. including swimming pool cleaning~~

~~Termite control. This classification applies to operations involved in the control and extermination of termites~~

~~and other wood-destroying pests or organisms by fumigation or spraying of poisonous insecticides. Does not include structural repair~~

~~Pest control. This classification applies to operations involved in the control and extermination of pests by the use of pesticides, rodenticides and fumigants~~

~~Kitchen exhaust, smoke hood cleaning~~

~~Portable cleaning and washing, N.O.C. – includes auto and truck washing, recreational vehicles and mobile homes. This classification will include roof cleaning and washing of single story buildings, but only if the washing is not incidental to painting.)) Janitorial service – excluding contract window cleaning~~

~~Janitors, N.O.C.~~

~~Kitchen exhaust, smoke hood cleaning~~

~~Pest control. This category applies to operations involved in the control and extermination of pests by the use of pesticides, rodenticides and fumigants~~

~~Portable cleaning and washing, N.O.C. – includes auto and truck washing, recreational vehicles and mobile homes. This category will include roof cleaning and washing of single story buildings, but only if the washing is not incidental to painting or roof repair~~

~~Swimming pool cleaning~~

~~Termite control. This category applies to operations involved in the control and extermination of termites and other wood-destroying pests or organisms by fumigation or spraying of poisonous insecticides. Does not include structural repair.~~

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-725 CLASSIFICATION 66-3.

Auction sales, all types, excluding livestock auctions and sales yards rated in risk classification 43-4 (WAC 296-17-633)

~~((Excludes livestock sales~~

~~All operations including)) This classification includes clerical office and sales personnel.~~

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-726 CLASSIFICATION 66-4.

Lens manufacturing – ground and polished lenses

Optical goods manufacturing, N.O.C.

Telescope manufacturing – with lens grinding

~~((All operations including)) This classification includes clerical office and sales personnel.~~

AMENDATORY SECTION (Amending Order 77-27, filed 11/30/77, effective 1/1/78)

WAC 296-17-727 CLASSIFICATION 66-5.

Dance halls – all employment

Entertainers, N.O.C.

Musician, N.O.C.

Players, entertainers and musicians hired by theatres, N.O.C.

~~((Dance halls – all employment:))~~

AMENDATORY SECTION (Amending Order 73-22, filed 11/9/73, effective 1/1/74)

WAC 296-17-729 CLASSIFICATION 66-7.

Billiard halls

Card rooms and bingo parlors

((Billiard halls))

Recreational, social and community centers, N.O.C.

((All operations including restaurant or tavern employees)) This classification includes food and beverage operations.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-730 CLASSIFICATION 66-8.

Motion picture production

((All operations including)) This classification includes clerical office and sales personnel.

AMENDATORY SECTION (Amending Order 73-22, filed 11/9/73, effective 1/1/74)

WAC 296-17-735 CLASSIFICATION 67-4.

Parking lot operations including attendants or monitors.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-736 CLASSIFICATION 67-5.

((Ski tows, ski patrols and ski instructors - includes operations incidental to the operation of the skiing facility such as parking lots but excludes food service operations, hotel or motel operations, ski rental or ski sales shops

Wind sail board instructors

Excursions - outdoor recreational N.O.C., includes river rides, pack trains, hiking and mountaineering, and including camping operations incidental thereto

Athletic officials for amateur sports, N.O.C., such as umpires, and referees

All operations:)) Athletic officials for amateur sports, N.O.C., such as umpires, and referees

Excursions - outdoor recreational N.O.C., includes river rides, pack trains, hiking and mountaineering, and including camping operations incidental thereto

Ski tows, ski patrols and ski instructors - includes operations incidental to the operation of the skiing facility such as parking lots but excludes food service operations, hotel or motel operations, ski rental or ski sales shops

Wind sail board instructors.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-740 CLASSIFICATION 67-9.

Sheltered workshops

((All operations including)) This classification includes clerical office and sales personnel.

AMENDATORY SECTION (Amending Order 73-22, filed 11/9/73, effective 1/1/74)

WAC 296-17-742 CLASSIFICATION 68-2.

Airlines, scheduled

All ground crew operations including ticket sellers who handle baggage.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-744 CLASSIFICATION 68-4.

((Aircraft remanufacturing and/or rebuilding including modifications, conversions and repairs by firms not engaged in the original manufacturing of such aircraft Airport operations

Aircraft ground crew operations, N.O.C.

Aircraft companies, sales or service agencies - including aircraft sales personnel

Nonscheduled airlines - ground crew operations:)) Aircraft companies, sales or service agencies - including aircraft sales personnel

Aircraft ground crew operations, N.O.C.

Airport operations

Aircraft remanufacturing and/or rebuilding including modifications, conversions and repairs by firms not engaged in the original manufacturing of such aircraft Nonscheduled airlines - ground crew operations including ticket sellers who handle baggage.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-747 CLASSIFICATION 69-2.

((Logging road construction or maintenance

All operations including grading, grubbing, clearing of right-of-way and including culverts and bridges. Does not include falling, bucking of right-of-way timber or any of the other logging activities as enumerated under risk classification 50-1 (WAC 296-17-659). Logging roads are roads for which the primary or initial usage is for the transporting of logs by truck or rail and includes roads constructed on public lands in connection with timber sales or logging, such as roads being constructed in accordance with the state department of natural resources or the U.S. Forestry Service timber sales

See risk classification 52-6 (WAC 296-17-675) for permanent yard operations:)) Logging railroad construction or maintenance

Logging road construction or maintenance

For the purposes of this rule logging roads are roads for which the primary or initial usage is for the transporting of logs by truck or rail and includes roads constructed on public lands in connection with timber sales or logging, such as roads being constructed in accordance with the state department of natural resources or the United States Forest Service timber sales

This classification includes grading, grubbing, clearing of right-of-way and including culverts and bridges, but excludes falling, bucking of right-of-way timber or

any of the other logging activities as enumerated under risk classification 50-1 (WAC 296-17-659)

See risk classification 52-6 (WAC 296-17-675) for permanent yard operations.

AMENDATORY SECTION (Amending Order 79-18, filed 11/30/79, effective 1/1/80)

WAC 296-17-753 CLASSIFICATION 69-8.

~~((Envelope or stationery manufacturing
Paper or plastic bag, abrasive paper and wallpaper manufacturing
Carbon paper, crepe paper and typewriter ribbon manufacturing
Paper box manufacturing, solid paper boxes
Paper box manufacturing, folding paper boxes
All operations including printing on products being manufactured.)) Carbon paper, crepe paper and typewriter ribbon manufacturing
Envelope or stationery manufacturing
Paper box manufacturing, folding paper boxes
Paper box manufacturing, solid paper boxes
Paper or plastic bag, abrasive paper and wallpaper manufacturing.~~

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-755 CLASSIFICATION 71-2.

Football teams(-)
This classification applies to football teams which are participants in the National Football League and includes umpires, referees, coaches, and managers.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-756 CLASSIFICATION 71-3.

State ~~((employees—Law enforcement officers))~~ government, this classification is to be used to report all workers who have law enforcement powers although such workers are professional white collar employees

This classification includes all departments, agencies, boards, commissions and committees of either the executive, legislative or judicial branches of state government, including employees having arrest powers or such other powers common to law enforcement, such as state patrol, wildlife agents, guards or correctional officers of inmates, fishery patrol officers, lottery officers

See risk classifications 49-2 (WAC 296-17-651), 53-7 (WAC 296-17-67901), and 72-1 (WAC 296-17-763) for other state government operations.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-758 CLASSIFICATION 71-5.

Temporary help companies
This classification applies to employees of temporary help companies, N.O.C., that are referred on a temporary basis to its customers. This classification applies if the customer's business is by nature

enumerated in this manual as being subject to any of the following risk classifications: 10-7 (WAC 296-17-53504), 11-6 (WAC 296-17-53803), 13-3 (WAC 296-17-540), 22-1 (WAC 296-17-565), 22-2 (WAC 296-17-566), 34-3 (WAC 296-17-581), 34-5 (WAC 296-17-58201), 34-6 (WAC 296-17-583), 34-9 (WAC 296-17-58501), 34-8 (WAC 296-17-585), 36-2 (WAC 296-17-594), 37-1 (WAC 296-17-599), 37-7 (WAC 296-17-603), 37-8 (WAC 296-17-604), 38-1 (WAC 296-17-605), 38-2 (WAC 296-17-606), 38-8 (WAC 296-17-612), 39-5 (WAC 296-17-618), 39-9 (WAC 296-17-61804), 41-1 (WAC 296-17-620), 41-3 (WAC 296-17-622), 41-7 (WAC 296-17-626), 41-8 (WAC 296-17-627), 41-9 (WAC 296-17-628), 45-1 (WAC 296-17-637), 45-2 (WAC 296-17-638), 45-3 (WAC 296-17-639), 45-4 (WAC 296-17-640), 49-5 (WAC 296-17-654), 52-7 (WAC 296-17-676), 61-5 (WAC 296-17-682), 61-7 (WAC 296-17-684), 62-1 (WAC 296-17-687), 62-3 (WAC 296-17-689), 62-4 (WAC 296-17-690), 62-5 (WAC 296-17-691), 62-6 (WAC 296-17-692), 62-9 (WAC 296-17-695), 63-1 (WAC 296-17-696), 63-2 (WAC 296-17-697), 63-4 (WAC 296-17-699), 63-5 (WAC 296-17-700), 63-6 (WAC 296-17-701), 63-8 (WAC 296-17-703), 63-9 (WAC 296-17-704), 64-2 (WAC 296-17-706), 64-3 (WAC 296-17-707), 64-4 (WAC 296-17-708), 64-5 (WAC 296-17-709), 64-6 (WAC 296-17-710), 64-7 (WAC 296-17-711), 65-3 (WAC 296-17-716), 65-4 (WAC 296-17-717), 65-5 (WAC 296-17-718), 65-8 (WAC 296-17-721), 65-9 (WAC 296-17-722), 66-1 (WAC 296-17-723), 66-3 (WAC 296-17-725), 66-4 (WAC 296-17-726), 66-5 (WAC 296-17-727), 66-7 (WAC 296-17-729), 67-4 (WAC 296-17-735), 67-9 (WAC 296-17-740), 69-9 (WAC 296-17-75301), 73-8 (WAC 296-17-778).

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-760 CLASSIFICATION 71-7.

Temporary help companies
This classification applies to employees of temporary help companies, N.O.C., that are referred on a temporary basis to its customers. This classification applies if the customer's business is by nature enumerated in this manual as being subject to any of the following risk classifications: 3-6 (WAC 296-17-512), 3-7 (WAC 296-17-513), 5-3 (WAC 296-17-518), 6-1 (WAC 296-17-522), 6-2 (WAC 296-17-523), 6-3 (WAC 296-17-524), 6-6 (WAC 296-17-526), 6-7 (WAC 296-17-527), 6-8 (WAC 296-17-52701), 11-8 (WAC 296-17-53805), 14-1 (WAC 296-17-542), 18-1 (WAC 296-17-552), 24-1 (WAC 296-17-567), 29-3 (WAC 296-17-568), 29-4 (WAC 296-17-569), 29-6 (WAC 296-17-570), 29-8 (WAC 296-17-57002), 31-1 (WAC 296-17-571), 31-2 (WAC 296-17-572), 31-3 (WAC 296-17-573), 31-4 (WAC 296-17-574), 31-5 (WAC 296-17-575), 33-1 (WAC 296-17-576), 33-2 (WAC 296-17-57601), 33-3 (WAC 296-17-57602), 34-2 (WAC 296-17-580), 34-4 (WAC 296-17-582), 36-3 (WAC 296-17-595), 36-4 (WAC 296-17-596), 36-5 (WAC

296-17-597), 36-6 (WAC 296-17-598), 39-2 (WAC 296-17-615), 39-3 (WAC 296-17-616), 40-2 (WAC 296-17-619), 42-1 (WAC 296-17-629), 43-1 (WAC 296-17-630), 43-2 (WAC 296-17-631), 43-3 (WAC 296-17-632), 43-4 (WAC 296-17-633), 44-2 (WAC 296-17-63501), 46-1 (WAC 296-17-641), 51-1 (WAC 296-17-661), 51-2 (WAC 296-17-662), 51-3 (WAC 296-17-663), 51-5 (WAC 296-17-665), 51-6 (WAC 296-17-666), 51-7 (WAC 296-17-667), 51-8 (WAC 296-17-668), 51-9 (WAC 296-17-669), 52-1 (WAC 296-17-670), 52-2 (WAC 296-17-671), 52-3 (WAC 296-17-672), 52-4 (WAC 296-17-673), 52-8 (WAC 296-17-67601), 52-9 (WAC 296-17-67602), 67-5 (WAC 296-17-736).

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-763 CLASSIFICATION 72-1.

~~((State employees — health care facilities
This classification applies to all employees of health care facilities who are assigned to and regularly employed at a health care facility.))~~ State government — this classification is to be used to report all employments of workers assigned to work at state operated facilities that provide patient or health care of any type. Usage of this classification is not limited to state-operated hospitals as it is intended to also cover health care facilities at state schools, infirmaries at correctional institutions, travelling nurses and physicians, etc.
~~This classification excludes clerical office and white collar professional employments that are not engaged in providing or attending to patient care and all blue collar employments~~
See risk classifications 49-2 (WAC 296-17-651), 53-7 (WAC 296-17-67901) and 71-3 (WAC 296-17-756) for other state government operations.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-764 CLASSIFICATION 72-2.

~~Real estate agencies ((=all operations including clerical office and sales personnel))~~
This classification includes clerical office and sales personnel but, excludes building management and/or property development.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-778 CLASSIFICATION 73-8.

~~((Humane societies
Dog pounds
Animal shelters
Dog grooming parlors
All operations including clerical office and sales personnel.))~~ Animal shelters
Dog grooming parlors
Dog pounds
Humane societies

This classification includes clerical office and sales personnel.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 296-17-601 CLASSIFICATION 37-3.
- WAC 296-17-648 CLASSIFICATION 48-7.

AMENDATORY SECTION (Amending Order 84-23, filed 11/28/84, effective 1/1/85)

WAC 296-17-885 TABLE III.

Expected Loss Rates and D-Ratios
Expected Loss Rates in Dollars Per Workman Hour
for Indicated Fiscal Year

CLASS	1981	1982	1983	D-RATIO
1-1	.4384	.4682	.4696	.347
1-2	.2942	.3135	.3143	.376
1-3	.3644	.3879	.3887	.391
1-4	.3006	.3212	.3222	.343
1-5	.3684	.3932	.3944	.357
1-6	.7071	.7558	.7582	.338
1-7	.3177	.3385	.3394	.371
1-8	.3492	.3717	.3724	.391
1-9	.5741	.6144	.6166	.324
2-1	.8037	.8587	.8613	.344
2-2	.9185	.9820	.9853	.335
2-6	.3930	.4222	.4243	.274
3-1	.1905	.2016	.2017	.461
3-2	.5762	.6154	.6172	.350
3-6	.1885	.2002	.2005	.419
3-7	.1804	.1920	.1923	.392
4-1	.7583	.8077	.8094	.383
4-2	.4740	.5056	.5068	.368
4-3	.5501	.5890	.5912	.317
5-2	.3601	.3820	.3824	.429
5-3	.2250	.2400	.2405	.368
5-4	.4195	.4467	.4476	.383
5-5	.4672	.4979	.4990	.374
5-6	.5970	.6332	.6336	.436
5-7	.6119	.6517	.6530	.383
5-8	.6383	.6820	.6841	.343
5-9	.5448	.5837	.5861	.309
6-1	.1579	.1686	.1691	.356
6-2	.1647	.1749	.1752	.414
6-3	.2817	.2993	.2997	.414
6-4	.4328	.4616	.4628	.365
6-6	.0795	.0845	.0847	.414
6-7	.1038	.1104	.1105	.412
6-8	.1579	.1686	.1691	.356
7-1	.4347	.4648	.4663	.334
8-3	.1482	.1574	.1576	.420
8-4	.2406	.2570	.2577	.349
9-1	.8081	.8650	.8682	.321
9-2	.2265	.2418	.2425	.354
10-2	.3941	.4198	.4206	.383
10-3	.2300	.2448	.2452	.394
10-4	.2300	.2448	.2452	.394
10-5	.9742	1.0402	1.0433	.350

CLASS	1981	1982	1983	D-RATIO	CLASS	1981	1982	1983	D-RATIO
10-7	.0308	.0326	.0325	.489	36-1	.0325	.0345	.0345	.433
11-1	.1730	.1838	.1840	.419	36-2	.0325	.0345	.0345	.433
11-2	.4039	.4305	.4315	.372	36-3	.1724	.1827	.1828	.444
11-3	.1331	.1413	.1414	.437	36-4	.3132	.3332	.3337	.401
11-4	.1743	.1850	.1853	.423	36-5	.1133	.1205	.1207	.396
11-6	.0379	.0400	.0400	.479	36-6	.2265	.2418	.2425	.354
11-8	.1812	.1937	.1942	.347	37-1	.0722	.0766	.0767	.430
13-1	.1370	.1458	.1461	.394	37-2	.1871	.1997	.2002	.351
13-3	.0735	.0781	.0782	.427	37-6	.0722	.0766	.0767	.430
13-4	.0045	.0049	.0049	.368	37-7	.1346	.1430	.1431	.424
13-5	.0852	.0904	.0905	.428	37-8	.0752	.0795	.0795	.467
14-1	.2991	.3190	.3199	.363	38-1	.0990	.1056	.1058	.366
14-4	.1778	.1888	.1892	.411	38-2	.0599	.0634	.0635	.449
15-1	.1323	.1403	.1404	.433	38-3	.0599	.0634	.0635	.449
15-7	.1104	.1173	.1175	.403	38-5	.0599	.0634	.0635	.449
17-1	.7602	.8167	.8205	.278	38-6	.0599	.0634	.0635	.449
17-2	.7602	.8167	.8205	.278	38-8	.0670	.0711	.0711	.428
17-3	.1976	.2101	.2104	.409	38-9	.0752	.0795	.0795	.467
17-4	.2170	.2306	.2309	.413	39-1	.1177	.1254	.1257	.381
18-1	.2794	.2971	.2975	.402	39-2	.2252	.2394	.2398	.405
20-2	.2295	.2440	.2443	.404	39-3	.3171	.3374	.3380	.398
20-3	.1483	.1576	.1578	.415	39-4	.2252	.2394	.2398	.405
20-4	.2548	.2713	.2720	.384	39-5	.0477	.0503	.0503	.491
20-5	.1212	.1288	.1289	.414	39-6	.1701	.1803	.1804	.444
20-7	.1465	.1566	.1571	.340	39-9	.0607	.0639	.0639	.505
20-8	.1008	.1073	.1075	.385	40-2	.2504	.2670	.2678	.364
21-1	.1687	.1796	.1799	.392	41-1	.0469	.0498	.0499	.429
21-2	.1483	.1576	.1578	.415	41-3	.0874	.0925	.0926	.449
21-4	.0652	.0688	.0688	.496	41-4	.0469	.0498	.0499	.429
21-5	.2565	.2730	.2737	.388	41-7	.0249	.0265	.0265	.417
22-1	.0906	.0959	.0960	.452	41-8	.0469	.0498	.0499	.429
22-2	.1305	.1383	.1384	.439	41-9	.0469	.0498	.0499	.429
24-1	.2157	.2289	.2291	.430	42-1	.1826	.1949	.1954	.364
29-3	.2589	.2747	.2749	.429	43-1	.2808	.2975	.2977	.446
29-4	.3262	.3477	.3486	.373	43-2	.2762	.2932	.2935	.424
29-6	.1649	.1747	.1748	.443	43-3	.2987	.3166	.3168	.441
29-8	.2649	.2830	.2839	.345	43-4	.2363	.2511	.2515	.409
31-1	.2759	.2957	.2970	.302	43-5	.4404	.4677	.4682	.419
31-2	.1980	.2112	.2117	.367	44-1	.1562	.1657	.1660	.429
31-3	.1980	.2112	.2117	.367	44-2	.2058	.2198	.2204	.351
31-4	.2179	.2330	.2339	.331	44-4	.1483	.1576	.1578	.415
31-5	.2985	.3173	.3178	.404	45-1	.0443	.0474	.0476	.323
33-1	.2863	.3043	.3046	.415	45-2	.0181	.0194	.0194	.369
33-2	.2058	.2179	.2180	.458	45-3	.0224	.0237	.0237	.436
33-3	.1111	.1178	.1181	.429	45-4	.0224	.0237	.0237	.436
33-9	.1439	.1529	.1530	.422	46-1	.1761	.1887	.1895	.309
34-1	.1393	.1480	.1482	.404	48-2	.0836	.0890	.0893	.379
34-2	.1466	.1559	.1561	.402	48-3	.0985	.1046	.1047	.433
34-3	.0462	.0493	.0494	.365	48-4	.1983	.2108	.2111	.409
34-4	.1738	.1838	.1838	.467	48-5	.1035	.1096	.1097	.447
34-5	.0759	.0806	.0808	.408	48-6	.0257	.0272	.0272	.475
34-6	.0650	.0690	.0691	.422	48-7	.4672	.4979	.4990	.374
34-7	.1116	.1191	.1194	.361	48-8	.1137	.1203	.1203	.465
34-8	.0433	.0463	.0465	.329	48-9	.0699	.0742	.0743	.436
34-9	.0639	.0678	.0679	.438	49-1	.0228	.0244	.0244	.341
35-1	.1676	.1776	.1776	.452	49-2	.0507	.0539	.0540	.423
35-3	.1164	.1232	.1232	.461	49-3	.0228	.0244	.0244	.341
35-5	.1812	.1937	.1942	.347	49-4	.0056	.0059	.0059	.434
35-6	.2245	.2394	.2399	.370	49-5	.0921	.0976	.0976	.444
35-8	.1277	.1351	.1351	.460	49-6	.0186	.0196	.0197	.430

CLASS	1981	1982	1983	D-RATIO	CLASS	1981	1982	1983	D-RATIO
49-7	.0369	.0394	.0395	.390	65-1	.0148	.0157	.0157	.442
49-8	.0377	.0401	.0402	.401	65-2	.0053	.0056	.0056	.420
49-9	.0377	.0401	.0402	.401	65-3	.0453	.0487	.0491	.242
50-1	1.2577	1.4634	1.4672	.364	65-4	.0599	.0633	.0633	.493
50-2	.1420	.1508	.1510	.422	65-5	.0645	.0685	.0686	.410
50-3	.4513	.4808	.4818	.382	65-6	.0157	.0168	.0168	.393
50-4	.2410	.2563	.2567	.400	65-7	.1083	.1150	.1151	.433
51-1	.2992	.3181	.3186	.407	65-8	.1083	.1150	.1151	.433
51-2	.4764	.5059	.5064	.422	65-9	.0602	.0637	.0637	.475
51-3	.4109	.4382	.4394	.366	66-1	.0844	.0897	.0898	.413
51-4	.2066	.2198	.2201	.398	66-2	.1570	.1663	.1664	.444
51-6	.2066	.2198	.2201	.398	66-3	.0822	.0870	.0870	.458
51-7	.1438	.1528	.1530	.415	66-4	.0260	.0275	.0276	.397
51-8	.2673	.2851	.2857	.369	66-5	.0686	.0728	.0729	.424
51-9	.2005	.2141	.2147	.348	66-7	.0473	.0502	.0503	.394
52-1	.1438	.1528	.1530	.415	66-8	.1071	.1139	.1143	.389
52-4	.5519	.5843	.5845	.456	66-9	.5876	.6182	.6173	.533
52-5	.2673	.2851	.2857	.369	67-4	.0612	.0651	.0652	.398
52-6	.1558	.1665	.1670	.339	67-5	.1714	.1812	.1812	.474
52-7	.0472	.0501	.0502	.410	67-6	.0963	.1023	.1025	.405
52-8	.2544	.2707	.2712	.391	67-7	2.76*	2.90*	2.89*	.551
52-9	.1960	.2084	.2087	.410	67-8	6.8475	5.1356	3.4238	.426
53-1	.0060	.0063	.0063	.412	67-9	.0428	.0453	.0453	.477
53-5	.0101	.0108	.0108	.407	68-1	.2380	.2521	.2523	.447
53-6	.0119	.0127	.0128	.369	68-2	.1337	.1419	.1420	.428
53-7	.0739	.0785	.0786	.405	68-3	1.2183	1.3152	1.3233	.217
61-3	.0114	.0121	.0121	.468	68-4	.0780	.0831	.0832	.376
61-4	.1310	.1390	.1392	.430	68-9	.6278	.6617	.6610	.512
61-5	.0766	.0810	.0810	.462	69-2	.3880	.4160	.4177	.302
61-6	.0766	.0810	.0810	.462	69-3	1.5373	1.6459	1.6520	.319
61-7	.0572	.0612	.0614	.328	69-4	.1189	.1268	.1270	.376
61-8	.1417	.1493	.1531	.513	69-5	.1189	.1268	.1270	.376
61-9	.0135	.0143	.0143	.418	69-7	.4108	.4369	.4376	.402
62-1	.0579	.0616	.0618	.383	69-8	.1660	.1759	.1760	.440
62-2	.2383	.2536	.2541	.393	69-9	.0285	.0303	.0304	.405
62-3	.0439	.0466	.0467	.395	71-1	.0153	.0164	.0164	.409
62-4	.0482	.0510	.0510	.468	71-2	4.29*	4.54*	4.53*	.477
62-5	.0482	.0510	.0510	.468	71-3	.0685	.0728	.0730	.391
62-6	.0482	.0510	.0510	.468	71-4	.0136	.0145	.0145	.420
62-7	.2724	.2889	.2891	.438	71-5	.0994	.1050	.1049	.483
62-8	.0943	.1006	.1009	.362	71-6	.1750	.1859	.1861	.423
62-9	.0699	.0742	.0743	.434	71-7	.2442	.2596	.2601	.403
63-1	.0426	.0454	.0455	.379	71-8	.5928	.6290	.6296	.429
63-2	.0603	.0642	.0644	.400	71-9	1.6028	1.7046	1.7075	.401
63-3	.0161	.0172	.0172	.422	72-1	.0725	.0764	.0764	.503
63-4	.0457	.0486	.0488	.363	72-2	.0186	.0197	.0198	.402
63-5	.0205	.0216	.0216	.440	73-1	.1376	.1459	.1460	.432
63-6	.0644	.0682	.0682	.454	73-2	.1363	.1438	.1438	.493
63-7	.0275	.0291	.0291	.459	73-7	.1347	.1421	.1421	.494
63-8	.0141	.0151	.0152	.350	73-8	.0660	.0703	.0705	.385
63-9	.0342	.0362	.0362	.456					
64-1	.0275	.0291	.0291	.459					
64-2	.0840	.0895	.0897	.382					
64-3	.0502	.0531	.0531	.467					
64-4	.0177	.0188	.0189	.387					
64-5	.1489	.1578	.1579	.440					
64-6	.0275	.0291	.0291	.459					
64-7	.0653	.0695	.0697	.385					
64-8	.1108	.1182	.1185	.370					
64-9	.1641	.1743	.1745	.416					

*Daily expected loss rate

AMENDATORY SECTION (Amending Order 84-23, filed 11/28/84, effective 1/1/85)

WAC 296-17-895 INDUSTRIAL INSURANCE ACCIDENT FUND BASE RATES AND MEDICAL AID RATES BY CLASS OF INDUSTRY. Industrial insurance accident fund base rates and medical aid rates by class of industry shall be as set forth below.

Rates Effective
January 1, 1985Rates Effective
January 1, 1985

Class	Rates Effective January 1, 1985		Class	Rates Effective January 1, 1985	
	Accident Fund Base Rate	Medical Aid Fund Rate		Accident Fund Base Rate	Medical Aid Fund Rate
1-1	.6897	.4712	14-4	.2812	.1908
1-2	.4642	.4157	15-1	.2097	.2296
1-3	.5756	.5629	15-7	.1744	.1764
1-4	.4729	.3509	17-1	1.1894	.6408
1-5	.5802	.5533	17-2	1.1894	.6408
1-6	1.1119	.7710	17-3	.3126	.2402
1-7	.5008	.3805	17-4	.3434	.3618
1-8	.5516	.3842	18-1	.4416	.4813
1-9	.9017	.7761	20-2	.3628	.2953
2-1	1.2644	.8667	20-3	.2348	.2312
2-2	1.4438	1.0578	20-4	.4022	.4622
2-6	.6145	.5299	20-5	.1918	.2349
3-1	.3027	.2989	20-7	.2304	.2400
3-2	.9070	.4880	20-8	.1591	.1500
3-6	.2985	.3109	21-1	.2665	.2907
3-7	.2849	.3448	21-2	.2348	.2312
4-1	1.1969	.9475	21-4	.1039	.1658
4-2	.7472	.8755	21-5	.4050	.3988
4-3	.8635	.6254	22-1	.1438	.1335
5-2	.5704	.4199	22-2	.2069	.1612
5-3	.3547	.4093	24-1	.3419	.3343
5-4	.6620	.4903	29-3	.4101	.4165
5-5	.6870	.5786	29-4	.5145	.4117
5-6	.8826	.7491	29-6	.2615	.2753
5-7	.9005	.7277	29-8	.4168	.4232
5-8	1.0040	.7730	31-1	.4325	.3453
5-9	.8546	.6579	31-2	.3122	.2466
6-1	.2488	.2646	31-3	.3122	.2466
6-2	.2606	.2413	31-4	.3424	.2733
6-3	.4458	.2739	31-5	.4718	.4629
6-4	.6820	.7121	33-1	.4532	.4365
6-6	.1259	.1492	33-2	.3269	.3180
6-7	.1643	.1710	33-3	.1760	.2333
6-8	.2488	.2646	33-9	.2279	.3075
7-1	.6832	.7223	34-1	.2201	.2312
8-3	.2346	.2085	34-2	.2318	.2810
8-4	.3787	.5207	34-3	.0728	.0529
9-1	1.2688	.4948	34-4	.2761	.2897
10-2	.6220	.4093	34-5	.1200	.1223
10-3	.3633	.2779	34-6	.1029	.1842
10-4	.3633	.2779	34-7	.1759	.2141
10-5	1.5333	1.0170	34-8	.0680	.0793
10-7	.0491	.0727	34-9	.1014	.1308
11-1	.2739	.2697	35-1	.2660	.3516
11-2	.6368	.4830	35-3	.1849	.2459
11-3	.2111	.2125	35-6	.3539	.2729
11-4	.2761	.2916	35-8	.2028	.2459
11-6	.0602	.0957	36-2	.0516	.0637
11-8	.2853	.2897	36-3	.2735	.3318
13-1	.2165	.2266	36-4	.4951	.4203
13-3	.1165	.1643	36-5	.1790	.2027
13-4	.0072	.0140	36-6	.3566	.3526
13-5	.1350	.1884	37-1	.1144	.1506
14-1	.4712	.5766	37-2	.2944	.2461

Rates Effective January 1, 1985			Rates Effective January 1, 1985		
Class	Accident Fund Base Rate	Medical Aid Fund Rate	Class	Accident Fund Base Rate	Medical Aid Fund Rate
37-7	.2132	.2141	51-6	.3264	.4004
37-8	.1195	.1352	51-8	.4214	.4669
38-1	.1560	.1784	51-9	.3154	.2806
38-2	.0950	.1075	52-1	.2275	.2250
38-8	.1061	.1199	52-4	.8762	.4040
39-1	.1858	.1632	52-6	.2450	.2506
39-2	.3561	.3063	52-7	.0746	.0964
39-3	.5012	.6399	52-8	.4017	.4901
39-5	.0759	.1165	52-9	.3101	.3760
39-6	.2698	.2807	53-1	.0094	.0135
39-9	.0967	.1452	53-5	.0160	.0199
40-2	.3949	.2951	53-6	.0188	.0172
41-1	.0744	.0994	53-7	.1167	.1142
41-3	.1386	.1872	61-3	.0182	.0277
41-7	.0394	.0577	61-4	.2076	.2027
41-8	.0744	.0994	61-5	.1216	.1578
41-9	.0744	.0994	61-7	.0899	.1087
42-1	.2878	.2277	61-8	.2379	.2306
43-1	.4455	.4505	61-9	.0213	.0233
43-2	.4374	.4525	62-1	.0914	.1098
43-3	.4736	.5513	62-2	.3765	.3076
43-4	.3737	.3327	62-3	.0693	.0824
43-5	.6971	.4550	62-4	.0766	.1057
44-1	.2475	.2277	62-5	.0766	.1057
44-2	.3239	.3004	62-6	.0766	.1057
44-4	.2348	.2312	62-7	.4319	.7898
45-1	.0696	.0772	62-8	.1486	.1633
45-2	.0287	.0267	62-9	.1109	.1970
45-4	.0355	.0641	63-1	.0672	.0595
46-1	.2762	.4672	63-2	.0954	.0859
48-2	.1319	.1340	63-3	.0256	.0277
48-3	.1562	.2269	63-4	.0719	.0729
48-4	.3137	.3029	63-5	.0324	.0482
48-5	.1642	.1788	63-6	.1022	.1537
48-6	.0409	.0534	63-8	.0223	.0188
48-7	.6870	.5786	63-9	.0542	.0854
48-8	.1807	.2547	64-2	.1326	.1222
48-9	.1109	.1211	64-3	.0798	.1023
49-1	.0358	.0565	64-4	.0279	.0387
49-2	.0804	.0914	64-5	.2361	.2813
49-3	.0358	.0565	64-6	.0437	.0544
49-4	.0089	.0122	64-7	.1031	.1215
49-5	.1460	.1484	64-8	.1747	.2354
49-6	.0294	.0374	64-9	.2597	.3415
49-7	.0584	.0574	65-1	.0235	.0256
49-8	.0596	.1286	65-2	.0083	.0123
49-9	.0596	.1286	65-3	.0706	.0394
50-1	2.1618	1.5449	65-4	.0955	.1589
50-2	.2249	.2750	65-5	.1020	.1077
50-3	.7123	.3866	65-6	.0249	.0308
50-4	.3808	.4928	65-8	.1718	.1967
51-1	.4732	.4309	65-9	.0959	.1225
51-2	.7544	.7078	66-1	.1335	.1521
51-3	.6477	.5469	66-2	.2489	.2088

Rates Effective
January 1, 1985

WSR 85-06-027
EMERGENCY RULES
DEPARTMENT OF GAME
(Game Commission)
[Order 264—Filed February 28, 1985]

Class	Accident Fund Base Rate	Medical Aid Fund Rate
66-3	.1306	.1409
66-4	.0410	.0440
66-5	.1086	.1299
66-7	.0746	.0964
66-8	.1691	.1301
66-9	.9389	1.1782
67-4	.0967	.1220
67-5	.2727	.4213
67-6	.1522	.1847
67-7	4.66*	8.98*
67-8	1.0846	1.0980
67-9	.0681	.1052
68-1	.3776	.2545
68-2	.2118	.2730
68-3	1.8960	1.5451
68-4	.1230	.1576
68-9	1.0015	2.0736
69-1	-	.0562
69-2	.6083	.3585
69-3	2.4133	2.7010
69-4	.1876	.1990
69-5	.1876	.1990
69-6	-	.1990
69-7	.6494	.5735
69-8	.2631	.2148
69-9	.0451	.0544
71-1	.0243	.0256
71-2	7.20*	27.14*
71-3	.1081	.1108
71-4	.0216	.0209
71-5	.1581	.1456
71-6	.2772	.2683
71-7	.3861	.4111
71-8	.9391	.7929
71-9	2.5333	2.2113
72-1	.1155	.1154
72-2	.0294	.0296
72-3	.0547	.0575
72-4	-	-
73-1	.2179	.3068
73-2	.2170	.3079
73-7	.2145	.3109
73-8	.1042	.1235
73-9	.0681	.1052

Be it resolved by the Washington State Game Commission, acting at Olympia, that it does adopt the annexed rules relating to season extension for steelhead fishing on the Humptulips River system, WAC 232-28-61411.

We, the Washington 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 harvestable wild fish remain in the non-Indian allocation of Humptulips River steelhead. Liberalizing the recreational angling regulations on this river will provide additional opportunity for sport fishermen to take their rightful share.

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 February 26, 1985.

By Jack S. Wayland

for Vern E. Ziegler

Chairman, Game Commission

NEW SECTION

WAC 232-28-61411 SEASON EXTENSION FOR STEELHEAD FISHING ON THE HUMPTULIPS RIVER SYSTEM. Notwithstanding the provisions of WAC 232-28-614, effective March 1, 1985 the following regulation changes will be in effect.

Humptulips River, from mouth to forks Through April 15, 1985 TROUT, catch limit-2, min. lgth.-10"

East Fork Humptulips, from mouth to concrete bridge on Forest Service road between Humptulips Guard Station and Grisdale Through April 15, 1985 TROUT, catch limit-2, min. lgth.-10"

West Fork Humptulips, from mouth to west fork bridge, a distance of about five miles Through April 15, 1985 TROUT, catch limit-2, min. lgth.-10"

*Daily rate. The daily rate shall be paid in full on any person for any calendar day in which any duties are performed that are incidental to the profession of the worker.

WSR 85-06-028
EMERGENCY RULES
DEPARTMENT OF GAME
(Game Commission)
 [Order 265—Filed February 28, 1985]

Be it resolved by the State Game Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to regulation change for sport fishing on the Nooksack and Snohomish River systems, WAC 232-28-61412.

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 the wild steelhead run is projected to be less than the established spawning escapement objective. All further catch must be limited to hatchery origin steelhead.

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 February 26, 1985.

By Jack S. Wayland
 Director

NEW SECTION

WAC 232-28-61412 REGULATION CHANGE FOR SPORT FISHING ON THE NOOKSACK AND SNOHOMISH RIVER SYSTEMS. Effective immediately through March 31, 1985 notwithstanding the provisions of WAC 232-28-614 on the Nooksack and Snohomish river systems, only steelhead with dorsal fins equal to or less than 2.0" in height, as measured while fully extended, or with missing adipose or ventral fins may be reduced to possession. It is unlawful to possess a steelhead with a dorsal fin measuring greater than 2.0" in height or to possess a steelhead with a freshly cut or mutilated fin. However, it shall be lawful to catch and possess steelhead trout without regard to dorsal fin height or other clipped fin restrictions in Tokul Creek from its mouth upstream to the railroad trestle and in the Snoqualmie River from the Plumb access upstream to Snoqualmie Falls.

WSR 85-06-029
ADOPTED RULES
DEPARTMENT OF AGRICULTURE
 [Order 1847—Filed February 28, 1985]

I, C. Alan Pettibone, director of agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to horticultural inspection fees, chapter 16-400 WAC.

This action is taken pursuant to Notice No. WSR 85-03-089 filed with the code reviser on January 21, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.17 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED February 28, 1985.

By Michael V. Schwisow
 Deputy Director

NEW SECTION

WAC 16-400-007 DEFINITION. For the purposes of this chapter districts one, two, three, and four are defined in chapter 16-458 WAC horticultural inspection district boundaries.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-400-020 LOOSE APPLES AND/OR PEARS.

WSR 85-06-030
ADOPTED RULES
DEPARTMENT OF
SERVICES FOR THE BLIND
 [Order 85-02—Filed March 1, 1985]

I, Paul Dzedzic, director of the Department of Services for the Blind, do promulgate and adopt at 921 Lakeridge Drive, Room 202, FW-21, Olympia WA 98504-0088, the annexed rules relating to:

Amd WAC 67-25-005 Definitions.
 New WAC 67-25-257 Prevocational skills assessment.
 Amd WAC 67-25-420 Vocational rehabilitation—Rehabilitation teaching services.

This action is taken pursuant to Notice No. WSR 85-03-081 filed with the code reviser on January 18, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Services for the Blind as authorized in chapter 74.18 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 March 1, 1985.

By Paul Dzedzic
Director

AMENDATORY SECTION (Amending Order 84-04, filed 9/6/84)

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 orthotic 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, ongoing form of service or financial assistance, whether public or private. It must be free or may require a deductible, co-insurance feature, token payment or personal claim.

(22) "Prevocational services" includes assessment and training in the skills which are necessary for blind persons to function independently in all settings as distinguished from the vocational skills necessary to perform a specific occupation. The prevocational services provided by the department include communications, personal management, orientation and mobility, personal adjustment, home management, activities of daily living, and client's use of residual vision.

(23) "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.

~~((23))~~ (24) "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.

~~((24))~~ (25) "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.

~~((25))~~ (26) "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 67-25-257 **PREVOCATIONAL SKILLS ASSESSMENT.** (1) There will be an assessment of each individual's prevocational skills prior to the development of an individual written rehabilitation plan. The results of the prevocational assessment will be incorporated into a plan of training as part of the individual written rehabilitation plan.

(2) The prevocational assessment may include any combination of the following skill areas. Training in these skills will be provided according to the plan developed with each individual client:

- (a) Communications, including braille;
- (b) Personal management;
- (c) Orientation and mobility;
- (d) Home management;
- (e) Activities of daily living;
- (f) Personal adjustment;
- (g) Degree and use of residual vision.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

WAC 67-25-420 **VOCATIONAL REHABILITATION SERVICES—REHABILITATION TEACHING SERVICES.** (1) The department will provide or cause to be provided rehabilitation teaching services to clients by rehabilitation teachers in the employ of the department. Such services may be purchased by the department from vendors who meet standards for these services when they are not otherwise available to a client. Rehabilitation teaching services include training in prevocational skills and home management.

(2) ~~Rehabilitation teaching services (include specific and identifiable teaching methods that are used to assist blind individuals in acquiring skills in manual dexterity, communication, home orientation, home management and general self-management.~~

~~(3))~~ are provided to persons whose vocational goal is "homemaker." Such persons meet vocational rehabilitation eligibility requirements and are subject to all other provisions of this chapter. Clients with a vocational goal of "homemaker" receive home management as their

preliminary vocational training. They also receive prevocational services, equipment, and aids as necessary to participate in a full range of activities.

(3) Rehabilitation teaching services are provided to persons whose vocational goal is other than "homemaker." Such persons may receive home management as a prevocational skill.

(4) Rehabilitation teaching services may be provided during all phases of the vocational rehabilitation process wherever there is a documented need for them for diagnostic purposes and under a client's individualized written rehabilitation program.

WSR 85-06-031
ADOPTED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Order 85-6—Filed March 1, 1985]

I, Richard A. Davis, director of the Department of Labor and Industries, do promulgate and adopt at Olympia, Washington 98504, the annexed rules relating to this order amends WAC 296-15-030 posting of security, of chapter 296-15 WAC, rules and regulations for self-insured employers. It states the method by which the surety requirement for self-insured employers is determined. The surety required of self-insured employers will insure payment of all compensation and assessments due under RCW 51.14.020, thereby protecting the state fund from loss as a result of defaulting employers. This order also corrects clerical errors in WAC 296-15-215 cash, bond or assignment of account alternative for death or permanent total disability; 296-15-230 third party actions; and 296-15-050 reinsurance.

This action is taken pursuant to Notice Nos. WSR 85-01-073 and 85-04-059 filed with the code reviser on December 19, 1984, and February 6, 1985. 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 51.04.020 which directs that the director, Department of Labor and Industries, has authority to implement the provisions of Title 51 RCW, industrial insurance laws.

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 March 1, 1985.

By R. A. Davis
Director

AMENDATORY SECTION (Amending Order 77-19, filed 9/26/77)

WAC 296-15-030 POSTING OF SECURITY. Subsections (1), (2), (3), and (4) of this section shall apply only to individual self-insurers who are not participating in a group self-insurance program. Group

self-insurance programs are subject to reserve requirements set forth in WAC 296-15-02601(3) and 296-15-02605, in lieu of application of this section.

(1) Upon receiving a completed application for certification to self-insure, the director shall review the matter and notify the employer of the amount of security which must be deposited to secure the payment of compensation and assessments, pursuant to RCW 51.14.020 as now or hereafter amended. This amount as so established may be satisfied by the employer's supplying of money, corporate or governmental securities approved by the director, or a surety bond, written by a company admitted to transact surety business in this state, in favor of the department. All such securities of a self-insurer shall be deposited with an escrow agent appointed by the director and administered pursuant to a written agreement between the department, the self-insurer and the escrow agent. Securities shall be registered in the name of the escrow agent on behalf of the self-insurer. The original of all surety bonds submitted by self-insurers following approval by the director(;) and the attorney general ((and the state insurance commissioner;)) will be kept on file in the Olympia office of the division of industrial insurance of the department.

~~(2) ((The amount of security required of each self-insurer shall be reviewed annually by the director to determine if there is need for any increase or decrease thereof, and to facilitate this review and determination; a Self-Insurer's Annual Report (SIF #7) shall be required in the form prescribed by the director and supplied to all self-insurers;))~~ On or after July 1, 1985, the minimum amount of security deposit required for initial certification as a self-insurer shall be the projected average cost of a permanent total pension claim for an injury occurring during the first year after the employer's self-insuring, including medical, time-loss and any other miscellaneous claim costs paid prior to award of the pension. This average cost shall be calculated by the department on an annual basis.

The security deposit required for initial certification as a self-insurer on or after July 1, 1985, may be greater than the minimum amount described above. In establishing such surety deposit requirements, the department shall estimate the following amounts:

(a) The estimated amount of accident and medical aid fund premium that the self-insurer would have paid to the state fund during the first year of self-insurance, if it had remained in the state fund.

(b) The estimated amount of incurred benefits for the first year of self-insurance, based on past experience with the state fund, adjusted for intervening changes in benefit schedules and exposure.

If either or both of the above amounts exceed the minimum security deposit described in this section, the department may require the larger of (a) or (b) of this subsection as a security deposit for initial certification as a self-insurer on or after July 1, 1985.

The security deposit required in accordance with the above procedures may be adjusted by the department if there are other known conditions which may alter the self-insurer's potential claim costs and/or its ability to pay them.

(3) The amount of security required of each self-insurer shall be reviewed periodically by the director to determine if there is need for any increase or decrease thereof. To facilitate this review a self-insurer's annual report (SIF #7) shall be required in the form prescribed by the director and supplied to all self-insurers.

Security requirements in effect on, or initially established after, July 1, 1985, shall not be increased unless and until one or more of the following conditions are met:

(a) An estimate of the self-insurer's outstanding claim liabilities, made by either the self-insured employer or the department, exceeds the amount of security in force;

or
(b) The projected average cost of a permanent total pension claim for an injury in the current year, including medical, time-loss and any other miscellaneous claim costs paid prior to award of the pension, exceeds the security in force for the employer by one hundred thousand dollars or more.

(4) The following procedure shall apply for purposes of updating security requirements:

(a) On July 1, 1985, the security requirement for each self-insurer shall be the larger of the following two amounts:

(i) The existing security in force for the self-insurer;

or
(ii) The self-insurer's stated estimate of outstanding claim liabilities as shown on the 1984 Self-Insurer's Annual Report (SIF #7).

(b) On July 1, 1986, the security requirement for each self-insurer shall be the larger of the following two amounts:

(i) The existing security in force for the self-insurer;

or
(ii) The average of the self-insurer's stated estimate of outstanding claim liabilities as shown on the 1985 Self-Insurer's Annual Report (SIF #7) and the department's estimate of the self-insurer's outstanding claim liabilities as of December 31, 1985, made in accordance with provisions of (e) of this subsection.

(c) On July 1, 1987, the security requirement for each self-insurer shall be the larger of the following two amounts:

(i) The existing security in force for the self-insurer;

or
(ii) The department's estimate of the self-insurer's outstanding claim liabilities as of December 31, 1986, made in accordance with provisions of (e) of this subsection.

(d) After July 1, 1987, the security requirement for each self-insurer will be subject to review and increased or decreased at such times as the director deems necessary to maintain the adequacy of those requirements. Such review and adjustment, when made, shall be performed in accordance with provisions of (e) of this subsection.

(e) In establishing or adjusting security requirements for a self-insurer, the department may perform a runoff test of the adequacy of the employer's estimates of liabilities, by tracking the subsequent cost of claims (subsequent payments plus the employer's updated estimates

of remaining liabilities). If the subsequent costs do not exceed original liability estimates, the employer's most recent estimates of claim liabilities shall be considered adequate for purposes of setting current security requirements for the employer.

If the runoff test shows that subsequent costs of claims exceed the employer's original estimates of outstanding liabilities, the department may apply a loss development factor to the employer's most recent estimates of claim liabilities to compensate for anticipated repetition of inadequate estimates. The loss development factor shall be based on the self-insured employer's experience.

The following special considerations shall apply in establishing or adjusting security requirements for a self-insurer:

(i) Pension claims – Reserve amounts attributable to death or permanent total disability claims independently secured by means of a surety bond or assignment of account, and which are included in estimates of outstanding claim liabilities as shown on the self-insurer's annual report (SIF #7), shall be deducted from estimates of outstanding claim liabilities made in accordance with other provisions of this section.

(ii) Reinsurance – Anticipated recoveries under reinsurance policies held by a self-insurer must be documented by the self-insurer and reported to the department to qualify for consideration in establishing security requirements. Such anticipated recoveries shall be applied to either the self-insurer's estimate of outstanding claim liabilities as shown on the most current self-insurer's annual report (SIF #7) or the department's estimate of the self-insurer's outstanding liabilities made in accordance with (e) of this subsection, whichever is greater. If the resulting estimate of claim liabilities net of reinsurance recoveries is less than the security requirements imposed by this section without adjustment for reinsurance, the security requirement shall be reduced accordingly; provided, that security requirements imposed upon initial certification of a self-insurer or based upon the projected average cost of a permanent total pension claim may be retained by the department regardless of other estimates of claim liabilities for the self-insurer.

(iii) Strict application of loss development factors based upon the runoff test presumes a consistency of reserving methodology and results for the self-insurer. If the department determines that an employer has changed its reserving methodology in such a way as to invalidate loss development factors based upon past experience, then the department shall make such adjustments to the procedure as it may deem appropriate under the circumstances.

(iv) The department will give full consideration to any evaluation of the self-insured employer's outstanding claim liabilities made by an independent qualified actuary. Such independent actuarial evaluations are optional and not required by this rule.

(f) Any changes to existing bonds and/or adjustments to bond amounts made by or required of a self-insurer on or after July 1, 1985, shall provide adequate security for all self-insured workers' compensation liabilities of

the employer, regardless of when the claims giving rise to those liabilities were incurred. Changes contemplated by this subsection include, but are not limited to, designation of a new surety carrier, issuance of a replacement bond by a current surety carrier, and/or revision of the face amount of any bond whether by endorsement or issuance of a replacement bond. If a new surety carrier does not assume full responsibility for all past self-insured liabilities regardless of when incurred, the department may require that such liabilities be secured by other means.

(5) A self-insurer's annual report (SIF #7) shall be required of group self-insurance plans, in the form prescribed by the director and supplied to all group self-insurance plans.

AMENDATORY SECTION (Amending Order 77-19, filed 9/26/77)

WAC 296-15-050 REINSURANCE. (({+})) (1) A self-insurer who desires to reinsure a portion of his liability, pursuant to RCW 51.14.020(5) as now or hereafter amended, shall notify the department of the name of the insurance carrier which will carry such reinsurance policy, and full details as to the extent and period of coverage of such policy. The director may periodically require information from all self-insurers as to their reinsurance program, if any, in order to determine that there is continued compliance with RCW 51.14.020(5).

(2) All copies of any insurance policy in force shall be submitted to the department, together with any modification or renewal provisions thereto which the employer has acquired for the purposes authorized in RCW 51.14.020(5) of reinsuring a portion of the employer's liability: PROVIDED, That the supervisor upon request and for good cause may accept a certificate of insurance in lieu of the self-insured employer's policy of reinsurance which certifies to the monetary limits, all conditions and exceptions pertaining to payments under the self-insured employer's policy of reinsurance and in addition contains a certification that the company providing reinsurance and its personnel do not participate in the administration of the responsibilities of the self-insurer under Title 51 RCW and that such policy of reinsurance does not provide for payments in excess of eighty percent of the self-insured employer's liabilities under the provisions of Title 51 RCW.

(3) Each such policy of insurance issued or renewed on or after July 1, 1975 shall contain a provision which in substance states: That such policy is not intended to provide for the payment of any of the costs, benefits or compensation which the self-insured employer may be obligated to pay pursuant to the provisions of Title 51 RCW, in excess of eighty percent of any such liabilities as required by RCW 51.14.020(5).

AMENDATORY SECTION (Amending Order 83-22, filed 12/1/83, effective 1/1/84)

WAC 296-15-215 CASH, BOND OR ASSIGNMENT OF ACCOUNT ALTERNATIVE FOR DEATH OR PERMANENT TOTAL DISABILITY. An "assignment of account" as used in this rule means a

legal instrument executed by a self-insurer and a federally or state chartered commercial banking institution authorized to conduct business in the state of Washington, for the benefit of the department of labor and industries, which accomplishes the following: (1) Identifies an existing account on deposit with the banking institution in the name of the self-insurer, which account contains an amount no less than the amount deemed by the department to be sufficient to insure the payment of pension benefits required by law for the claim on which the assignment of account is made, above and beyond any and all other existing assignments on that account.

(2) Binds the self-insurer to maintain a balance in that account at least equal to the current present cash value of the pension benefits provided by law on the claim for which the assignment of account is made, above and beyond all other assignments on that account, for the life of the claim. Present cash values shall be revised annually by the department in conjunction with the insurance commissioner's report as prescribed in RCW 51.44.140. Quarterly payments of pension, if made from the assigned account, shall not reduce the account balance below the present cash value last established by the department on the claim.

(3) Authorizes the department of labor and industries, upon default of the self-insurer, in any payment of any obligation on the claim for which the assignment of account has been made, to immediately without notice withdraw from the account without obligation of reimbursement of any amount, up to and including the entire amount specified in the assignment of account document, necessary to implement the cash alternative prescribed in RCW 51.44.070(1).

Upon establishment of a death or permanent total disability obligation, the self-insured employer may elect to pursue the bond or assignment of account alternative outlined in RCW 51.44.070(2). In all such cases, cash, bond or assignment of account, the department shall commence to pay benefits immediately upon issuance of an order establishing such obligation. In the event there is a retroactive payment of benefits in the establishment of such obligation, and the self-insured employer elects to pursue RCW 51.44.070(2), this payment shall be made at the time the employer submits the required cash deposit. All further obligations paid by the department from the pension reserve fund shall be reimbursed to the department by the self-insured through the quarterly report system in accordance with RCW 51.44.070(2). Upon election of RCW 51.44.070(2) the self-insured employer shall submit a bond or assignment of account in the amount deemed by the insurance commissioner to be reasonably sufficient to insure payment of the pension benefits provided by law. Such bond or assignment of account and required cash deposit shall be filed with the self-insurance section no later than sixty days after establishment of the death or permanent total disability obligation. The bond or assignment of account alternative as prescribed by RCW 51.44.070(2) shall be allowed only once on any given claim elected at the time

of the establishment of such obligation. In the event the amount of the bond is subsequently deemed insufficient and the self-insurer is unable to secure the required bond obligation the employer shall deposit cash into the reserve fund, pursuant to RCW 51.44.070(1), to replace the bond obligation. In the event the amount of the assignment of account is subsequently deemed insufficient and the self-insurer is unable to provide the required assignment of account, the employer shall deposit cash into the reserve fund, pursuant to RCW 51.44.070(1), to replace the assignment of account. Funds available within the existing assignment of account shall, in this instance, be withdrawn by the department, deposited in the reserve fund, and credited toward the employer's obligation for the claim pursuant to RCW 51.44.070(1).

A separate assignment of account shall be established for each pension and, in case of failure of a banking institution carrying an assignment of account, the employer is responsible for the total amount of the obligation. Upon such failure of a banking institution, the self-insured employer shall, within thirty days, 1) establish a new assignment of account pursuant to this rule, or 2) deposit cash into the reserve fund to replace the obligation. If an employer terminates its self-insured status, the assignment of account will be placed with the department. The required reserve will be determined by the insurance commissioner and any excess will be returned to the employer.

AMENDATORY SECTION (Amending Order 83-22, filed 12/1/83, effective 1/1/84)

WAC 296-15-230 THIRD PARTY ACTIONS. When the injury to a worker is due to the negligence or wrong of a third person not in the same employ, the injured worker or beneficiary or the self-insured employer may elect to seek damages from the third party as provided by RCW (~~{51.24.010}~~ ~~{51.24.020}~~) 51.24.020.

(1) When such a third party action is undertaken, the self-insured employer shall report to the department of labor and industries:

(a) The name and claim number of the injured worker;

(b) A written indication of election taken by the injured worker or beneficiary.

(2) When third party action is completed, the self-insured employer shall provide the department the following:

(a) The date the judgment was rendered in the case, and a copy of the court order establishing the total amount of the final judgment and the amount of attorney fees and costs involved, or:

(b) The date of any agreement of parties to settle the action, and a copy of any agreement of parties to settle the case, including the total amount of the agreed settlement.

(c) A statement of the total amount of attorney fees and costs involved, and;

(d) A statement of the employer's total costs, including temporary total disability, permanent partial disability and medical costs.

WSR 85-06-032
PROPOSED RULES
DEPARTMENT OF FISHERIES
 [Filed March 1, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Fisheries intends to adopt, amend, or repeal rules concerning commercial fishing rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on March 1, 1985.

The authority under which these rules are proposed is RCW 75.08.080.

The specific statute these rules are intended to implement is RCW 75.08.080.

This notice is connected to and continues the matter in Notice Nos. WSR 85-02-031 and 85-04-005 filed with the code reviser's office on December 28, 1984, and January 24, 1985.

Dated: March 1, 1985
 By: Russell W. Cahill
 for William R. Wilkerson
 Director

WSR 85-06-033
ADOPTED RULES
DEPARTMENT OF FISHERIES
 [Order 85-14—Filed March 1, 1985]

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.

This action is taken pursuant to Notice No. WSR 85-02-031 filed with the code reviser on December 28, 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 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 March 1, 1985.

By Russell W. Cahill
 for William R. Wilkerson
 Director

AMENDATORY SECTION (Amending Order 84-24, filed 3/27/84)

WAC 220-36-03001 GRAYS HARBOR—SEASONS AND LAWFUL GEAR—(~~OTHER~~) VARIETIES OTHER THAN SALMON AND STURGEON.

(1) It shall be (~~lawful~~) unlawful in Marine Fish-Shellfish Management and Catch Reporting Area 60B to (~~take and~~) fish for (~~any other species of~~) food fish, (~~except~~) other than sturgeon and salmon, with purse

seine or lampara gear (~~not~~) exceeding 900 feet in length (~~and~~) or having meshes of (~~not~~) less than one-half inch stretch measure, (~~and~~) or with drag seine gear (~~not~~) exceeding 700 feet in length (~~and~~) or having meshes (~~of not~~) less than 4-1/2 inches stretch measure, except as provided in WAC 220-36-03001(6). It is unlawful to fish for or possess salmon or sturgeon taken with purse seine, lampara, or drag seine gear.

(2) It shall be lawful to (~~take,~~) fish for and possess (~~sturgeon in Grays Harbor Salmon Management and Catch Reporting Areas 2B, 2C, and 2D and~~) bottomfish in Marine Fish-Shellfish Management and Catch Reporting Area 60B at any time with set line and hand line jig gear.

(3) It shall be lawful to retain for commercial purposes (~~sturgeon and species of~~) bottomfish (~~defined as such in WAC 220-16-340~~) taken incidental to any lawful commercial salmon fishery in Grays Harbor Salmon Management and Catch Reporting Areas 2A, 2B, 2C, and 2D, and it shall be lawful to retain bottomfish taken incidental to any lawful sturgeon fishery in Marine Fish-Shellfish Management and Catch Reporting Area 60B. (~~Sturgeon must be of lawful commercial size as provided in WAC 220-20-020.~~)

(4) It shall be lawful to take, fish for and possess smelt taken for commercial purposes in all waters of Grays Harbor except during weekly closed periods extending from 8:00 a.m. Thursday to 8:00 p.m. Saturday.

(5) It shall be lawful to (~~take,~~) fish for and possess herring, anchovies, candlefish, or pilchards taken for commercial purposes with dip bag net gear at any time in the waters of Marine Fish-Shellfish Management and Catch Reporting Area 60B.

(6)(a) June 1 through October 31 – It shall be lawful to fish for, take and possess herring, anchovies, candlefish, or pilchards with purse seine or lampara in the waters of Grays Harbor, provided such gear shall not exceed 1,400 feet in length (~~or~~) nor contain meshes of less than 1/2-inch stretch measure. All species of fish other than herring, pilchard, candlefish, and anchovy taken in operation of such purse seine or lampara gear must be immediately, with care, returned to the water.

(b) March 1 through April 15 – Closed to all commercial herring, anchovy, candlefish, or pilchard fishing except dip bag net.

(7) It shall be lawful to take, fish for and possess herring, candlefish, pilchards, or anchovies taken for commercial purposes with a herring weir from April 1 through September 30 in the waters of Marine Fish-Shellfish Management and Catch Reporting Area 60B, provided that the lead shall not exceed 300 feet in length or extend into any navigation channel or customary gill net drifting lane. It shall be unlawful for any person to install or operate a herring weir without obtaining written permission from the director of fisheries.

NEW SECTION

WAC 220-36-031 GRAYS HARBOR—SEASON AND GEAR—STURGEON. It is unlawful to fish for or possess sturgeon taken for commercial purposes from

Marine Fish-Shellfish Management and Catch Reporting Area 60B except at those times, with the gear, and subject to the provisions of this section:

(1) Marine Fish-Shellfish Management and Catch Reporting Area 60B is open to commercial sturgeon fishing with set line gear the entire year.

(2) A maximum of three set lines per fisherman may be used, each set line being not more than 2400 feet in length, and each set line having not more than 300 hooks, all hooks must be number 3 halibut circle style hook or larger, no multiple point hooks allowed.

(3) Gangions must have a swivel between the set line and the hook.

(4) Set lines must be checked a minimum of once every forty-eight hours.

(5) Buoys that are visible on the surface of the water at all times must be attached to each end of each set line, and marked with the buoy brand number assigned to the fisherman.

(6) It is unlawful 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) It is unlawful to retain sturgeon not of lawful size, as provided for in WAC 220-20-020(1), and all sturgeon in transit must not have head or tail removed.

(8) It is lawful to retain for commercial purposes sturgeon taken incidental to any lawful commercial salmon fishery in any Grays Harbor Salmon Management and Catch Reporting Area.

AMENDATORY SECTION (Amending Order 84-66, filed 7/6/84)

WAC 220-40-030 WILLAPA HARBOR—SEASONS AND LAWFUL GEAR—((OTHER)) VARIETIES OTHER THAN SALMON AND STURGEON.

(1) It shall be ~~((lawful))~~ unlawful in Marine Fish-Shellfish Management and Catch Reporting Area 60C to ~~((take and))~~ fish for ~~((any other species of))~~ food fish, ~~((except))~~ other than sturgeon and salmon, with purse seine or lampara gear ~~((not))~~ exceeding 900 feet in length ~~((and))~~ or having meshes of ~~((not))~~ less than one-half inch stretch measure, ~~((and))~~ or with drag seine gear ~~((not))~~ exceeding 700 feet in length ~~((and))~~ or having meshes of ~~((not))~~ less than 4-1/2 inches stretch measure, except as provided in WAC 220-40-030(3). It is unlawful to fish for or possess salmon or sturgeon taken with purse seine, lampara, or drag seine gear.

(2) It shall be lawful to ~~((take,))~~ fish for and possess ~~((sturgeon))~~ bottomfish taken for commercial purposes in ~~((Willapa Harbor Salmon Management and Catch Reporting Areas 2G and 2J, and bottomfish in))~~ Marine Fish-Shellfish Management and Catch Reporting Area 60C, at anytime with set line and hand line jig gear~~((s))~~.

(3)(a) June 1 through October 31 - It shall be lawful to fish for~~((, take))~~ and possess herring, anchovy, candlefish, or pilchards taken for commercial purposes with purse seine or lampara in the waters of Willapa Bay, provided such gear shall not exceed 1,400 feet in length ~~((or))~~ nor contain meshes less than one-half inch stretch

measure. All species of fish other than herring, anchovy, candlefish and pilchard taken in operation with such purse seine or lampara gear must be immediately, with care, returned to the water.

(b) February 1 through March 15 - Closed to all commercial herring, anchovy, candlefish or pilchard fishing except dip bag net.

(c) It shall be lawful to fish for, take and possess herring, anchovy, candlefish, or pilchards with dip bag net gear at any time in the waters of Willapa Bay.

(4) It shall be lawful to retain for commercial purposes ~~((sturgeon and species of))~~ bottomfish ~~((defined as such in WAC 220-16-340))~~ taken incidental to any lawful commercial salmon fishery in Willapa Harbor Salmon Management and Catch Reporting Areas 2G, 2H, 2J, 2K, and 2M, and it shall be lawful to retain bottomfish taken incidental to any lawful sturgeon fishery in Marine Fish-Shellfish Management and Catch Reporting Area 60C. ~~((Sturgeon must be of lawful commercial size as provided in WAC 220-20-020.))~~

(5) It shall be lawful to take, fish for and possess smelt taken with hand dip nets in any of the waters of Willapa Harbor except during weekly closed periods extending from 8:00 a.m. Thursday to 8:00 p.m. Saturday.

(6) It shall be lawful to take bottom fish with drag seine in Marine Fish-Shellfish Management and Catch Reporting Area 60C from March 1 through June 30.

NEW SECTION

WAC 220-40-031 WILLAPA HARBOR—SEASONS AND LAWFUL GEAR—STURGEON. It is unlawful to fish for or possess sturgeon taken for commercial purposes from Marine Fish-Shellfish Management and Catch Reporting Area 60C except at those times, with the gear, and subject to the provisions of this section:

(1) Marine Fish-Shellfish Management and Catch Reporting Area 60C is open to commercial sturgeon fishing with set line gear the entire year.

(2) A maximum of three set lines per fisherman may be used, each set line being not more than 2400 feet in length, and each set line having not more than 300 hooks, all hooks must be number 3 halibut circle style hook or larger, no multiple point hooks allowed.

(3) Gangions must have a swivel between the set line and the hook.

(4) Set lines must be checked a minimum of once every forty-eight hours.

(5) Buoys that are visible on the surface of the water at all times must be attached to each end of each set line, and marked with the buoy brand number assigned to the fisherman.

(6) It is unlawful 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) It is unlawful to retain sturgeon not of lawful size, as provided for in WAC 220-20-020(1), and all sturgeon in transit must not have head or tail removed.

(8) It is lawful to retain for commercial purposes sturgeon taken incidental to any lawful commercial

salmon fishery in any Willapa Harbor Salmon Management and Catch Reporting Area.

WAC 220-32-04200G *Smelt— Closed Area. (84-13)*

WSR 85-06-034
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 85-15—Filed March 1, 1985]

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 harvestable numbers of smelt 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 March 1, 1985.

By Russell W. Cahill
 for William R. Wilkerson
 Director

NEW SECTION

WAC 220-32-04200H SMELT—CLOSED PERIOD. *Notwithstanding the provisions of WAC 220-32-042, effective 12:01 a.m. March 2, 1985, until further notice:*

(1) *It is unlawful to fish for or possess smelt taken from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, or 1C with trawl gear operated from vessels greater than forty feet in length from 12:01 a.m. of each Tuesday to 11:59 p.m. of each Friday following.*

(2) *There is no weekly closed period for taking smelt for commercial purposes in the Columbia River or its tributaries other than the closed period set out in subsection (1) of this section.*

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m., March 2, 1985:

WSR 85-06-035
EMERGENCY RULES
STATE BOARD OF EDUCATION
 [Order 5-85—Filed March 4, 1985]

Be it resolved by the State Board of Education, acting at the Capital High School, Olympia, Washington, that it does adopt the annexed rules relating to school district rules defining students religious rights, WAC 180-40-227.

We, the State Board of Education, 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 if the United States Supreme Court in decision to be rendered by June 30, 1985, departs from previous case law on religious liberty as some constitutional authorities have predicted, then the current timelines for the adoption of local rules is not realistic. Therefore, in order to avoid an emergency situation and great uncertainty, the State Board of Education has extended the timeline by three months.

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.04.132 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 February 28, 1985.

By Monica Schmidt
 Secretary

AMENDATORY SECTION *(Amending Order 3-85, filed 1/25/85)*

WAC 180-40-227 SCHOOL DISTRICT RULES DEFINING STUDENTS RELIGIOUS RIGHTS. *It shall be the responsibility and duty of each school district to adopt policies of the district for implementation of students' rights to freedom of religion and to have their schools free from sectarian control or influence while they are participating in any school district conducted or sponsored activity or while they are otherwise subject to school district supervision and control. Such rules shall be adopted by ((September)) December 1, 1985 and shall be transmitted to the superintendent of public instruction by ((October 1)) December 10, 1985.*

WSR 85-06-036
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
 [Filed March 4, 1985]

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

Amd	WAC 356-10-040	Employee appointment status—Downward reallocation.
Amd	WAC 356-14-075	Y rate—Administration.
Amd	WAC 356-15-130	Special pay ranges.
Amd	WAC 356-18-090	Vacation leave—Accrual.
Amd	WAC 356-30-330	Reduction-in-force—Reasons, regulations—Procedures.
Rep	WAC 356-46-130	State housing committee—Responsibilities.

that the agency will at 10:00 a.m., Thursday, April 11, 1985, 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 April 9, 1985.

Dated: March 1, 1985

By: Leonard Nord
Secretary

STATEMENT OF PURPOSE

Amend WAC 356-10-040.

Title: Employee appointment status—Downward reallocation.

Purpose: To explain the effects of downward reallocation on employee appointment status.

Statutory Authority: RCW 41.06.150.

Summary: Replace the word subrange with the word range. Delete the last sentence of subsection (6).

Reasons: References to subranges need to be removed as subranges are no longer used. The last sentence of subsection (6) is proposed for deletion because it is inaccurate. The correct method for advancing an employee's salary on his/her periodic increment date is contained in another rule, WAC 356-14-110.

Responsibility for Drafting: D. J. Patin, Department of Personnel, 600 South Franklin Street, MS: FE-11, Olympia, WA 98504, phone 754-1769; Implementation: All agencies; and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

Amend WAC 356-14-075.

Title: Y rate—Administration.

Purpose: Explains how Y-rates will be restored to regular steps of prescribed ranges.

Statutory Authority: RCW 41.06.150.

Summary and Reasons: Restores intent of original rule that persons Y-rated above the tops of former ranges move onto the top steps of the new ranges when the new ranges are increased to encompass their Y-rated salaries. Y-rates within the former range move to the step of the new range which gives them the closest to, but not more than, the increase in the range itself.

Responsibility for Drafting: Gail Salisbury, Department of Personnel, 600 South Franklin Street, MS: FE-11, Olympia, WA 98504, phone 753-5383; Implementation and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

Amend WAC 356-15-130.

Title: Special pay ranges.

Purpose: Delineates ranges which are used to equal or approximate prevailing rate practices found in private industry or other governmental units.

Statutory Authority: RCW 41.06.150.

Summary and Reasons: The proposed change adds the lottery district sales representative to the list of classes using special pay ranges. The purpose of this change is to incorporate an incentive pay to promote increased sales to distributors of lottery tickets.

Responsibility for Drafting: Gail Salisbury, Department of Personnel, 600 South Franklin Street, MS: FE-11, phone 753-5383; Implementation and Enforcement: Washington State Lottery.

Proposed by: Department of Personnel, governmental agency.

Amend WAC 356-18-090.

Title: Vacation leave accrual.

Purpose: States how vacation leave is to be accrued for full-time and nonfull-time employees.

Statutory Authority: RCW 41.06.150.

Summary: We are proposing the attached language to clarify that vacation leave hours credited to nonfull-time employees are prorated at the ratio of regular payroll hours worked to the payroll hours required for full-time employees.

Reasons: Current language "under the same conditions as full-time employees" could mean nothing more than that a nonfull-time employee be in pay status for 15 or more calendar days. We do not believe that this was the intent in authorizing vacation leave accrual for hourly employees who usually work less than full-time and whose work days may be sporadic. Our proposed language is consistent with the PISD leave accrual system. The system is pro-rating leave strictly by a percentage of hours worked versus hours available. For example, if an hourly employee worked 20 hours out of a possible 160 hours, the employee would accrue one hour of annual leave.

Responsibility for Drafting: Roger Theine, Department of Natural Resources, 1102 South Quince, MS: EV-32, Olympia, WA 98504, phone 753-5310; Implementation and Enforcement: Department of Personnel.

Proposed by: Department of Natural Resources, governmental agency.

Amend WAC 356-30-330.

Title: Reduction-in-force—Reasons, regulations—Procedures.

Purpose: To provide rules governing reduction-in-force.

Statutory Authority: RCW 41.06.150.

Summary and Reasons: In subsection (2)A, delete reference to WAC 356-06-010 and replace with WAC 356-05-390. The State Personnel Board adopted the renumbering of the definition of seniority, effective September 9, 1984. This proposed change reflects the board's action.

Responsibility for Drafting: D. J. Patin, Department of Personnel, 600 South Franklin Street, MS: FE-11, Olympia, WA 98504; Implementation: All agencies; and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

Repeal WAC 356-46-130.

Title: State housing committee—Responsibilities.

Purpose: To establish a uniform way to determine the rental and utility rates to charge state employees living in agency-supplied housing.

Statutory Authority: RCW 41.06.130.

Summary and Reasons: Repeal of rule. State Personnel Board has decided to remove itself and the state housing committee from the process of determining the rental and utility rates to charge state employees living in agency-supplied housing.

Responsibility for Drafting: Bob Makula, Department of Personnel, 600 South Franklin Street, MS: FE-11, Olympia, WA 98504, phone 754-1769.

Proposed by: Department of Personnel, governmental agency.

AMENDATORY SECTION (Amending Order 209, filed 8/10/84)

WAC 356-10-040 EMPLOYEE APPOINTMENT STATUS—DOWNWARD REALLOCATION. Employees in positions that have been reallocated downward are affected as follows:

(1) When a position occupied by an employee is reallocated downward, the director of personnel shall notify the incumbent and the agency in writing at least thirty calendar days prior to the effective date of the reallocation. This action shall not preclude the employee from accepting a transfer or promotion to a vacant position.

(2) The employee may elect to remain in a position which is reallocated downward provided he/she meets the minimum or desirable qualifications for the new classification or acceptable qualifications as determined by the director of personnel or designee. No further qualifying examination will be required and the employee will retain existing appointment status.

(3) If it is determined the employee does not meet the minimum qualifications for the new classification as provided in subsection (2) of this section and he/she is not transferred, promoted, demoted or otherwise retained in status within sixty days, the provisions governing reduction in force shall apply.

(4) The employee who remains in a position which is reallocated downward may have his/her name placed upon the agency reduction in force register for the classification to which his/her position was previously allocated.

(5) An employee who continues in a position which is reallocated downward shall be paid an amount equal to his/her previous salary if such amount is within the salary ~~((subrange))~~ range for the lower class. Employees whose current salary falls between two steps or exceeds the top step of the ~~((new position))~~ range for the lower class shall be Y-rated.

(6) The employee shall retain his/her existing periodic increment date provided the salary is ~~((not equal or greater))~~ less than the maximum of the lower ~~((subrange))~~ range. ~~((Employees whose salaries are~~

~~Y-rated between steps will move to the first dollar amount step for the class in the lower subrange on their periodic increment date:))~~

(7) Employees who retain their salaries as provided in subsection (5) of this section will not be entitled to promotional salary increases if they are subsequently hired off the agency reduction in force register; however, if the salary falls between the steps of the higher ~~((subrange))~~ range, the employees' salaries will ~~((be increased))~~ advance to the ~~((first dollar amount))~~ closest step for the class in the higher ~~((subrange))~~ range upon promotion.

AMENDATORY SECTION (Amending Order 109, filed 9/7/77)

WAC 356-14-075 Y RATE—ADMINISTRATION. Y rate – A "Y rate" is a dollar amount that:

(1) Is treated as the ~~((basic salary range))~~ basic salary for an employee.

(2) Is set by the director of personnel or other provisions of the merit system rules at an amount other than that which would be paid if such action were not taken.

(3) Will remain in effect until one of the following occurs:

(a) A specific date established by the director of personnel is reached; or

(b) The employee leaves the ~~((classification))~~ class he/she occupied when the "Y rate" was approved; or

(c) ~~((The "Y rate" comes within the "salary range" to which the employee would normally be entitled, at which time the "basic salary range" becomes the step with the closest dollar amount that would not be less than the "Y rate"))~~ The range for the employee's present class is increased to include the "Y rate" amount which formerly exceeded the top of the range. At that time, the employee's basic salary shall become the maximum step of the salary range for the class; or

(d) The range for the employee's present class is increased, but had already encompassed the employee's "Y rate," which was between normal steps. At that time, the employee's basic salary shall advance to the normal step of the range which provides the closest to, but not greater than, the increase in the range; or

~~((d))~~ (e) The employee's salary is reduced pursuant to WAC 356-34-020; or

~~((e))~~ (f) The "Y rate" is subsequently modified by the director of personnel.

(4) On its effective date will cause the employee to lose his or her periodic increment date unless the salary is between steps of the ~~((subrange which will be set again in accord with WAC 356-14-110 when the employee ceases to be "Y rated"))~~ range.

(5) The director of personnel shall report all "Y rate" approvals to the board.

AMENDATORY SECTION (Amending Order 181, filed 3/25/83)

WAC 356-15-130 SPECIAL PAY RANGES. These ranges are used to equal or approximate prevailing rate practices found in private industry or other governmental units. An affected class is identified either by a letter designation following the basic salary range number or by a letter designation preceding a number. In the latter case, a special salary schedule will be used for such classes.

(1) "E" range: This range is used for classes having a prevailing pay range which is shorter than Washington's standard ranges. An "E" range is a standard range with the first four steps removed. Thus, the first step of such a range is the same as Step E of the standard range having the same range number. Periodic increases through the steps of this range are made at the same time intervals as through standard ranges, i.e., a two-step increase after six months at Step E and two annually thereafter up to the maximum step of the range.

(2) "L" range: This special range is used only for the class of liquor store clerk (0628). The "L" range was designed to more closely parallel the prevailing pay structure for retail clerks in private industry. Periodic increases through the steps of the "L" range are made at the same time intervals as through a standard range. Normal progression is Steps A, D, G and K, which represents ten percent per periodic increase.

(3) "T" range: Used only for the classes of institution teachers. These ranges are constructed by identifying Step K of the correspondingly numbered regular state ranges as "Step 10" of the T-range; the lower nine steps of the T-range are each two regular-range steps (approximately 5%) apart. Advancement through these ranges is at the rate of one step per year.

(4) "V" range: Used only for the classes of teachers of the deaf or blind and principals, school for the deaf or blind. "V" ranges are the

same as the current ranges of Vancouver, Washington School District #37 for certificated employees of similar background and experience. Advancement through the range is at the rate of one step per year.

(5) "I" range: This range is always ten ranges higher than the range approved for lottery district sales representative and it may be applied only to that class. Use of this range is limited to sales incentive programs which: (a) May not exceed ten weeks for any program; (b) may not exceed four programs in any consecutive twelve months; (c) require achievement of specific goals which are set for each program by the lottery, such goals to be in excess of normal performance standards for the class.

The lottery is authorized to compensate individual employees on the "I" range for not more than three months as a result of any one sales incentive program, with the number of months stipulated in the incentive program announcement. Within these limits, movement of any employee to and from the "I" range will be at the discretion of the lottery, and shall be from and to the same step, subject to change by the employee's periodic increase date.

AMENDATORY SECTION (Amending Order 157, filed 6/15/81)

WAC 356-18-090 VACATION LEAVE—ACCRUAL. (1) Full-time employees who were in pay status for 15 or more calendar days including holidays shall be credited monthly with the following rates of vacation leave for each year of employment. Part time, intermittent, hourly or seasonal employees whose payroll hours are usually less than 40 hours a week shall be credited with vacation leave ((under the same conditions as a fulltime employee. The)) hours ((credited shall be)) at the respective ratio of regular payroll hours worked to the payroll hours requirement for full time employment.

(a) During the first year of current continuous employment — 96 hours (12 days) per annum.

(b) During the second year of current continuous employment — 104 hours (13 days) per annum.

(c) During the third and fourth years of current continuous employment — 112 hours (14 days) per annum.

(d) During the fifth, sixth, and seventh years of current continuous employment — 120 hours (15 days) per annum.

(e) During the eighth, ninth, and tenth total years of employment — 128 hours (16 days) per annum.

(f) During the eleventh, twelfth, and thirteenth total years of employment — 136 hours (17 days) per annum.

(g) During the fourteenth, fifteenth, and sixteenth total years of employment — 144 hours (18 days) per annum.

(h) During the seventeenth, eighteenth, and nineteenth total years of employment — 152 hours (19 days) per annum.

(i) During the twentieth, twenty-first, and twenty-second total years of employment — 160 hours (20 days) per annum.

(j) During the twenty-third, twenty-fourth, and twenty-fifth total years of employment — 168 hours (21 days) per annum.

(k) During the twenty-sixth year of total employment and after — 176 hours (22 days) per annum.

(2) Vacation leave is cumulative to a maximum of 240 hours (30 working days) unless the employee's request for leave is deferred by the agency and a statement of necessity filed with the director of personnel. Such deferred leave may be credited in excess of the 30-day maximum until such leave is granted by the employing agency.

AMENDATORY SECTION (Amending Order 209, filed 8/10/84)

WAC 356-30-330 REDUCTION IN FORCE—REASONS, REGULATIONS—PROCEDURE. (1) The reasons for reduction in force actions and the minimum period of notice are:

(a) Employees may be separated in accordance with the statutes and the agencies' approved reduction in force procedures after at least fifteen calendar days' notice in writing, without prejudice, because of lack of funds or curtailment of work, or good faith reorganization for efficiency purposes, ineligibility to continue in a position which has been reallocated, or when there are fewer positions than there are employees entitled to such positions either by statute or within other provisions of merit system rules.

(b) When employees have statutory and merit system rule rights to return to the classified service and the total number of employees exceeds the number of positions to be filled in the classification, those employees in excess will have the reduction in force rights prescribed in this section.

(2) The agencies shall develop a reduction in force procedure that is consistent with the following:

(a) For purposes of reduction in force (WAC 356-30-330), seniority shall be determined by the definition in WAC ((356-06-010)) 356-05-390, and, if necessary, by measuring the employees' last continuous time within their current classification; and, if still necessary, by measuring the employees' last continuous time in their current agency. When the above seniority determination process results in a tie, the tie will be broken by comparing the employees' last regular annual performance evaluation.

(b) Clearly defined layoff units, either geographically or by administrative units or both, so as to limit the disruption of an agency's total operation; but not to unduly restrict the options available to employees with greater seniority. The definition of layoff units may be a series of progressively larger units within an agency when a valid option in lieu of separation cannot be offered to respective employees within a lesser-sized unit.

(c) Options in lieu of separation by reduction in force shall be offered by an agency only when such options are in accordance with the agency's reduction in force procedure which has been approved by the director of personnel.

(d) Agency reduction in force procedures shall specify the rights and obligations for employees to accept or reject options offered in lieu of separation due to reduction in force.

(e) "Bumping" by employees with greater seniority will be limited to:

(i) The same layoff unit; and
(ii) Classification in which the "bumping" employee previously held permanent status; and

(iii) Position at the current salary range of the employee doing the bumping, or lower; and

(iv) Employee with the least seniority within the same category of full-time or part-time employment; and

(v) Competition at one progressively lower classification at a time.

(f) An employee may not exercise a bumping option in lieu of separation due to a reduction in force if there is within the agency a vacant position which satisfies all of the criteria set forth below.

The position is one which:

(i) The agency intends to fill;

(ii) Is in the current classification of the employee being offered the option, or in a classification within which the employee being offered the option previously held permanent status;

(iii) Is at a salary range no lower than the range that would have otherwise been a bumping option;

(iv) Is located within a reasonable commuting distance of the employee's permanent work location; and

(v) Is on the same or similar workshift as the one which the employee currently holds.

(g) When an employee has previously held permanent status in more than one classification at the same salary range and is eligible to bump, then the employee shall be offered the option to bump into the position occupied by the employee with the least seniority.

(h) The right to actually "bump" shall be exercised only after the employee to be "bumped" has received at least fifteen calendar days' notice of the scheduled action.

(i) Options of full-time positions will be offered first to full-time employees before part-time positions are offered. For the purpose of these offers, employees who previously accepted part-time positions due to a reduction in force action or to lessen the impact of a reduction in force shall be considered full-time employees.

(j) Seniority for part-time employees will be computed on a basic payroll hour basis within the same provision and restrictions of the general definition of seniority. When part-time employees become full-time employees, their payroll hours will be integrated on a comparable time basis as full-time employees.

(k) Permanent employees who have been scheduled for reduction in force shall have the right to take a transfer or a voluntary demotion to a vacancy that is to be filled in their own layoff unit for which they qualify, as determined by the director of personnel. This right is to be exercised according to the seniority of those desiring the same vacancy.

(l) Options of other than permanent positions as named in subsection (2)(m) of this section are to be made if no permanent position to be filled is available within a reasonable commuting distance.

(m) The reduction in force procedure shall contain the statement that, "No permanent employee shall be separated from state service through reduction in force without being offered within fifteen calendar days prior to what would be the permanent employee's effective separation those positions at the same or lesser salary range within the

layoff unit for which he/she qualifies, currently being held by emergency, temporary, provisional, probationary, or intermittent employees."

(n) The salary of an employee who has accepted a lower position will be reduced to the top of the range of the lower class unless the previous salary is within the range of the new class, in which case it will remain unchanged.

(3) The agency shall submit the procedure to the director of personnel for approval.

(4) Vacancies will not be filled either by local list procedures or on a provisional, temporary, intermittent, or seasonal basis without contacting the department of personnel in an effort to fill the positions by qualified employees who have been or are scheduled for separation due to reduction in force.

(5) When a majority of the positions in a layoff unit other than in project employment is to be eliminated because of a lack of funds and/or work, permanent employees in such positions shall be offered, according to their seniority, those positions in classes in which they have held permanent status which are currently being held by emergency, temporary, provisional, or probationary employees; provided they have not rejected offers of vacant positions made by certifications from the registers. Such options shall be offered in accordance with the following requirements:

(a) Positions in the employee's own agency and within a reasonable commuting distance shall be offered first; second, in the classified service within a reasonable commuting distance; third, anywhere within the employee's own agency; and fourth, throughout the classified service.

(b) A permanent employee's right to fill a position may be exercised only within fifteen calendar days prior to the effective date of separation.

(c) Offers will be made in accordance with a procedure established by the director of personnel.

(6) In order to exercise an option to a position which may require selective criteria, the following applies. The option may be exercised only by an employee who possesses the required specialized qualifications when:

(a) The criteria were approved when the position was established, reallocated or last filled; or

(b) The specialized qualifications were previously required for a classification that was later merged with other classifications that did not require them; or

(c) When, at a subsequent time, it was determined that the position requires the performance of specialized duties that would warrant future selective certification.

(d) In the case of (c) above, the selective criteria shall not be applied for the purposes of determining reduction in force options until six months after the notification of the new duties has been made to the department of personnel.

(e) In the case of (a), (b) and (c) of this subsection, the director of personnel or designee must have determined that the specialized qualifications are still essential for the successful job performance and the qualifications could not be learned within a reasonable length of time.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 356-46-130 STATE HOUSING COMMITTEE—RESPONSIBILITIES.

WSR 85-06-037
EMERGENCY RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
 [Order 218—Filed March 4, 1985]

Be it resolved by the State Personnel Board, acting at the Department of Personnel, 600 South Franklin Street, Olympia, WA 98504, that it does adopt the annexed rules relating to Y rate—Administration, amending WAC 356-14-075.

We, the State Personnel Board, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is in order for the board to adopt this rule change in April, an emergency filing and a notice of intent shall be filed at the same time.

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

This rule is promulgated pursuant to RCW 41.06.150 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 January 31, 1985.

By Leonard Nord
Secretary

AMENDATORY SECTION (Amending Order 109, filed 9/7/77)

WAC 356-14-075 Y RATE—ADMINISTRATION. Y rate - A "Y rate" is a dollar amount that:

(1) ~~Is treated as the ("basic salary range")~~ basic salary for an employee.

(2) ~~Is set by the director of personnel or other provisions of the merit system rules at an amount other than that which would be paid if such action were not taken.~~

(3) ~~Will remain in effect until one of the following occurs:~~

(a) ~~A specific date established by the director of personnel is reached; or~~

(b) ~~The employee leaves the ((classification)) class he/she occupied when the "Y rate" was approved; or~~

(c) ~~((The "Y rate" comes within the "salary range" to which the employee would normally be entitled, at which time the "basic salary range" becomes the step with the closest dollar amount that would not be less than the "Y rate"))~~ The range for the employee's present class is increased to include the "Y rate" amount which formerly exceeded the top of the range. At that time, the employee's basic salary shall become the maximum step of the salary range for the class; or

(d) The range for the employee's present class is increased, but had already encompassed the employee's "Y rate," which was between normal steps. At that time, the employee's basic salary shall advance to the normal step of the range which provides the closest to, but not greater than, the increase in the range; or

~~((d))~~ (e) The employee's salary is reduced pursuant to WAC 356-34-020; or

~~((e))~~ (f) The "Y rate" is subsequently modified by the director of personnel.

(4) ~~On its effective date will cause the employee to lose his or her periodic increment date unless the salary is between steps of the ((subrange which will be set~~

~~again in accord with WAC 356-14-110 when the employee ceases to be "Y rated." range.~~

(5) The director of personnel shall report all "Y rate" approvals to the board.

WSR 85-06-038
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed March 5, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning procedures and benefits for employers who employ preferred workers;

that the agency will at 11:00 a.m., Tuesday, April 9, 1985, in the 1st Floor Conference Room, General Administration Building, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 10, 1985.

The authority under which these rules are proposed is RCW 51.04.020(4), 51.04.030 and 51.16.120(3).

The specific statute these rules are intended to implement is RCW 51.16.120(3).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 1, 1985.

Dated: March 5, 1985

By: R. A. Davis

STATEMENT OF PURPOSE

The proposals for rule changes which follow amend portions of chapter 296-16 WAC. This chapter pertains to the delivery of vocational rehabilitation service to qualified industrially injured workers.

The Purpose of These Proposed Rules: To make the following substantive changes in Title 296 WAC as previously enacted: Excuse the payment of medical aid premium for a period not to exceed thirty-six months for employers who hire a preferred worker; and delete the provision that the department must acknowledge an employer's intent to hire a preferred worker prior to employment.

In Summary, the Following Changes are Accomplished by the Proposed Rules: Adds medical aid premium to those premium payments excused when an employer hires a preferred worker and deletes the provision that an employer must receive acknowledgement from the department prior to date of hire.

Agency Personnel Responsible for Drafting: Dean F. Matthews, Rehabilitation Consultant, 753-0418; Implementation and Enforcement: Joseph A. Dear, Assistant Director for Industrial Insurance, 753-0608; Marj Shavlik, Chief of Employer Services, 753-7016; and other industrial insurance personnel.

These rule changes are proposed by the Department of Labor and Industries, an agency of the state of Washington.

The proposing agency has no comments regarding statutory language, implementation, enforcement or fiscal matters beyond those shown above.

These rules are not necessitated by any federal law or federal or state court action.

Small Business Economic Impact Statement: This statement pertains to revisions to chapter 296-16 WAC, proposed by the Department of Labor and Industries to become effective May 10, 1985, and is prepared to conform with section 3(2) and section 4 of the Regulatory Fairness Act (chapter 6, Laws of 1982).

Existing Rules: Chapter 296-16 WAC presently establishes criteria for the registration of preferred workers and allows waiver of accident fund premium to employers for a period not to exceed thirty-six months from date of hire. The benefits of this section are currently available to the employer only if acknowledgement is received in writing from the department prior to employment of the preferred worker. Subsequent accident costs are charged against the second injury fund and the employer's account is not experience rated.

Treatment of Small Business Under Existing Rules: An employer who hires a preferred worker can only expect to have the accident fund premium waived for 36 months from date of hire and must wait for written confirmation from the department before the worker can be hired or lose eligibility for the premium waiver and relief from subsequent accident costs.

Effect of Proposed Revisions: Waiver of medical aid premium for 36 months from date of hire is added to waiver of accident fund premium and the requirement to receive written confirmation from the department is dropped which allows the employer to hire at a time most convenient to the business not at a time dependent upon processing of a request by the department.

AMENDATORY SECTION (Amending Order 80-24, filed December 1, 1980)

WAC 296-16-010 PREMIUM WAIVED FOR EMPLOYMENT OF PREFERRED WORKER. In order to implement the provisions of RCW 51.16.120(3) by way of encouraging employment of injured workers who are not reemployed by the employer at the time of injury, the following provisions are adopted:

Any employer who employs a "preferred worker" as defined in these rules shall be excused from the payment of industrial insurance premiums and/or accident costs under the circumstances and conditions herein provided:

(1) A "preferred worker" may be classified as such by the department when the supervisor or his or her designee shall determine, in his or her discretion, that such person has sustained an industrial injury or occupational disease under our state industrial insurance act which prevents the worker from returning to work with the former employer and that such injury or occupational disease is substantially impairing the likelihood of such worker's reemployment with other employers.

(2) Any state fund employer, other than the employer at the time of injury or exposure, who employs a "preferred worker" shall be excused, during the period of employment of such worker but not to exceed thirty-six calendar months, from the payment of any accident fund premiums and medical aid premiums which would otherwise be due based upon such employment.

(3) In the event that a further injury or occupational disease is sustained by a reemployed "preferred worker" during the first thirty-six months subsequent to the hiring of such "preferred worker", while in the employ of the accepting employer, such employer, whether insured by the state fund or self-insured, shall not be charged with the costs of any such claim which would otherwise be charged to or paid by such employer. Such costs shall be charged against the second injury fund.

The provisions of subsections (2) and (3) of this section shall apply only if the department acknowledges the application of such rules in writing. ~~(prior to such employment)~~

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

WSR 85-06-039
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed March 5, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning procedures for dispute resolution, petition for review and expedited appeal in vocational rehabilitation of industrially injured workers;

that the agency will at 9:00 a.m., Tuesday, April 9, 1985, in the 1st Floor Conference Room, General Administration Building, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 10, 1985.

The authority under which these rules are proposed is RCW 51.04.020(4), 51.04.030 and 51.41.090.

The specific statute these rules are intended to implement is chapter 51.41 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 1, 1985.

Dated: March 5, 1985

By: R. A. Davis

STATEMENT OF PURPOSE

The proposals for rule changes which follow amend portions of chapter 296-18 WAC. This chapter pertains to the delivery of vocational rehabilitation service to qualified industrially injured workers.

The Purpose of These Proposed Rules: To make the following substantive changes in Title 296 WAC as previously enacted: Separate the dispute process involving determinations of ineligibility and unacceptability of the rehabilitation plan from the dispute process involving other issues in vocational rehabilitation; mandate that initial disputes related to determinations of ineligibility and unacceptability of the plan be filed with the Office of Rehabilitation Review prior to filing a petition for review with the supervisor of industrial insurance; preserve the right of the worker or employer to file a petition for review to the supervisor upon an adverse decision from the Office of Rehabilitation Review; limits the subject matter of petitions for review to the supervisor to those cited in current statute (RCW 51.41.060); preserves the right of the worker or employer to appeal the final decision of the supervisor to the Board of Industrial Insurance Appeals as an expedited appeal pursuant to RCW 51.41.060(2); mandates that disputes other than matters of ineligibility or unacceptability of the plan be first filed with the Office of Rehabilitation Review; and stipulates

that parties dissatisfied with decisions of the Office of Rehabilitation Review on matters other than ineligibility or unacceptability of the plan may appeal to the Board of Industrial Insurance Appeals pursuant to RCW 51.52.060.

In Summary, the Following Changes are Accomplished by the Proposed Rules: Establishes and clarifies those matters that may be disputed, petitioned or appealed as expedited appeals pursuant to RCW 51.41.060 from those matters that may be protested with the Office of Rehabilitation Review and then appealed to the Board of Industrial Insurance Appeals pursuant to RCW 51.52.060.

Agency Personnel Responsible for Drafting: Dean F. Matthews, Rehabilitation Consultant, 753-0418; Implementation and Enforcement: Joseph A. Dear, Assistant Director for Industrial Insurance, 753-6308; Christine Russell Volo, Acting Rehabilitation Review Administrator, 753-0556; and other industrial insurance personnel.

These rule changes are proposed by the Department of Labor and Industries, an agency of the state of Washington.

The proposing agency has no comments regarding statutory language, implementation, enforcement or fiscal matters beyond those shown above.

These rules are not necessitated by any federal law or federal or state court action.

Small Business Economic Impact Statement: This statement pertains to revisions to chapter 296-18 WAC, proposed by the Department of Labor and Industries to become effective May 10, 1985, and is prepared to conform with section 3(2) and section 4 of the Regulatory Fairness Act (chapter 6, Laws of 1982).

Existing Rules: Chapter 296-18 WAC presently permits workers, employers and the Department of Labor and Industries to protest all issues in vocational rehabilitation to the Office of Rehabilitation Review and permits the parties to file a petition for review with the supervisor upon disagreement with any decision of the Office of Rehabilitation Review.

Treatment of Small Business Under Existing Rules: Chapter 296-18 WAC presently charges the parties in vocational rehabilitation to work in good faith to resolve differences involving eligibility of the worker for rehabilitation and development and contents of the rehabilitation plan. It permits disputes to be filed with the Office of Rehabilitation Review concerning these issues. Current rules also permit parties to dispute issues arising out of documents generated by other phases of the rehabilitation process to the Office of Rehabilitation Review and allows the party to file a petition for review with the supervisor of industrial insurance if the party disagrees with the decision of the Office of Rehabilitation Review. The parties referenced are the injured worker, the employer, the department or the self insurer.

Effect of Proposed Revisions: If the worker, employer or department have disputes regarding ineligibility or unacceptability of the rehabilitation plan, prior to its implementation, the party shall first file a protest in writing with the Office of Rehabilitation Review. The Office of Rehabilitation Review has fifteen days to render a decision. If a worker or employer is dissatisfied with

the decision of the Office of Rehabilitation Review it may file a petition for review with the supervisor of industrial insurance and may appeal the supervisor's decision to the Board of Industrial Insurance Appeals as an expedited appeal pursuant to RCW 51.41.060. Protests arising out of matters other than ineligibility or unacceptability of the plan must be first filed as protests with the Office of Rehabilitation Review and then may be appealed to the Board of Industrial Insurance Appeals as a regular appeal pursuant to RCW 51.52.060.

NEW SECTION

WAC 296-18-205 REVIEW OF DETERMINATION OF INELIGIBILITY OR UNACCEPTABILITY OF THE VOCATIONAL REHABILITATION PLAN PRIOR TO ITS IMPLEMENTATION. (1) The injured worker, employer, department and the registered vocational rehabilitation counselor shall work in good faith to resolve all differences involving

(a) the eligibility of the worker for vocational rehabilitation as stated in the initial evaluation, and

(b) development and contents of the vocational rehabilitation plan.

(2) Disputes regarding a determination of ineligibility or unacceptability of the rehabilitation plan prior to its implementation, shall first be protested by the worker or employer to the office of rehabilitation review.

(a) Any such protest shall be filed in writing within fifteen (15) days of either the determination of ineligibility or the formulation of the plan. The party filing any protest under this rule shall provide the office of rehabilitation review with copies of any documents in support of their position.

(b) The office of rehabilitation review shall send a copy of the protest and any supporting documents to the other party. The other party may submit written documentation to be considered by the office of rehabilitation review in reaching a decision on the protest, within five (5) days of the receipt of the protest.

(c) The office of rehabilitation review has fifteen (15) days to render a decision. The decision of the office of rehabilitation review shall be in writing and copies shall be mailed to all of the parties. Any decision at this point by the office of rehabilitation review is a preliminary matter and not subject to appeal to the board of industrial insurance appeals.

(3) If the worker or employer is dissatisfied with the decision of the office of rehabilitation review, the party may petition the supervisor of industrial insurance, or the supervisor's designee, as provided RCW 51.41.060.

(a) Any petition for review to the supervisor must be made in writing within fifteen (15) days of the date the decision is rendered by the office of rehabilitation review. The petition for review shall include copies of all supporting documents.

(b) The Supervisor, or supervisor's designee shall send a copy to the other party. The other party shall have fifteen (15) days from the date of receipt of the petition for review to file an answer or provide supporting documentation to the supervisor.

(c) The supervisor, or supervisor's designee, may require submission of any additional documentation deemed necessary to render a decision.

(d) The supervisor, or supervisor's designee, shall render a final decision within thirty (30) days of receipt of the petition for review. The decision of the supervisor, or designee, shall be made in writing and copies provided to all parties.

(4) The worker or employer may appeal a final decision of the supervisor or supervisor's designee, to the board of industrial insurance appeals for an expedited appeal pursuant to RCW 51.41.060(2).

(5) Any otherwise eligible, qualified injured worker shall be entitled to temporary total disability payments, as provided by RCW 51.41.070(2), during the pendency of any protest or petition under subsection (2) or (3) of this section.

AMENDATORY SECTION (Amending Order 83-25, filed 8/24/83)

WAC 296-18-210 RESOLUTION OF VOCATIONAL REHABILITATION DISPUTES NOT INVOLVING INELIGIBILITY OR UNACCEPTABILITY OF THE REHABILITATION PLAN PRIOR TO ITS IMPLEMENTATION. (1) The injured worker, employer, department, ~~((or self-insurer,))~~ and the registered vocational

rehabilitation counselor shall work in good faith to resolve all differences involving ~~((a) the eligibility of the worker for vocational rehabilitation and (b) development and contents of the vocational rehabilitation plan. Disputes may be protested to the office of rehabilitation review for resolution)) any matters other than the determination of ineligibility or unacceptability of the rehabilitation plan prior to its implementation as provided in WAC 296-18-205.~~

(2) ~~(a) If the injured worker, department, or ((self-insurer)) employer disagrees with the recommendations of the initial contact report, the initial evaluation report, ((the vocational rehabilitation plan and its amendments, or the)) return to work summary report, vocational termination/closure report or any other rehabilitation matter not dealing directly with the determination of ineligibility or the unacceptability of the rehabilitation plan, prior to its implementation, they ((may)) shall first file a protest with the office of rehabilitation review which shall include a copy of the disputed document(s). ((A copy of the protest and disputed document shall also be sent to the other party. A disputer has fifteen days from the date of receiving the document to file a protest. The office of rehabilitation review has fifteen days to render a decision. The office of rehabilitation review shall establish procedures for dispute resolution. Any decision at this point by the office of rehabilitation review is a preliminary matter and not subject to appeal to the board of industrial insurance appeals.))~~

~~(b) A disputer has fifteen days from the date of receiving the document to file a protest.~~

~~(c) The office of rehabilitation review shall send a copy of the protest and disputed document(s) to the other party.~~

~~(d) The office of rehabilitation review has fifteen days to render a decision. The decision of the office of rehabilitation review shall be in writing and copies mailed to all of the parties.~~

~~(3) If ((a party)) the injured worker, department, or employer is dissatisfied with the decision of the office of rehabilitation review, ((it) the party may ((petition the supervisor of industrial insurance as provided by section 6, chapter 63, Laws of 1982 (RCW 51.41.060) within fifteen days of receipt of notification of the decision rendered by the office of rehabilitation review. The supervisor, or the supervisor's designee, shall render a final decision within thirty days of receipt of the petition for review)) appeal the decision to the board of industrial insurance appeals pursuant to RCW 51.52.060.~~

~~(4) The office of rehabilitation review shall establish procedures for dispute resolution.~~

WSR 85-06-040
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed March 5, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning reduction of benefits of qualified injured workers for nonparticipation in an approved rehabilitation plan;

that the agency will at 11:30 a.m., Tuesday, April 9, 1985, in the 1st Floor Conference Room, General Administration Building, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 10, 1985.

The authority under which these rules are proposed is RCW 51.04.020(4), 51.04.030 and 51.41.090.

The specific statute these rules are intended to implement is RCW 51.41.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 1, 1985.

Dated: March 5, 1985

By: R. A. Davis

STATEMENT OF PURPOSE

The proposals for rule changes which follow amend portions of chapter 296-18 WAC. This chapter pertains to the delivery of vocational rehabilitation service to qualified industrially injured workers.

The Purpose of These Proposed Rules: To make the following substantive changes in Title 296 WAC as previously enacted: Deletes the improper reference to WAC 296-18-190 and adds the correct reference to RCW 51-41.050; deletes previous language which provided for progressive decrement of benefits for each successive week that a qualified injured worker fails to participate in an approved rehabilitation plan; and adds language that complies with a recommendation from the Joint Committee on Administrative Rules stipulating that benefits shall be reduced by one-half for each week that a qualified injured worker does not participate, without good cause, in an approved rehabilitation plan.

In Summary, the Following Changes are Accomplished by the Proposed Rules: Brings the rule into compliance with statute and with legislative intent.

Agency Personnel Responsible for Drafting: Dean F. Matthews, Rehabilitation Consultant, 753-0418; Implementation and Enforcement: Joseph A. Dear, Assistant Director for Industrial Insurance, 753-0608; Christine Russell Volo, Acting Rehabilitation Review Administrator, 753-0556; Dean F. Matthews, Rehabilitation Consultant, 753-0418; and other industrial insurance personnel.

These rule changes are proposed by the Department of Labor and Industries, an agency of the state of Washington.

The proposing agency has no comments regarding statutory language, implementation, enforcement or fiscal matters beyond those shown above.

These rules are not necessitated by any federal law or federal or state court action.

Small Business Economic Impact Statement: This statement pertains to revisions to chapter 296-18 WAC, proposed by the Department of Labor and Industries to become effective May 10, 1985, and is prepared to conform with section 3(2) and section 4 of the Regulatory Fairness Act (chapter 6, Laws of 1982).

Existing Rules: WAC 296-18-200 presently provides for decremental reduction of benefits for each week that a qualified injured worker does not participate in an approved rehabilitation plan. The existing rule also improperly references another rule (WAC 296-18-190) rather than the appropriate statute (RCW 51.41.050).

Treatment of Small Business Under Existing Rule: The department has not enforced this rule as presently written. It has complied with the statute by reducing benefits by one-half for each week a worker does not participate, without good cause, in an approved rehabilitation plan. When applied, this action reduces the total cost of a claim which would have a positive impact on the experience rating of the employer of record.

Effect of Proposed Revision: The proposed rule would be brought into compliance with current statute and with legislative intent. The department will not alter its

application of this rule so that the overall impact on lowered claim cost will remain the same.

AMENDATORY SECTION (Amending Order 80-24 [82-40], filed December 1, 1980 [11/30/82])

WAC 296-18-200 FAILURE TO MEET RESPONSIBILITIES. The individual injured worker is expected to carry out his or her responsibilities as provided in ~~WAC 296-18-190~~ RCW 51.41.050. Failure, without showing good cause, to carry out the responsibilities shall result in a reduction of benefits. As provided in section 8, chapter 63, Laws of 1982 (RCW 51.41.050), ~~((benefits will be reduced by one-half on order of the supervisor. For each successive week, benefits may be reduced by an additional one-half.))~~ for each week that a qualified injured worker does not participate without a showing of good cause, benefits shall be reduced by one-half on the order of the supervisor. Upon application by the injured worker, benefits may be restored on order of the supervisor.

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

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 85-06-041

ATTORNEY GENERAL OPINION

Cite as: AGO 1985 No. 6

[March 1, 1985]

OFFICES AND OFFICERS - STATE - HUMAN RIGHTS COMMISSION - GOVERNOR - LEGISLATURE - TENURE OF HUMAN RIGHTS COMMISSION CHAIRPERSON

Under the provisions of RCW 49.60.050 the Governor may designate as chairperson of the Washington State Human Rights Commission any member thereof, notwithstanding a previous Governor's designation of a different sitting commissioner as chairperson.

Requested by:

Honorable George Fleming
State Senator, 37th District
312 Legislative Building
Olympia, Washington 98504

Honorable Phil Talmadge
State Senator, 34th District
432 Public Lands Building
Olympia, Washington 98504

WSR 85-06-042

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed March 5, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Agriculture intends to adopt, amend, or repeal rules relating to the use of restricted use herbicides in Columbia County and Klickitat County, chapter 16-231 WAC.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on March 15, 1985.

The authority under which these rules are proposed is chapters 17.21 and 15.58 RCW.

This notice is connected to and continues the matter in Notice No. WSR 85-03-101 filed with the code reviser's office on January 23, 1985.

Dated: March 5, 1985

By: Art G. Losey
Assistant Director

WSR 85-06-043

ADOPTED RULES

DEPARTMENT OF LICENSING

(Examining Board of Psychology)

[Order PL 521—Filed March 5, 1985]

Be it resolved by the Washington State Examining Board of Psychology, acting at Seattle, Washington, that it does adopt the annexed rules relating to the repealing of WAC 308-122-210; adopting WAC 308-122-215 pertaining to experience prerequisite to licensure; and WAC 308-122-700 and 308-122-710.

This action is taken pursuant to Notice No. WSR 84-24-071 filed with the code reviser on December 5, 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 18.83.070(3) 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 March 5, 1985.

By Gunter R. Hadersberger
Chairperson

NEW SECTION

WAC 308-122-215 PSYCHOLOGISTS — EXPERIENCE PREREQUISITE TO LICENSING. (1) Need for supervision. The law requires that the applicant have at least twelve months experience practicing psychology under qualified supervision after having completed all requirements for a doctoral degree. Supervision must be appropriate to the area(s) of professional activity in which the candidate intends to function.

(2) Twelve months of experience shall include a MINIMUM of 1500 supervised clock hours of psychological work. There should be a MINIMUM of one hour of individual supervision for every twenty hours of psychological work. The majority of supervised hours should be in the area(s) of intended psychological work. Documentation of experience and supervision hours shall be kept by supervisee and supervisor.

(3) Appropriate supervision is that provided by a licensed psychologist with two (2) years post-license experience, a psychiatrist with three (3) years of experience beyond residency, or an MSW with five (5)

years post degree experience. At least 50 percent of supervision must be provided by a licensed psychologist. The supervisor must have competence in the area(s) of intended psychological work of the supervisee. The supervisor shall not supervise in any area in which he or she does not have competence.

(4) Content of supervision. Supervision should include, but not be limited to, the following content area:

(a) Discussion of services provided by the supervisee;
(b) Selection, service plan, and review of each case or work unit of the supervisee;

(c) Discussion of and instruction in theoretical conceptions underlying the supervised work;

(d) Discussion of the management of professional practice or other administrative or business issues;

(e) Evaluation of the supervisory process, supervisee, and supervisor;

(f) Discussion of the coordination of services among other professionals involved in particular work units;

(g) Review of relevant Washington laws and rules and regulations;

(h) Discussion of ethical principles including principles that apply to current work;

(i) Review of Standards for Providers of Psychological Services;

(j) Discussion of other relevant reading materials specific to cases, ethical issues, and the supervisory process.

(5) Mode of supervision. The nature of supervision will vary depending on the theoretical orientation of the supervisor, the training and experience of the supervisee, and the duration of the supervisory relationship. It is reasonable for a supervisor to ask for detailed process notes and progress reports. Audio tapes, video tapes, client supplied information such as behavioral ratings, and one-way mirror observations are also appropriate when deemed useful and/or necessary. However accomplished, supervision shall include some direct observation of the supervisee's work. The preferred mode of supervision is face-to-face discussion between supervisor and supervisee.

(6) Authority of supervisor. The supervisor is ethically and legally responsible for all supervisee work covered in the written agreement for supervision. Therefore, it is the authority of the supervisor to alter service plans or otherwise direct the course of psychological work.

(7) Written agreement for supervision. The supervisor and supervisee shall have a written agreement for supervision. This shall include:

(a) The area(s) of professional activity in which supervision will occur;

(b) Hours of supervision and/or ratio of supervisory hours or professional hours;

(c) Supervisory fees, if appropriate;

(d) Process of supervision including mode of supervision, expectations for recordkeeping, and expectations for evaluation and feedback;

(e) Relevant business arrangements;

(f) How the supervisee will represent him or herself;

(g) How disagreements will be handled.

(8) Representation of supervisee to the public. It shall be the responsibility of the supervisee to represent him or herself to the consuming public as being in training

status with a suitable supervisor. Clients shall be informed of the identity and responsibilities of the supervisor; and shall be informed of their right to consult or speak directly with the supervisor. Such titles as psychological resident, psychological intern or psychological supervisee, are deemed appropriate for the supervisee. NO services provided by the supervisee shall be represented to third parties as having been provided by the supervisor. Insurance forms should be filled out to indicate the nature of the supervisory relationship.

NEW SECTION

WAC 308-122-700 TELEPHONE DIRECTORY LISTINGS. Psychologists listed in the yellow pages of a telephone directory must include their PERMANENT Washington State psychologist license number.

Agencies listed under the "Psychologist" heading in the yellow pages of a telephone directory must include the names and PERMANENT Washington State psychologist license number(s) of the psychologist(s) affiliated with that agency.

NEW SECTION

WAC 308-122-710 LICENSE APPLICATION FEES—FAILURE TO APPEAR AT EXAMINATION SESSION. License application fees shall be forfeited whenever a candidate fails to attend a scheduled examination session, except in the case of a bona fide emergency.

REPEALER

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

WAC 308-122-210 PSYCHOLOGISTS—EXPERIENCE PREREQUISITE TO LICENSING.

WSR 85-06-044

ADOPTED RULES

DEPARTMENT OF LICENSING

(Examining Board of Psychology)

[Order PL 522—Filed March 5, 1985]

Be it resolved by the Washington State Examining Board of Psychology, acting at Seattle, Washington, that it does adopt the annexed rules relating to code of ethics for psychologists, WAC 308-122-600, 308-122-610, 308-122-620, 308-122-640, 308-122-650, 308-122-660, 308-122-680, 308-122-690 and 308-122-695.

This action is taken pursuant to Notice No. WSR 84-24-072 filed with the code reviser on December 5, 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 18.83.050(5) 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 March 5, 1985.

By Gunter R. Hadersberger
Chairperson

NEW SECTION

WAC 308-122-600 CODE OF ETHICS — GENERAL CONSIDERATIONS. Psychologists respect the dignity and worth of the individual and strive for the preservation and protection of fundamental human rights. They are committed to increasing knowledge of human behavior and of people's understanding of themselves and others and to the utilization of such knowledge for the promotion of human welfare. While pursuing these objectives, they make every effort to protect the welfare of those who seek their services of the research participants that may be the object of study. They use their skills only for purposes consistent with these values and do not knowingly permit their misuse by others. While demanding for themselves freedom of inquiry and communication, psychologists accept the responsibility this freedom requires: competence, objectivity in the application of skills, and concerns for the best interests of clients, colleagues, students, research participants, and society. In the pursuit of these ideals, psychologists subscribe to principles in the following areas: 1. Responsibility, 2. Competence, 3. Public Statements, 4. Confidentiality, 5. Welfare of the Consumer, 6. Professional Relationships, 7. Assessment Techniques, 8. Research with Human Participants, and 9. Care and Use of Animals.

NEW SECTION

WAC 308-122-610 RESPONSIBILITY. In providing services, psychologists maintain the highest standards of their profession. They accept responsibility for the consequences of their acts and make every effort to ensure that their services are used appropriately.

(1) As scientists, psychologists accept responsibility for the selection of their research topics and the methods used in investigation, analysis, and reporting. They plan their research in ways to minimize the possibility that their findings will be misleading. They provide thorough discussion of the limitations of their data, especially where their work touches on social policy or might be construed to the detriment of persons in specific age, sex, ethnic, socioeconomic, or other social groups. In publishing reports of their work, they never suppress disconfirming data, and they acknowledge the existence of alternative hypotheses and explanations of their findings. Psychologists take credit only for work they have actually done.

(2) Psychologists clarify in advance with all appropriate persons and agencies the expectations for sharing and utilizing research data. They avoid relationships that may limit their objectivity or create a conflict of interest.

Interference with the milieu in which data are collected is kept to a minimum.

(3) Psychologists have the responsibility to attempt to prevent distortion, misuse, or suppression of psychological findings by the institution or agency of which they are employees.

(4) As members of governmental or other organizational bodies, psychologists remain accountable as individuals to the highest standards of their profession.

(5) As teachers, psychologists recognize their primary obligation to help others acquire knowledge and skill. They maintain high standards of scholarship by presenting psychological information objectively, fully, and accurately.

(6) As practitioners, psychologists know that they bear a heavy social responsibility because their recommendations and professional actions may alter the lives of others. They are alert to personal, social, organizational, financial, or political situations and pressures that might lead to misuse of their influence.

(7) Psychologists do not employ psychological techniques for entertainment, nor for other purposes inconsistent with the development of psychology as a science.

NEW SECTION

WAC 308-122-620 COMPETENCE. The maintenance of high standards of competence is a responsibility shared by all psychologists in the interest of the public and the profession as a whole. Psychologists recognize the boundaries of their competence and the limitations of their techniques. They only provide services and only use techniques for which they are qualified by training and experience. In those areas in which recognized standards do not yet exist, psychologists take whatever precautions are necessary to protect the welfare of their clients. They maintain knowledge of current scientific and professional information related to the services they render.

(1) Psychologists accurately represent their competence, education, training, and experience.

(2) As teachers, psychologists perform their duties on the basis of careful preparation so that their instruction is accurate, current, and scholarly.

(3) Psychologists recognize the need for continuing education and are open to new procedures and changes in expectations and values over time.

(4) Psychologists recognize differences among people, such as those that may be associated with age, sex, socioeconomic, and ethnic backgrounds. When necessary, they obtain training, experience, or counsel to assure competent service or research relating to such persons.

(5) Psychologists responsible for decisions involving individuals or policies based on test results have an understanding of psychological or educational measurement, validation problems, and test research.

(6) Psychologists recognize that personal problems and conflicts may interfere with professional effectiveness. Accordingly, they refrain from undertaking any activity in which their personal problems are likely to lead to inadequate performance or harm to a client, colleague, student, or research participant. If engaged in such activity when they become aware of their personal

problems, they seek competent professional assistance to determine whether they should suspend, terminate, or limit the scope of their professional and/or scientific activities.

NEW SECTION

WAC 308-122-640 PUBLIC STATEMENTS. Public statements, announcements of service, advertising, and promotional activities of psychologists serve the purpose of helping the public make informed judgments and choice. Psychologists represent accurately and objectively their professional qualifications, affiliations, and functions, as well as those of the institutions or organizations with which they or the statements may be associated. In public statements providing psychological information or professional opinions or providing information or professional opinions or providing information about the availability of psychological products, publications, and services, psychologists base their statements on scientifically acceptable psychological findings and techniques with full recognition of the limits and uncertainties of such evidence.

(1) When announcing or advertising professional services, psychologists may list the following information to describe the provider and services provided: name, highest relevant academic degree earned from a regionally accredited institution, date, type, and level of certification or licensure, diplomat status, professional association status, address, telephone number, office hours, a brief listing of the type of psychological services offered, an appropriate presentation of fee information, foreign languages spoken, and policy with regard to third-party payments. Additional relevant or important consumer information may be included if not prohibited by other sections of those Ethical Principles.

(2) In announcing or advertising the availability of psychological products, publications, or services, psychologists do not present their affiliation with any organization in a manner which falsely implies sponsorship or certification of that organization. Public statements include, but are not limited to, communication by means of periodical, book, list, directory, television, radio, or motion picture. They do not contain

(a) a false, fraudulent, misleading, deceptive, or unfair statement;

(b) a misinterpretation of fact or a statement likely to mislead or deceive because in context it makes only a partial disclosure of relevant facts;

(c) a testimonial from a patient regarding the quality of a psychologists' services or products;

(d) a statement intended or likely to create false or unjustified expectations of favorable results;

(e) a statement implying unusual, unique, or one-of-a-kind abilities;

(f) a statement intended or likely to appeal to a client's fears, anxieties, or emotions concerning the possible results of failure to obtain the offered services;

(g) a statement concerning the comparative desirability of offered services;

(h) a statement of direct solicitation of individual clients.

(3) Psychologists do not compensate or give anything of value to a representative of the press, radio, television, or other communication medium in anticipation of or in return for professional publicity in a news item. A paid advertisement must be identified as such, unless it is apparent from the context that it is a paid advertisement. If communicated to the public by use of radio or television, an advertisement is prerecorded and approved for broadcast by the psychologist, and a recording of the actual transmission is retained by the psychologist.

(4) Announcements or advertisements of "personal growth groups," clinics, and agencies give a clear statement of purpose and a clear description of the experiences to be provided. The education, training, and experience of the staff members are appropriately specified.

(5) Psychologists associated with the development or promotion of psychological devices, books, or other products offered for commercial sale make reasonable efforts to ensure that announcements and advertisements are presented in a professional, scientifically acceptable, and factually informative manner.

(6) Psychologists do not participate for personal gain in commercial announcements or advertisements recommending to the public the purchase or use of proprietary or single-source products or services when that participation is based solely upon their identification as psychologists.

(7) Psychologists present the science of psychology and offer their services, products, and publications fairly and accurately, avoiding misrepresentation through sensationalism, exaggeration, or superficiality. Psychologists are guided by the primary obligation to aid the public in developing informed judgments, opinions, and choices.

(8) As teachers, psychologists ensure that statements in catalogs and course outlines are accurate and not misleading, particularly in terms of subject matter to be covered, bases for evaluating progress, and the nature of course experiences. Announcements, brochures, or advertisements describing workshops, seminars, or other educational programs accurately describe the audience for which the program is intended as well as eligibility requirements, educational objectives, and nature of the materials to be covered. These announcements also accurately represent the education, training, and experience of the psychologists presenting the programs and any fees involved.

(9) Public announcements or advertisements soliciting research participants in which clinical services or other professional services are offered as an inducement make clear the nature of the services as well as the costs and other obligations to be accepted by participants in the research.

(10) A psychologist accepts the obligation to correct others who represent the psychologist's professional qualifications, or associations with products or services, in a manner incompatible with these guidelines.

(11) Individual diagnostic and therapeutic services are provided only in the context of a professional psychological relationship. When personal advice is given by means of public lectures or demonstrations, newspaper

or similar media, the psychologist utilizes the most current relevant data and exercises the highest level of professional judgment.

(12) Products that are described or presented by means of public lectures or demonstrations, newspaper or magazine articles, radio or television programs, or similar media meet the same recognized standards as exist for products used in the context of a professional relationship.

NEW SECTION

WAC 308-122-650 CONFIDENTIALITY. Psychologists have a primary obligation to respect the confidentiality of information obtained from persons in the course of their work as psychologists. They reveal such information to others only with the consent of the person or the person's legal representative, except in those unusual circumstances in which not to do so would result in clear danger to the person or to others. Where appropriate, psychologists inform their clients of the legal limits of confidentiality.

(1) Information obtained in clinical or consulting relationships or evaluative data concerning children, students, employees, and others, is discussed only for professional purposes and only with persons clearly concerned with the case. Written and oral reports present only data germane to the purposes of the evaluation, and every effort is made to avoid undue invasion of privacy.

(2) Psychologists who present personal information obtained during the course of professional work in writings, lectures, or other public forums either obtain adequate prior consent to do so or adequately disguise all identifying information.

(3) Psychologists make provisions for maintaining confidentiality in the storage and disposal of records.

(4) When working with minors or other persons who are unable to give voluntary, informed consent, psychologists take special care to protect these persons' best interests.

NEW SECTION

WAC 308-122-660 WELFARE OF THE CONSUMER. Psychologists respect the integrity and protect the welfare of the people and groups with whom they work. When conflicts of interest arise between clients and psychologists' employing institutions, psychologists clarify the nature and direction of their loyalties and responsibilities and keep all parties informed of their commitments. Psychologists must inform consumers as to the purpose and nature of an evaluation, treatment, educational, or training procedure, and they freely acknowledge that clients, students, or participants in research have freedom of choice with regard to participation.

(1) Psychologists are continually cognizant of their own needs and of their potentially influential position vis-a-vis persons such as clients, students, and subordinates. They avoid exploiting the trust and dependency of such persons. Psychologists make every effort to avoid dual relationships that could impair their professional judgment or increase the risk of exploitation. Examples

of such dual relationships include, but are not limited to, research with and treatment of employees, students, supervisees, close friends, or relatives. Sexual intimacies with clients are unethical.

(2) When a psychologist agrees to provide services to a client at the request of a third party, the psychologist assumes the responsibility of clarifying the nature of the relationships to all parties concerned.

(3) Where the demands of an organization require psychologists to violate this code of ethics, psychologists clarify the nature of the conflict between the demands and these principles. They inform all parties of psychologists' ethical responsibilities and take appropriate action.

(4) Psychologists make advance financial arrangements that safeguard the best interests of and are clearly understood by their clients. They neither give nor receive any remuneration for referring clients for professional services.

(5) Psychologists terminate a clinical or consulting relationship when it is reasonably clear that the consumer is not benefiting from it. They offer to help the consumer locate alternative sources of assistance.

(6) Psychologists do not offer psychological services entirely by mail. They do not use or utilize mechanical devices alone in the interpretation of test results.

(7) Psychologists do not use untrained personnel for provision of psychological services.

NEW SECTION

WAC 308-122-680 ASSESSMENT TECHNIQUES. In the development, publication, and utilization of psychological assessment techniques, psychologists make every effort to promote the welfare and best interests of the client. They guard against the misuse of assessment results. They respect the client's right to know the results, the interpretations made, and the bases for their conclusions and recommendations. Psychologists make every effort to maintain the security of tests and other assessment techniques within limits of legal mandates. They strive to ensure the appropriate use of assessment techniques by others.

(1) In using assessment techniques, psychologists respect the right of clients to have full explanations of the nature and purpose of the techniques in language the clients can understand, unless an explicit exception to the right has been agreed upon in advance. When the explanations are to be provided by others, psychologists establish procedures for ensuring the adequacy of these explanations.

(2) Psychologists responsible for the development and standardization of psychological test and other assessment techniques utilize established scientific procedures and observe the 1974 American Psychological Association standards.

(3) In reporting assessment results, psychologists indicate any reservations that exist regarding validity or reliability because of the circumstances of the assessments or the inappropriateness of the norms for the person tested. Psychologists strive to ensure that the results of assessments and their interpretations are not misused by others.

(4) Psychologists recognize that assessment results may become obsolete. They make every effort to avoid and prevent the misuse of obsolete measures.

(5) Psychologists offering scoring and interpretation services are able to produce appropriate evidence for the validity of the programs and procedures used in arriving at interpretations. The public offering of an automated interpretation service is considered a professional-to-professional consultation. Psychologists make every effort to avoid misuse of assessments reports.

(6) Psychologists do not encourage or promote the use of psychological assessment techniques by inappropriately trained or otherwise unqualified persons through teaching, sponsorship, or supervision.

NEW SECTION

WAC 308-122-690 RESEARCH WITH HUMAN PARTICIPANTS. The decision to undertake research rests upon a considered judgment by the individual psychologist about how best to contribute to psychological science and human welfare. Having made the decision to conduct research, the psychologist considers alternative directions in which research energies and resources might be invested. On the basis of this consideration, the psychologist carries out the investigation with respect and concern for the dignity and welfare of the people who participate and with cognizance of federal and state regulations and professional standards governing the conduct of research with human participants.

(1) In planning a study, the investigator has the responsibility to make a careful evaluation of its ethical acceptability. To the extent that the weighing of scientific and human values suggests a compromise of any principle, the investigator incurs a correspondingly serious obligation to seek ethical advice and to observe stringent safeguards to protect the rights of human participants.

(2) Considering whether a participant in a planned study will be a "subject at risk" or a "subject at minimal risk," according to recognized standards, is of primary ethical concern to the investigator.

(3) The investigator always retains the responsibility for ensuring ethical practice in research. The investigator is also responsible for the ethical treatment of research participants by collaborators, assistants, students, and employees, all of whom, however, incur similar obligations.

(4) Except in minimal-risk research, the investigator establishes a clear and fair agreement with research participants, prior to their participation, that clarifies the obligations and responsibilities of each. The investigator has the obligation to honor all promises and commitments included in that agreement. The investigator informs the participants of all aspects of the research that might reasonably be expected to influence willingness to participate and explains all other aspects of the research about which the participants inquire. Failure to make full disclosure prior to obtaining informed consent requires additional safeguards to protect the welfare and dignity of the research participants. Research with children or with participants who have impairments that

would limit understanding and/or communication requires special safeguarding procedures.

(5) Methodological requirements of a study may make the use of concealment or deception necessary. Before conducting such a study, the investigator has a special responsibility to

(a) determine whether the use of such techniques is justified by the study's prospective scientific, educational, or applied value;

(b) determine whether alternative procedures are available that do not use concealment or deception; and

(c) ensure that the participants are provided with sufficient explanation as soon as possible.

(6) The investigator respects the individual's freedom to decline to participate in or to withdraw from the research at any time. The obligation to protect this freedom requires careful thought and consideration when the investigator is in a position of authority or influence over the participant. Such positions of authority include, but are not limited to, situations in which research participation is required as part of employment or in which the participant is a student, client, or employee of the investigator.

(7) The investigator protects the participant from physical and mental discomfort, harm, and danger that may arise from research procedures. If risks of such consequences exist, the investigator informs the participant of the fact. Research procedures likely to cause serious or lasting harm to a participant are not used unless the failure to use the procedures might expose the participant to risk of greater harm, or unless the research has great potential benefit and fully informed and voluntary consent is obtained from such participant. The participant should be informed of procedures for contacting the investigator within a reasonable time period following participation should stress, potential harm, or related questions or concerns arise.

(8) After the data are collected, the investigator provides the participant with information about the nature of the study and attempts to remove any misconceptions that may have arisen. Where scientific or human values justify delaying or withholding this information, the investigator incurs a special responsibility to monitor the research and to ensure that there are no damaging consequences for the participant.

(9) Where research procedures result in undesirable consequences for the individual participant, the investigator has the responsibility to detect and remove or correct these consequences, including long-term effects.

(10) Information obtained about a research participant during the course of an investigation is confidential unless otherwise agreed upon in advance. When the possibility exists that others may obtain access to such information, this possibility, together with the plans for protecting confidentiality, is explained to the participant as part of the procedure for obtaining informed consent.

NEW SECTION

WAC 308-122-695 CARE AND USE OF ANIMALS. An investigator of animal behavior strives to advance understanding of basic behavior principles and/or to contribute to the improvement of human

health and welfare. In seeking these ends, the investigator ensures the welfare of animals and treats them humanely. Laws and regulations notwithstanding, an animal's immediate protection depends upon the scientist's own conscience.

(1) The acquisition, care, use, and disposal of all animals are in compliance with current federal, state or provincial, and local laws and regulations.

(2) A psychologist trained in research methods and experienced in the care of laboratory animals closely supervises all procedures involving animals and is responsible for ensuring appropriate consideration of their comfort, health, and humane treatment.

(3) Psychologists ensure that all individuals using animals under their supervision have received explicit instruction in experimental methods and in the care, maintenance, and handling of the species being used. Responsibilities and activities of individuals participating in a research project are consistent with their respective competencies.

(4) Psychologists make every effort to minimize discomfort, illness, and pain of animals. A procedure subjecting animals to pain, stress, or privation is used only when an alternative procedure is unavailable and the goal is justified by its prospective scientific, educational, or applied value. Surgical procedures are performed under appropriate anesthesia; techniques to avoid infection and minimize pain are followed during and after surgery.

(5) When it is appropriate that the animal's life be terminated, it is done rapidly and painlessly.

WSR 85-06-045

PROPOSED RULES

UTILITIES AND TRANSPORTATION

COMMISSION

[Filed March 5, 1985]

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 telecommunications companies, WAC 480-80-210, 480-80-340, 480-80-380, 480-120-021, 480-120-031 and 480-140-040. The proposed amendatory sections are shown below as Appendix A, Cause No. U-85-06. 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);

that the agency will at 9:00 a.m., Wednesday, April 17, 1985, 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 and 80.04.320.

The specific statute these rules are intended to implement is RCW 80.04.080, 80.04.090, 80.04.300, 80.04.310, 80.08.040 and 80.36.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 12, 1985.

Dated: March 5, 1985

By: Paul Curl
Acting Secretary

STATEMENT OF PURPOSE

In the matter of amending WAC 480-80-210, 480-80-340, 480-80-380, 480-120-021, 480-120-031 and 480-140-040 relating to telecommunications companies.

The rules proposed by the Washington Utilities and Transportation Commission are to be promulgated pursuant to RCW 80.01.040 and 80.04.320 which direct that the commission has authority to implement the provisions of Title 80 RCW.

The rules proposed by the Washington Utilities and Transportation Commission are designed to ameliorate some reporting and filing obligations of telecommunications companies, particularly in light of newly initiated competition in communications public service companies.

Paul Curl, Acting Secretary, Seventh Floor, Highways-Licenses Building, Olympia, Washington, telephone number (206) 753-6420, and members of his staff were responsible for the drafting of the proposed rules and will be responsible for implementation and enforcement of the proposed rules.

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

There are no comments or recommendations being submitted inasmuch as the proposal is pursuant to legislative authorization reflected in RCW 80.01.040 and 80.04.320.

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

The rule change proposed will affect no economic values.

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

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-80-210 INDEX PAGE. (1) The index page of each tariff shall appear as the second sheet of each tariff and shall show the tariff number, the name of the utility issuing the tariff, the issued date and the effective date of the sheet, the signature or facsimile signature and title of the one authorized to issue the tariff and shall contain a complete and accurate list of the contents of the tariff by schedule number ((sheet title and sheet number)).

(2) Whenever a new tariff sheet is added to a tariff and that sheet is not listed in the index page of the tariff at that time then the index page of the tariff shall be revised in accordance with these rules.

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-80-340 FORMS. Samples of all forms on which bills are rendered, all forms on which items concerning billing are listed to

be conveyed to the customer, all application blanks, and all contract forms shall be made available to the commission and shall be kept current. Interexchange telecommunications companies shall be excluded from these provisions.

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-80-380 AVAILABILITY OF RULES. A copy of these rules shall be available for public inspection at each listed business office of all utilities concerned except interexchange telecommunications companies.

AMENDATORY SECTION (Amending Order R-131, Cause No. U-79-42, filed 9/18/79)

WAC 480-120-021 GLOSSARY. Applicant - any person, firm, partnership, corporation, municipality, cooperative organization, governmental agency, etc., applying to the utility for new service or reconnection of discontinued service.

Automatic dialing-announcing device - any automatic terminal equipment which incorporates the following features:

- (1) (a) Storage capability of numbers to be called; or
- (b) A random or sequential number generator that produces numbers to be called; and
- (c) An ability to dial a call; and
- (2) Has the capability, working alone or in conjunction with other equipment, of disseminating a prerecorded message to the number called.

Base rate area or primary rate area - the area or areas within an exchange area wherein mileage charges for primary exchange service do not apply.

Central office - a switching unit in a telephone system having the necessary equipment and operating arrangements for terminating and interconnecting subscribers' lines, farmer lines, toll lines and interoffice trunks. (More than one central office may be located in the same building or in the same exchange.)

Commission - the Washington utilities and transportation commission.

Customer - user not classified as a subscriber.

Exchange - a unit established by a utility for communication service in a specific geographic area, which unit usually embraces a city, town or community and its environs. It usually consists of one or more central offices together with the associated plant used in furnishing communication service to the general public within that area.

Exchange area - the specific area served by, or purported to be served by an exchange.

Farmer line - outside plant telephone facilities owned and maintained by a subscriber or group of subscribers, which line is connected with the facilities of a telephone utility for switching service. (Connection is usually made at the base rate area boundary.)

Farmer station - a telephone instrument installed and in use on a farmer line.

Interexchange telecommunications company - a telecommunications company, or division thereof, that does not provide basic local service.

Outside plant - the telephone equipment and facilities installed on, along, or under streets, alleys, highways, or on private rights-of-way between the central office and subscribers' locations or between central offices.

Station - a telephone instrument installed for the use of a subscriber to provide toll and exchange service.

Subscriber - any person, firm, partnership, corporation, municipality, cooperative organization, governmental agency, etc., supplied with service by any utility.

Toll station - a telephone instrument connected for toll service only and to which message telephone toll rates apply for each call made therefrom.

Utility - any corporation, company, association, joint stock association, partnership, person, their lessees, trustees or receivers appointed by any court whatsoever, owning, controlling, operating or managing any telephone plant within the state of Washington for the purpose of furnishing telephone service to the public for hire and subject to the jurisdiction of the commission.

AMENDATORY SECTION (Amending Order R-25, filed 5/5/71)

WAC 480-120-031 ACCOUNTING. ((The "Uniform System of Accounts for Class A and Class B Telephone Companies" published by

the Federal Communications Commission (FCC) and designated as Volume VIII, Part 31, is hereby prescribed for use of telephone utilities in the state of Washington:

Telephone utilities operating within this state shall be classed by revenue as follows:

CLASS	ANNUAL GROSS OPERATING REVENUE
A	Exceeding \$100,000
B	\$100,000 or less

Companies that desire more detailed accounting may adopt the accounts prescribed for a higher classification of telephone companies. PROVIDED, That the commission is notified promptly of such action. Such companies are required to comply with the more detailed reporting requirements contained in the rules respecting such higher classification.

Any provisions contained in the Uniform System of Accounts adopted in paragraph one above which is contrary to paragraph two and three above are hereby deleted.

The Annual Report Form (FCC Form "M") promulgated by the Federal Communications Commission (FCC) is hereby adopted for purposes of annually reporting to this commission by all telephone companies.

Any deviation from the Uniform System of Accounts and the Annual Report forms adopted and published by the FCC will only be accomplished after due notice and order by this commission.)

Annual reports submitted to this commission by telecommunications companies shall show in detail the amount of capital stock issued, the amounts paid therefor and the manner of payment for same, the dividends paid, the surplus fund, if any, and the number of stockholders, the funded and floating debts and the interest paid thereon, the cost and value of the company's property, franchises and equipment, the number of employees and the salaries paid each class, the accidents to employees and other persons and the cost thereof, the amounts expended for improvements each year, how expended and the character of such improvements, the earnings or receipts from each franchise or business and from all sources. Telecommunications companies may use the annual report form (FCC Form "M") promulgated by the Federal Communications Commission ("FCC") for purposes of annually reporting to this commission. The total company results of operations reported by each ((telephone utility)) telecommunications company in its annual report shall agree with the results of operations shown on its books and records. Supplemental summaries showing intrastate activities shall show the proportion of earnings earned by the company from business moving wholly within the state and the proportion of operating and other expenses incurred by the company in transacting business wholly within the state.

All ((telephone utilities)) telecommunications companies having multi-state operations shall maintain records in such detail that the costs of property located and business done in this state in accordance with state geographic boundaries can be readily ascertained.

All ((telephone utilities)) telecommunications companies having multi-state operations shall report to this commission at least once each year, as a supplement to its annual report, such allocations between states as are requested by the commission from time to time for each ((utility)) company. Any allocations required in developing results of operations for the state of Washington separately shall be accomplished on a basis acceptable to the commission.

((The Annual Budget of Expenditures Form for budgetary reporting by all telephone companies having \$25,000 or more in annual revenue will be published by this commission in accordance with chapter 480-140 WAC. Any change to these forms will only be accomplished after due notice and order of this commission.))

AMENDATORY SECTION (Amending Order R-195, Cause No. U-83-02, filed 2/23/83)

WAC 480-140-040 PREPARATION. Budgets shall be made in duplicate ((on forms furnished by the commission)). The original shall be filed with the commission and the duplicate shall be kept by the company for its files. ((Each question must be answered fully and accurately. Where the word "none" truly and completely states the fact, it may be given as the answer to any particular inquiry or portion thereof. Do not leave blank lines. Items and schedules which do not apply to the reporting company's business and therefore cannot be filled in, shall be answered "not applicable.")) Budgets shall identify the company's name and address and the type of service it provides and set forth the applicable year, and shall list expenditures necessary

for maintenance, operational expenses, and projected construction expenses. In no case shall any utility deviate from the requirements of these rules except upon a showing of good cause, and then only to the extent authorized by the commission in writing. ((For the purpose of the budget report an "individual major project," as set forth on page 14 of such budget report is defined as one exceeding \$50,000 for Class A and B companies and \$25,000 for Class C companies.))

WSR 85-06-046

ADOPTED RULES

DEPARTMENT OF ECOLOGY

[Order 84-48—Filed March 6, 1985]

I, Glen H. Fiedler, acting deputy director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to general regulations for air pollution sources, chapter 173-400 WAC. Fugitive emissions of benzene is added to the list of hazardous air pollutants covered by national emission standards (NESHAPS). The term "administrator" used in federal regulations adopted by reference is clarified to mean the WDOE or a cognizant local authority. Eight new source categories are added to the list of those covered by new source performance standards (NSPS). The definition of 29 terms are referenced to the definition section of chapter 173-403 WAC. The list of sources required to register is expanded to at least include those source categories covered by NSPS.

This action is taken pursuant to Notice No. WSR 85-01-084 filed with the code reviser on December 19, 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 70.94.331, 70.94.395 and 70.94.510 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED February 14, 1985.

By Glen H. Fiedler
Acting Deputy Director

AMENDATORY SECTION (Amending Order DE 83-13, filed 4/15/83)

WAC 173-400-030 DEFINITIONS. Unless a different meaning is ((plainty)) clearly required by context((, the following)) words and phrases((, as hereinafter)) used in this chapter(;) shall have the following meanings; general terms common with other chapters as defined in chapter 173-403 WAC, and terms specific to this chapter only as defined below:

(1) ((("Actual emissions" as of a particular date means the average rate, in weight per unit time, with air pollution controls applied, at which the affected emissions unit emitted the pollutant during the two-year period which precedes the particular date, and which is representative of normal operation. An adjustment may be

made to the average annual emissions rate to account for unusual circumstances during the two-year period. The department or cognizant local authority may allow or require the use of an alternative time period upon a determination that the alternative time period is more representative of normal operation than is the immediately preceding two years. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

The department or cognizant local authority may presume that source-specific allowable emissions, which incorporate limits on hours of operation or production rate, are equivalent to the actual emissions of the unit.

(2) "Air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. "Air pollutant" means the same as "air contaminant."

(3) "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities, and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property.

(4) "Allowable emissions" means the emission rate calculated using the maximum rated capacity of the source (unless the source is limited in production rate or hours of operation, or both, by an applicable regulatory order) and the most stringent of (a), (b), or (c) of this subsection. Physical and process limitations must be considered in determining maximum rated capacity.

(a) Standards as set forth in 40 CFR Part 60 and Part 61, if applicable to the source, or

(b) The applicable state implementation plan emission limitation, or

(c) The emission rate specified by an applicable regulatory order.

(5) "Ambient air" means the surrounding outside air.

(6) "Ambient air quality standard" means an established concentration, exposure time and frequency of occurrence of a contaminant or multiple contaminants in the air which shall not be exceeded.

(7)) (2) "Capacity factor" means the ratio of the average load on a machine or equipment for the period of time considered to the capacity rating of the machine or equipment.

((8) "Cognizant local authority" means an activated air pollution control authority formed pursuant to chapter 70.94 RCW, which authority has jurisdiction over the source being considered.

(9)) (2) "Combustion and incineration sources" means sources using combustion for waste disposal, steam production, chemical recovery or other process requirements; but excludes open burning.

((10) "Commenced construction" means that an owner or operator has all the necessary preconstruction approvals or permits and either has:

(a) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

(b) Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

((11)) (3) "Concealment" means any action taken to reduce the observed or measured concentrations of a pollutant in a gaseous effluent while, in fact, not reducing the total amount of pollutant discharged.

((12) "Department" means the department of ecology.

(13) "Director" means the director of the department of ecology or his duly authorized representative.

(14) "Emission" means a release of contaminants into the ambient air.

(15) "Emission standard" means a regulation or regulatory order (or portion thereof) setting forth an allowable rate of emissions, level of opacity, or prescribing equipment or operating conditions that result in control of air pollution emission.

(16) "Emissions unit" means any equipment, device, process, or activity that produces and emits to the outside air, or that may produce and emit to the outside air, any contaminant regulated by state or federal law.

((17)) (4) "Excess emissions" means emissions of an air pollutant in excess of an emission standard.

((18)) (5) "Fossil fuel-fired steam generator" means a furnace or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.

((19)) (6) "Fugitive dust" means a type of particulate emission made airborne by forces of wind, man's activity, or both, such as unpaved roads, construction sites, or tilled land. Two major categories are anthropogenic sources (those which result directly from and during human activities) and wind erosion sources (those resulting from erosion of soil by wind). Fugitive dust is a type of fugitive emission.

((20) "Fugitive emissions" means emissions which do not pass and which could not reasonably pass through a stack, chimney, vent or other functionally equivalent opening.

((21)) (7) "General process unit" means an emissions unit using a procedure or a combination of procedures for the purpose of causing a change in material by either chemical or physical means excluding combustion.

((22)) (8) "Incinerator" means a furnace used primarily for the thermal destruction of waste.

((23) "Major emissions unit" means any emissions unit which has actual or allowable emissions of one hundred tons per year or more of any pollutant regulated by state or federal law.

(24) "Major source" means any source which has actual or allowable emissions of one hundred tons per year or more of any contaminant regulated by state or federal law.

((25)) (9) "Masking" means the mixing of a chemically nonreactive control agent with a malodorous gaseous effluent to change the perceived odor, usually to a less offensive odor.

((26)) (10) "Materials handling" means the handling, transporting, loading, unloading, storage, and

transfer of materials with no significant alteration of the chemical or physical properties of the material.

~~((27)) "National emission standards for hazardous air pollutants (NESHAPS)" means those federal regulations set forth in 40 CFR Part 61, as promulgated prior to January 1, 1983.~~

~~(28) "New source" means a source which commences construction after the effective date of this chapter. Addition to, enlargement, modification, replacement, or any alteration of any process or source which may increase emissions or ambient air concentrations of any contaminant for which federal or state ambient or emissions standards have been established shall be construed as construction or installation or establishment of a new source. In addition every major modification (as defined in WAC 173-403-030) shall be construed as construction or installation or establishment of a new source.~~

~~(29) "New source performance standards (NSPS)" means the federal regulations set forth in 40 CFR Part 60, as promulgated prior to January 1, 1983.~~

~~(30) "Notice of construction" means a document which makes application for permission to construct a new source or to accomplish the modification of an existing source.~~

~~(31) "Opacity" means the degree to which an object seen through a plume is obscured, stated as a percentage.~~

~~(32)) (11) "Open burning" means the combustion of material in an open fire or in an outdoor container, without providing for the control of combustion or the control of the emissions from the combustion. Wood waste disposal in wigwam burners is not considered open burning.~~

~~((33) "ppm (parts per million)" means parts of contaminant per million parts of gas, by volume, exclusive of water or particulate matter.~~

~~(34) "Particulate matter" or "particulates" means small discrete masses of liquid or solid, exclusive of uncombined water.~~

~~(35) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality or government agency.~~

~~(36) "Reasonably available control technology (RACT)" means the lowest emission limit that a particular source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual source or source category taking into account the impact of the source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality and the capital and operating costs of the additional controls. RACT requirements for any source or source category may be adopted as an order or regulation after public involvement per WAC 173-403-110.~~

~~(37) "Regulatory order" means an order issued by the department or cognizant local authority to an air contaminant source which approves a notice of construction and/or limits emissions and/or establishes other air pollution control requirements.~~

~~(38) "Source" means all of the emissions unit(s) including quantifiable fugitive emissions, which are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control), whose activities are ancillary to the production of a single product or functionally related group of products.~~

~~(39) "Source category" means all sources of the same type or classification.~~

~~(40) "Standard conditions" means a temperature of 20°C (68°F) and a pressure of 29.92 inches (760 mm) of mercury except when otherwise specified.~~

~~(41)) (12) "Sulfuric acid plant" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge.~~

AMENDATORY SECTION (Amending Order DE 84-8, filed 4/26/84)

WAC 173-400-075 EMISSION STANDARDS FOR SOURCES EMITTING HAZARDOUS AIR POLLUTANTS. (1) The emission standards for asbestos, benzene from fugitive emission sources, beryllium, beryllium rocket motor firing, mercury and vinyl chloride promulgated by the United States environmental protection agency prior to ((January)) October 1, ((+1983)) 1984, as contained in Title 40, Code of Federal Regulations, Part 61, are by this reference adopted and incorporated herein. For the purpose of state administration of the federal regulations adopted by reference hereby, the term "administrator" as used therein shall refer to the department or cognizant local authority.

(2) The department or cognizant local authority, at any time after the effective date of this section, may conduct source tests and require access to records, books, files and other information specific to the control, recovery or release of asbestos, benzene from fugitive emission sources, beryllium, mercury, or vinyl chloride in order to determine the status of compliance of sources of these contaminants and to carry out its enforcement responsibilities.

(3) Source testing, monitoring and analytical methods for sources of asbestos, benzene from fugitive emission sources, beryllium, mercury, or vinyl chloride shall conform with the requirements of Title 40, Code of Federal Regulations, Part 61, as promulgated prior to ((January)) October 1, ((+1983)) 1984.

(4) This section shall not apply to any source operating pursuant to a waiver granted by the United States environmental protection agency or an exemption granted by the president of the United States during the effective life of such waiver or exemption.

(5) Arsenic standards.

(a) The owner or operator of any source which emits five tons or more of arsenic per year shall:

(i) Use best available technology (BAT) to control fugitive emissions of arsenic, so that community exposure standards are not exceeded outside of the property controlled by the owner or operator of the source.

As used herein BAT means the best controls and work practices available considering economic, energy and environmental impacts. The level of control that represents

BAT may be different for new and existing sources within a source category because of higher costs associated with retrofitting controls on existing sources, or differences in control technology for new vs. existing sources.

(ii) Establish and operate monitoring facilities for arsenic at sites approved by the department or cognizant local authority. Such sites shall be representative of areas of potential maximum concentrations to which the public may be exposed.

(iii) Report as soon as possible but within thirty days, or in accordance with an approved work plan, to the department or cognizant local authority any exceedance of the following interim community exposure standards at any arsenic monitoring site:

Maximum 24-hour concentration - 2.0 micrograms arsenic (expressed as As) per cubic meter.

Maximum annual arithmetic mean - 0.3 micrograms arsenic (expressed as As) per cubic meter.

(iv) Maintain daily logs and records of the time and nature of activities that may release fugitive emissions of arsenic.

(v) Complete an evaluation of the cause of such exceedance within thirty days of the report of such exceedance.

(vi) Submit a work plan to the department for the identification and evaluation of fugitive arsenic emissions that is satisfactory to the department or cognizant local authority. The plan is required within thirty days after the effective date of this regulation. The work plan shall include but not be limited to an identification and evaluation of fugitive emission sources, including operating and maintenance procedures, siting of arsenic monitoring stations, a description of sampling equipment, analytical techniques, quality assurance, schedules of sampling, a program to record meteorological conditions at time of sampling, techniques used to evaluate and determine causes of exceedances, and quarterly reports of progress toward implementing the plan. For the arsenic manufacturing process as a whole, this shall include an evaluation of the feasibility of producing As_2O_3 through a chemical leaching process rather than roasting. The work plan shall be implemented within one year. Subparagraphs (ii), (iii), (iv), and (v) shall not impose additional requirements on the source to the extent that such requirements are included in the work plan.

(b) The standards set forth in (a)(iii) of this subsection are intended as interim community exposure standards. As more information becomes available it is anticipated that these standards will be reviewed.

(c) During this interim period the department shall periodically review all monitoring records and plant logs to determine the need for and practicability of additional emission controls, monitoring stations or adjustment to the above standards. Whenever the cause of any exceedance can be attributed to a specific source, process, operation or work practice, the owner or operator thereof shall install or adopt corrective measures which constitute best available technology as soon as possible, to prevent a recurrence. The department or cognizant local authority shall determine if additional measures can be taken to control fugitive emissions of arsenic, and

if so shall establish additional BAT requirements and a compliance program. Thereafter the department shall establish such final standards as appropriate to require, monitor and regulate the application of BAT for fugitive emissions of arsenic.

(d) Failure of a source to comply with any provision of subsection (5) of this section or any order issued by the department or cognizant local authority pursuant to WAC 173-400-075, shall constitute cause for enforcement action per WAC 173-403-170 or 173-403-180.

(e) Nothing in these regulations shall relieve the owner or operator of any source to which any part of these regulations may apply from complying with any other rule, regulation, order, statute, or ordinance to which said source may be subject.

AMENDATORY SECTION (Amending Order DE 83-13, filed 4/15/83)

WAC 173-400-100 REGISTRATION. The owner or operator of each source within the following source categories shall register the source with the department unless such registration is required by the cognizant local authority:

- (1) Agricultural drying and dehydrating operations;
- (2) Asphalt plants;
- (3) Beverage can surface coating operations;
- (4) Bulk gasoline terminals;
- (5) Cattle feedlots with facilities for one thousand or more cattle;
- ~~((4))~~ (6) Chemical plants;
- ~~((5))~~ (7) Ferrous foundries;
- ~~((6))~~ (8) Fertilizer plants;
- ~~((7))~~ (9) Flexible vinyl and urethane coating and printing operations;
- (10) Grain handling, seed processing, pea and lentil processing facilities;
- ~~((8))~~ (11) Metallic mineral processing plants;
- (12) Mineralogical processing plants;
- ~~((9))~~ (13) Nonferrous foundries;
- ~~((10))~~ Oil refineries;
- ~~((11))~~ (14) Other metallurgical processing plants;
- ~~((12))~~ (15) Petroleum refineries;
- (16) Power boilers using coal, hog fuel, oil, or other solid or liquid fuel;
- ~~((13))~~ (17) Pressure sensitive tape and label surface coating operations;
- (18) Rendering plants;
- ~~((14))~~ (19) Scrap metal operations;
- ~~((15))~~ (20) Synthetic organic chemical manufacturing industries;
- (21) Sulfuric acid plants;
- (22) Synthetic fiber production facilities;
- (23) Veneer dryers;
- ~~((16))~~ (24) Wood waste incinerators including wigwam burners;
- ~~((17))~~ (25) Other incinerators designed for a capacity of one hundred pounds per hour or more;
- ~~((18))~~ (26) Stationary internal combustion engines rated at five hundred horse power or more;
- ~~((19))~~ (27) Sawmills, including processing for lumber, plywood, shake, shingle, pulpwood insulating board, or any combination thereof;

((20)) (28) Any category of stationary sources to which a federal standard of performance (NSPS) applies;

((21)) (29) Any source which emits a contaminant subject to a national emission standard for hazardous air pollutants (NESHAPS);

((22)) (30) Any major source or major emissions unit.

Registration shall be on forms to be supplied by the department or local authority within the time specified thereon.

A report of closure shall be filed with the department whenever operations producing emissions are permanently ceased at any source within the above categories.

AMENDATORY SECTION (Amending Order DE 83-13, filed 4/15/83)

WAC 173-400-115 STANDARDS OF PERFORMANCE FOR NEW SOURCES. Title 40, Code of Federal Regulations, Part 60 (standards of performance for new sources), as promulgated prior to ((January)) October 1, ((1983)) 1984, is by this reference adopted and incorporated herein with the exception of sections 60.5 (determination of construction or modification) and 60.6 (review of plans). For the purpose of state administration of the federal regulations adopted by reference hereby, the term "administrator" as used therein shall refer to the department or cognizant local authority.

(1) Sections 60.5 and 60.6 of Title 40, Code of Federal Regulations, are not incorporated herein because they provide for preconstruction review of new sources only on request. By virtue of WAC 173-403-050, such review under the state program is mandatory and an order of approval is required before the construction, installation or establishment of a new source may commence.

(2) As of ((January)) October 1, ((1983)) 1984, the federal regulations adopted by reference hereby set standards of performance affecting facilities for the following described subparts of 40 CFR Part 60:

Subpart D	Fossil fuel fired steam generators for which construction commenced after August 17, 1971, and prior to September 19, 1978, which have a heat input greater than 73 megawatts but not greater than 250 megawatts
Subpart Da	Electric utility steam generating units for which construction commenced after September 18, 1978, which have a heat input greater than 73 megawatts but not greater than 250 megawatts
Subpart E	Incinerators
Subpart F	Portland cement plants
Subpart G	Nitric acid plants
Subpart H	Sulfuric acid plants
Subpart I	Asphalt concrete plants
Subpart J	Petroleum refineries which produce less than 25,000 barrels per day of refined products

Subpart K	Storage vessels for petroleum liquid constructed after June 11, 1973, and prior to May 19, 1978, which have a capacity greater than 40,000 gallons
Subpart Ka	Storage vessels for petroleum liquids constructed after May 18, 1978, which have a capacity greater than 40,000 gallons
Subpart L	Secondary lead smelters
Subpart M	Brass and bronze ingot production plants
Subpart N	Iron and steel plants
Subpart O	Sewage treatment plants
Subpart P	Primary copper smelters
Subpart Q	Primary zinc smelters
Subpart R	Primary lead smelters
Subpart T	Phosphate fertilizer industry: Wet process phosphoric acid plants
Subpart U	Phosphate fertilizer industry: Superphosphoric acid plants
Subpart V	Phosphate fertilizer industry: Diammonium phosphate plants
Subpart W	Phosphate fertilizer industry: Triple superphosphate plants
Subpart X	Phosphate fertilizer industry: Granular triple superphosphate storage facilities
Subpart Y	Coal preparation plants
Subpart Z	Ferroalloy production facilities
Subpart AA	Steel plants: Electric arc furnaces
Subpart CC	Glass manufacturing plants
Subpart DD	Grain elevators
Subpart EE	Industrial surface coating: Metal furniture
Subpart GG	Stationary gas turbines
Subpart HH	Lime manufacturing plants
Subpart KK	Lead acid batteries
Subpart LL	<u>Metallic mineral processing plants</u>
Subpart MM	Automobile and light duty truck surface coating operations
Subpart NN	Phosphate rock plants
Subpart PP	Ammonium sulfate manufacture
Subpart QQ	Publication rotogravure printing
Subpart RR	<u>Pressure sensitive tape and label surface coating operations</u>
Subpart SS	Industrial surface coating: Large appliances
Subpart TT	Industrial surface coating: Metal coils
Subpart UU	Asphalt processing and asphalt roofing manufacture
Subpart VV	<u>SOCMI equipment leaks (VOC)</u>
Subpart WW	<u>Beverage can surface coating operations</u>
Subpart XX	<u>Bulk gasoline terminals</u>
Subpart FFF	<u>Flexible vinyl and urethane coating and printing</u>
Subpart GGG	<u>Petroleum refineries - compressors and fugitive emission sources</u>
Subpart HHH	<u>Synthetic fiber production facilities</u>

Compliance with the standards for affected facilities within these source categories shall be determined by performance tests and visual observations of opacity as set forth in the regulations adopted by reference hereby.

WSR 85-06-047

ADOPTED RULES

DEPARTMENT OF ECOLOGY

[Order 84-49—Filed March 6, 1985]

I, Glen H. Fiedler, acting deputy director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to implementation of regulations for air contaminant sources, chapter 173-403 WAC. The definitions of four terms were clarified and the definitions of "parts per million" and "standard conditions" were added from other chapters. WAC 173-403-050(9) was added for visibility requirements on sources in non-attainment areas in addition to ones already required in attainment areas. WAC 173-403-050 (4)(c) was deleted as being redundant. The use of emission reduction credits (ERC) is qualified to be consistent with all federal, state and local requirements. The date of an effective federal reference was changed to avoid those parts of the reference held to be illegal by the courts.

This action is taken pursuant to Notice No. WSR 85-01-087 filed with the code reviser on December 19, 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 70.94.331 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED February 14, 1985.

By Glen H. Fiedler
Acting Deputy Director

AMENDATORY SECTION (Amending Order DE 83-22, filed 8/26/83)

WAC 173-403-030 DEFINITIONS. Unless a different meaning is ((plainly)) clearly required by context, ((the following)) words and phrases((, as hereinafter)) used in this chapter((;)) and other chapters of Title 173 WAC shall have the following meanings:

(1) "Actual emissions" as of a particular date means the average rate, in weight per unit time, with air pollution controls applied, at which the affected emission unit emitted the pollutant during the two-year period which precedes the particular date, and which is representative of normal operation. An adjustment may be made to the average annual emission rate to account for unusual circumstances during the two-year period. The department or cognizant local authority may allow or require the use of an alternative time period upon a determination that

the alternative time period is more representative of normal operation than is the immediately-preceding two years. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

The department or cognizant local authority may presume that source-specific allowable emissions, which incorporate limits on hours of operation or production rate, are equivalent to the actual emissions of the unit.

(2) "Adverse impact on visibility" means visibility impairment which interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of the Federal Class I area. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency, and time of visibility impairments, and how these factors correlate with (a) times of visitor use of the Federal Class I area, and (b) the frequency and timing of natural conditions that reduce visibility. This term does not include effects on integral vistas.

(3) "Air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. "Air pollutant" means the same as "air contaminant."

(4) "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities, and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property.

(5) "Allowable emissions" means the emission rate calculated using the maximum rated capacity of the source (unless the source is limited in production rate or hours of operation, or both, by an applicable regulatory order) and the most stringent of (a), (b), or (c) of this subsection. Physical and process limitations must be considered in determining maximum rated capacity.

(a) Standards as set forth in 40 CFR Part 60 and Part 61, if applicable to the source; or

(b) The applicable state implementation plan emission limitation; or

(c) The emission rate specified by an applicable regulatory order.

(6) "Ambient air" means the surrounding outside air.

(7) "Ambient air quality standard" means an established concentration, exposure time, and frequency of occurrence of air contaminant or multiple air contaminants in the ambient air which shall not be exceeded.

(8) "Best available control technology (BACT)" means technology which will result in an emission limitation (including a visible emission standard) based on the maximum degree of reduction for each air pollutant subject to this regulation which would be emitted from any proposed new or modified source which the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such sources or modification through application of production processes, available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such air pollutant. In no event

shall application of the best available technology result in emissions of any air pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR Part 60 and Part 61. If the reviewing agency determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, it may instead prescribe a design, equipment, work practice or operational standard, or combination thereof, to meet the requirement of best available control technology. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice or operation and shall provide for compliance by means which achieve equivalent results. The requirement of RCW 70.94.152 that a new source will provide "all known available and reasonable methods of emission control" is interpreted to mean the same as best available control technology.

(9) "Best available retrofit technology (BART)" means any emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant which is emitted by source. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and nonair quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the source, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology. If an emission limitation is not feasible, a design, equipment, work practice, operational standard, or combination thereof, may be required. Such standards shall, to the degree possible, set forth the emission reductions achieved and provide for compliance by prescribing appropriate conditions in a regulatory order.

(10) "Bubble" means a set of emission limits which allows an increase in emissions from a given emissions unit or units in exchange for a decrease in emissions from another emissions unit or units, pursuant to RCW 70.94.155.

(11) "Class I area" means any federal, state, or Indian land which is classified or reclassified Class I.

(12) "Cognizant local authority" means an (~~activated~~) air pollution control authority (~~(formed)~~ activated pursuant to chapter 70.94 RCW (~~(, which authority)~~ that has jurisdiction over the subject source (~~(being considered)~~)).

(13) "Commenced construction" means that the owner or operator has all the necessary preconstruction approvals or permits and either has:

(a) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

(b) Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

(14) "Department" means the Washington state department of ecology.

(15) "Director" means director of the Washington state department of ecology or (~~(his)~~) duly authorized representative.

(16) "Dispersion technique" means any one of the following:

(a) A stack whose height exceeds good engineering practice; or

(b) An intermittent or supplemental control of pollutants varying with atmospheric conditions, including any method which attempts to affect the concentration of a pollutant according to atmospheric conditions and the manipulation of source process parameters or selective handling of exhaust gas streams; or

(c) Use of a fan or reheater to obtain a less stringent emission limitation.

(17) "Emission" means a release of air contaminants into the ambient air.

(18) "Emission reduction credit (ERC)" means a credit granted to a source for a voluntary reduction in actual emissions.

(19) "Emission standard" means a regulation or regulatory order (or portion thereof) setting forth an allowable rate of emissions, level of opacity, or prescribing equipment or operating conditions that result in control of air pollution emission.

(20) "Emissions unit" means any equipment, device, process, or activity that produces and emits to the outside air, or that may produce and emit to the outside air, any contaminant regulated by state or federal law.

(21) "Fugitive emissions" means emissions which do not pass and which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

(22) "Good engineering practice (GEP)" refers to the height of a stack and means one of the following, whichever is the greatest:

(a) Sixty-five meters; or

(b) Height determined by formula. For stacks in existence on or before January 12, 1979, formula height is two and one-half times the height of any nearby structure. For stacks constructed after January 12, 1979, formula height is the height of any nearby structure plus one and one-half times the height or width of said structure, whichever is lesser. The height of the nearby structure is measured from ground level at the base of the stack. "Nearby," as used in this paragraph, means that distance up to five times the lesser of the height or width dimension of said structure, but no greater than .8 kilometer; or

(c) Height determined by physical demonstration of need to prevent excessive concentrations of a pollutant due to downwash, wakes, or eddies created by structures or terrain obstacles. To make such a demonstration it is required that maximum concentrations caused by the source's emissions from its proposed stack height, without consideration of nearby structures or terrain obstacles, will increase at least forty percent when the effects of the structures or terrain obstacles are considered. This difference in concentrations must be shown either by a

fluid model study conducted in accordance with guidelines published by the environmental protection agency or by a field study which has been approved by the department or cognizant local authority. Such a study may be approved only after public involvement pursuant to WAC 173-403-110.

(23) "In operation" means engaged in activity related to the primary design function of the source.

(24) "Integral vista" means a view perceived from within the Class I area of a specific landmark or panorama located outside the boundary of the Class I area.

(25) "Land manager" means the secretary of the federal or head of the state department or Indian governing body with authority over the Class I area.

(26) "Lowest achievable emission rate (LAER)" means for any source that rate of emissions which reflects:

(a) The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed new or modified source demonstrates that such limitations are not achievable; or

(b) The most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent.

In no event shall the application of this term permit a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable new source performance standards.

(27) "Major emissions unit" means any emissions unit which has actual or allowable emissions of one hundred tons per year or more of any pollutant regulated by state or federal law.

(28) "Major modification" means (a), (b), or (c) of this subsection, whichever is the most stringent:

(a) Any physical change or change in the method of operation of a major source, a source that would become a major source as a result of the proposed change, or a major emissions unit or an emissions unit that would become a major emissions unit as a result of the proposed change that is located in an area that is not in attainment for the pollutant under consideration or is located in an area that is not in attainment for ozone and the pollutant under consideration is volatile organic compounds, which change would cause a net significant emissions increase for any pollutant regulated by state or federal law, except that a net significant emissions increase for any one of the following reasons shall not, in itself, cause the change to be a major modification:

(i) Use of an alternative fuel or raw material by reason of an order under Sections 2 (a) and (b) of the Federal Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act; or

(ii) Use of an alternative fuel by reason of an order or rule under Section 125 of the Federal Clean Air Act; or

(iii) Use of an alternative fuel or raw material that the source is capable of accommodating and was capable of accommodating prior to December 21, 1976, unless such change in fuel or raw material use is prohibited by a regulatory order; or

(iv) Use of an alternative fuel at a steam-generating unit to the extent that the fuel is generated from municipal solid waste; or

(v) An increase in the hours of operation or the production rate unless such increases are prohibited by a regulatory order.

(b) Any physical change or change in the method of operation of a major source, a source that would become a major source as a result of the proposed change, or a major emissions unit or an emissions unit that would become a major emissions unit as a result of the proposed change that is located in an area that is not in attainment for the pollutant under consideration or is located in an area that is not in attainment for ozone and the pollutant under consideration is volatile organic compounds, which change would cause the allowable emissions to be exceeded.

(c) Any reconstruction of a major source, or any reconstruction of a major emissions unit that is located in an area that is not in attainment for the pollutant under consideration or located in an area that is not in attainment for ozone and the pollutant under consideration is volatile organic compounds, for which reconstruction the fixed capital cost of the new components exceeds fifty percent of the fixed capital cost of a comparable entirely new source or emissions unit.

(29) "Major source" means any source which has actual or allowable emissions of one hundred tons per year or more of any pollutant regulated by state or federal law.

(30) "National emission standards for hazardous air pollutants (NESHAPS)" means the federal regulations set forth in 40 CFR Part 61, as promulgated prior to January 1, 1983.

(31) "Natural conditions" include naturally occurring phenomenon that reduce visibility as measured in terms of visual range, contrast, or coloration.

(32) "Net emissions increase" means the amount by which the sum of the following exceeds zero:

(a) Any increase in actual emissions of a pollutant resulting from a physical change or change in method of operation of a specific emission unit in a source; and

(b) Any other increases or decreases in actual emissions of the same pollutant from the source that are contemporaneous with the change: PROVIDED, That

(i) Said other increases or decreases are contemporaneous with the change only if they occur at the same time or within one year prior to the change, or if said decrease(s) has been documented by an emission reduction credit; and

(ii) Said other decreases in emissions are creditable only to the extent that the old level of actual emissions or the old level of allowable emissions, whichever is the lesser, exceeds the new level of allowable emissions; and

(iii) Said other decreases in emissions are not creditable if the specific emissions unit is a major emissions unit and is located (A) in an area that is not in attainment for the pollutant or (B) in an area that is not in attainment for ozone and the pollutant is volatile organic compounds; and

(iv) The determination of net emissions increase shall be valid only after a regulatory order has been issued

which establishes that the new emissions from every emissions unit involved in the determination are equal to the new allowable emissions expressed as weight of the pollutant per unit time.

(33) "New source" means a source which commences construction after the effective date of this chapter. Addition to, enlargement, modification, replacement, or any alteration of any process or source which may increase emissions or ambient air concentrations of any contaminant for which federal or state ambient or emission standards have been established shall be construed as construction or installation or establishment of a new source. In addition every major modification shall be construed as construction or installation or establishment of a new source.

(34) "New source performance standards (NSPS)" means the federal regulations set forth in 40 CFR Part 60, as promulgated prior to January 1, 1983.

(35) "Nonattainment area" means a clearly delineated geographic area which has been designated by EPA promulgation as exceeding a national ambient air quality standard or standards for one or more of the criteria pollutants.

(36) "Notice of construction" means a ~~((document which makes application for permission))~~ written application to ((construct)) permit construction of a new source or ((to accomplish the)) modification of an existing source.

(37) "Opacity" means the degree to which an object seen through a plume is obscured, stated as a percentage.

(38) "Particulate matter" or "particulates" means small discrete masses of liquid or solid, exclusive of uncombined water.

(39) "Parts per million (ppm)" means parts of a contaminant per million parts of gas, by volume, exclusive of water or particulates.

(40) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

~~((40))~~ (41) "Prevention of significant deterioration (PSD)" means the federal regulations set forth in 40 CFR Subpart 52.21 as promulgated prior to July 1, 1982, and as modified by WAC 173-403-080.

~~((41))~~ (42) "Reasonably attributable" means attributable by visual observation or any other technique the state deems appropriate.

~~((42))~~ (43) "Reasonably available control technology (RACT)" means the lowest emission limit that a particular source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual source or source category taking into account the impact of the source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality, and the capital and operating costs of the additional controls. RACT requirements for any source or source category may be adopted as an order or regulation after public involvement per WAC 173-403-110.

~~((43))~~ (44) "Regulatory order" means an order issued by the department or cognizant local authority to an air contaminant source which approves a notice of construction and/or limits emissions and/or establishes other air pollution control requirements.

~~((44))~~ (45) "Significant emission" means a rate of emission equal to or greater than any one of the following rates:

Pollutant	Tons/Year	Pounds/Day	Pounds/Hour
Carbon monoxide	100		
Nitrogen oxides	40		
Sulfur dioxide	40	800	80
Volatile organic compounds	40		
Particulates	25	500	50
Lead	.6		
Total reduced sulfur (as H ₂ S)	10		
Total fluoride	3		

~~((45))~~ (46) "Significant visibility impairment" means visibility impairment which interferes with the management, protection, preservation, or enjoyment of visitor visual experience of the Class I area. The determination must be made on a case-by-case basis, taking into account the geographic extent, intensity, duration, frequency, and time of the visibility impairment, and how these factors correlate with the time of visitor use of the Class I area and frequency and timing of natural conditions that reduce visibility.

~~((46))~~ (47) "Source" means all of the emissions unit(s) including quantifiable fugitive emissions, which are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control), whose activities are ancillary to the production of a single product or functionally related group of products.

~~((47))~~ (48) "Source category" means all sources of the same type or classification.

(49) "Standard conditions" means a temperature of 20°C (68°F) and a pressure of 760mm (29.92 inches) of mercury.

~~((48))~~ (50) "Total reduced sulfur, (TRS)" means hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides present, expressed as hydrogen sulfide.

~~((49))~~ (51) "Visibility impairment" means any humanly perceptible change in visibility (visual range, contrast, coloration) from that which would have existed under natural conditions.

~~((50))~~ (52) "Visibility impairment of a Class I areas" means visibility impairment within the area and visibility impairment of any formally designated integral vista associated with the area.

~~((51))~~ (53) "Volatile organic compound" means a hydrocarbon or derivative of hydrocarbon that has a vapor pressure greater than 0.1 millimeters of mercury at 20 degrees C, except the following excluded compounds: Methane, ethane, trichlorofluoromethane, dichlorodifluoromethane, chlorodifluoromethane, trifluoromethane, trichlorotrifluoroethane, dichlorotetrafluoroethane, chloropentafluoroethane, methylene chloride, and 1,1,1-trichloroethane (methyl chloroform).

AMENDATORY SECTION (Amending Order 84-27, filed 10/19/84)

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.

(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 ³	-	2 mg/m ³
TSP	1.0 ug/m ³	5 ug/m ³	-	-	-
SO ₂	1.0 ug/m ³	5 ug/m ³	-	25 ug/m ³	30 ug/m ³

~~((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 (c). 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)) (d) The proposed new source will not cause a violation of any ambient air quality standard.~~

~~((g)) (e) An offsetting emissions reduction, ((issued per)) that satisfies the requirements of WAC 173-403-050 (3)(e), may be used to satisfy the requirements of ((c), (d), (e), or (f) of this subsection,) WAC 173-403-050 (4)(c) and (d) and WAC 173-403-050 (9) 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))~~ subsection (3) ~~((σ))~~, (4), or (9) of this section 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))~~ subsection (3) ~~((σ))~~, (4), or (9) of this section 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.

(9) Visibility requirements. Any new major source or new major modification shall evaluate the visibility impairment per 40 CFR 52.21(e) for all Class I areas in Washington and neighboring states. The evaluation shall comply with the following:

(a) When the land manager has officially designated visibility to be an important attribute, the owner or operator of the new source shall demonstrate that the potential emissions in combination with emissions from all other sources permitted after January 1, 1982, shall not cause or contribute to a significant visibility impairment.

(b) The department shall upon receipt of an application for a notice of construction notify the land managers of potentially affected areas. Notification shall be in writing and include a copy of all information relevant to the application including the information developed for this section. 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.

(c) All evaluations of visibility impairment required under this section shall use the models on file with the department or equivalent models approved by the department or EPA.

(d) The results of the evaluation shall be sent to the land manager of the affected areas for their review and recommendation. The review shall consider the degree of visibility impairment, duration, geographic extent, frequency, and time. The recommendation of the land managers concerning adverse impact on visibility shall be sent to the department within thirty days of receipt of the evaluation results.

(e) Should the department concur with the recommendation of the land manager then the notice of construction shall be approved or disapproved according to the recommendation. The department may find the review of a land manager inadequate and make its own determination. A finding of significant visibility impairment shall require a disapproval of the notice of construction, unless sufficient mitigating measures are developed.

(f) The department or land managers may demonstrate that the new source would cause impairment of an integral vista officially designated at least six months before the new source submitted a complete application. The protection of an integral vista by controls on the source shall consider the time necessary for compliance, the energy and nonair quality environmental effects of compliance and the productive life of the source.

(g) The department may require visibility monitoring at the site of the new source or potentially affected areas as a part of the applicable regulatory order. The monitoring period may be before or after construction or both.

AMENDATORY SECTION (Amending Order 84-27, filed 10/19/84)

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 less 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.

(f) The use of any ERC shall be consistent with all other federal, state, and local requirements of the program in which it is used.

(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 shutdown 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, and the person to whom the certificate is issued.

AMENDATORY SECTION (Amending Order 84-27, filed 10/19/84)

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)) 1981, 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)(1)(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 51.24(q) public participation, as in effect July 1, ((1982)) 1981, is hereby incorporated by reference, with the following modifications:

(a) In 40 CFR 51.24(q)(2)(iv), the word "administrator" shall be construed in its original meaning.

(b) In 40 CFR 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 Rocks Wilderness Area
- Mount Adams Wilderness Area
- Pasayten Wilderness Area.

WSR 85-06-048

ADOPTED RULES

DEPARTMENT OF ECOLOGY

[Order 84-50—Filed March 6, 1985]

I, Glen H. Fiedler, acting deputy director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to:

Amd ch. 173-405 WAC Kraft pulping mills. WAC 173-405-041 was added to preserve the emission requirements in effect on a source when

the source is brought under the jurisdiction of WDOE or the source's regulating chapter is changed. The definition of nineteen terms is referenced to chapter 173-403 WAC.

Amd ch. 173-410 WAC Sulfitte pulping mills. WAC 173-410-042 was added to preserve the emission requirements in effect on a source when the source is brought under the jurisdiction of WDOE or the regulating chapter is changed. The definitions of nineteen terms is referenced to chapter 173-403 WAC.

Amd ch. 173-415 WAC Primary aluminum plants. WAC 173-415-041 was added to preserve the emission requirements in effect on a source when the source is brought under the jurisdiction of WDOE or the regulating chapter is changed. The definitions of eighteen terms is referenced to chapter 173-403 WAC.

This action is taken pursuant to Notice No. WSR 85-01-088 filed with the code reviser on December 19, 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 70.94.331 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED February 14, 1985.

By Glen H. Fiedler
Acting Deputy Director

AMENDATORY SECTION (Amending Order DE 83-13, filed 4/15/83)

WAC 173-405-021 DEFINITIONS. ~~((1)) "Air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof which are airborne. "Air pollutant" means the same as "air contaminant."~~

~~(2) "Ambient air" means the surrounding outside air.~~

~~(3) "Ambient air quality standard" means an established concentration, exposure time and frequency of occurrence of a contaminant or multiple contaminants in the ambient air which shall not be exceeded.~~

~~(4) "Commenced construction" means that the owner or operator has all the necessary preconstruction approvals or permits and either has:~~

~~(a) Begun or caused to begin a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or~~

~~(b) Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.~~

~~(5) "Department" means the state of Washington department of ecology.~~

~~(6) "Emission" means a release of air contaminants into the ambient air.~~

~~(7) "Emission standard" means a regulation or regulatory order (or portion thereof) setting forth an allowable rate of emissions, level of opacity, or prescribing equipment or operating conditions that result in control of air pollution emission.~~

~~(8) "Emissions unit" means any equipment, device, process, or activity that produces and emits to the outside air, or that may produce and emit to the outside air, any contaminant regulated by state or federal law.~~

~~(9) "Fugitive emissions" means emissions which do not pass and which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.~~

~~((10)) Unless a different meaning is clearly required by context words and phrases used in this chapter shall have the following meanings; general terms common with other chapters as defined in chapter 173-403 WAC, and terms specific to Kraft Pulping Mills as defined below.~~

~~(1) "Kraft mill" means any manufacturing facility which uses an alkaline solution containing sodium hydroxide and/or sodium sulfide, and any other chemical pulping facility, except those covered by chapter 173-410 WAC, to produce pulp and/or paper products from wood fibers. For the purposes of this regulation "kraft mill" is equivalent to "source."~~

~~((11) "National emission standards for hazardous air pollutants (NESHAPS)" means those federal regulations set forth in 40 CFR Part 61, as promulgated prior to January 1, 1983.~~

~~((12)) (2) "New source" means a source which commences construction after September 24, 1976. Addition to, enlargement, modification, replacement, or any alteration of any process or source which may increase emissions or ambient air concentrations of any contaminant for which federal or state ambient or emissions standards have been established shall be construed as construction or installation or establishment of a new source. In addition every major modification (as defined in WAC 173-403-030) shall be construed as construction or installation or establishment of a new source.~~

~~((13) "New source performance standards (NSPS)" means the federal regulations set forth in 40 CFR Part 60, as promulgated prior to January 1, 1983.~~

~~((14)) (3) "Noncondensibles" means gases and vapors from the digestion and evaporation processes of a mill that are not condensed with the equipment used in those processes.~~

~~((15) "Notice of construction" means a document which makes application for permission to construct a new source or to accomplish the modification of an existing source.~~

~~(16) "Opacity" means the degree to which an object seen through a plume is obscured, stated as a percentage.~~

~~(17) "Particulate matter" or "particulates" means small discrete masses of liquid or solid, exclusive of uncombined water.~~

~~(18) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality or government agency.~~

~~(19) "ppm (parts per million)" means parts of a contaminant per million parts of gas, by volume, exclusive of water or particulates.~~

~~(20) "Reasonably available control technology (RACT)" means the technology which will result in the lowest emission limit that a kraft mill is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual mill taking into account the impact of the source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality and the capital and operating costs of the additional controls. RACT requirements for kraft mills may be adopted as an order or regulation after public involvement per WAC 173-403-110.~~

~~((21)) (4) "Recovery furnace stack" means the stack from which the products of combustion from the recovery furnace are emitted to the ambient air.~~

~~((22) "Source" means all of the emissions unit(s) including quantifiable fugitive emissions, which are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control) whose activities are ancillary to the production of a single product or functionally related group of products.~~

~~(23) "Standard conditions" means a temperature of 20°C (68°F) and a pressure of 760 mm (29.92 inches) of mercury except when otherwise specified.~~

~~((24)) (5) "Total reduced sulfur, (TRS)" means hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides present, expressed as hydrogen sulfide.~~

NEW SECTION

WAC 173-405-041 EMISSION REQUIREMENTS OF PRIOR JURISDICTIONS. Any emissions unit that was under the jurisdiction of a cognizant local authority and now is under the jurisdiction of the department; or regulated by chapter 173-400 WAC and now is contained in this chapter shall meet all emission requirements that were applicable prior to transfer of jurisdiction.

AMENDATORY SECTION (Amending Order DE 83-13, filed 4/15/83)

WAC 173-410-021 DEFINITIONS. Unless a different meaning is clearly required by context words and phrases used in this chapter shall have the following meanings; general terms common with other chapters as defined in chapter 173-403 WAC, and terms specific to Sulfite Pulping Mills as defined below.

(1) "Acid plant" means the facility in which the cooking liquor is either manufactured or fortified when not associated with a recovery system.

(2) ("Air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof which are airborne. "Air pollutant" means the same as "air contaminant."

~~(3) "Ambient air" means the surrounding outside air.~~

~~(4) "Ambient air quality standard" means an established concentration, exposure time and frequency of occurrence of a contaminant or multiple contaminants in the ambient air which shall not be exceeded.~~

~~(5)) "Average daily emission" means total weight of an air contaminant emitted in each month, divided by the number of days of production that month.~~

~~((6)) (3) "Average daily production" means air dried tons of unbleached pulp produced in a month, divided by the number of days of production in that month.~~

~~((7)) (4) "Blow system" includes the storage chest, tank or pit to which the digester pulp is discharged following the cook.~~

~~((8) "Commenced construction" means that the owner or operator has all the necessary preconstruction approvals or permits and either has:~~

~~(a) Begun or caused to begin a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or~~

~~(b) Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.~~

~~(9) "Department" means the state of Washington department of ecology.~~

~~(10) "Director" means the director of the department of ecology or his authorized representative.~~

~~(11) "Emission" means a release into the outdoor atmosphere of air contaminants.~~

~~(12) "Emission standard" means a regulation or regulatory order (or portion thereof) setting forth an allowable rate of emissions, level of opacity, or prescribing equipment or operating conditions that result in control of air pollution emission.~~

~~(13) "Emissions unit" means any equipment, device, process, or activity that produces and emits to the outside air, or that may produce and emit to the outside air, any contaminant regulated by state or federal law.~~

~~(14) "Fugitive emissions" means emissions that do not pass and which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.~~

~~(15) "National emission standards for hazardous air pollutants (NESHAPS)" means those federal regulations set forth in 40 CFR Part 61, as promulgated prior to January 1, 1983.~~

~~((16)) (5) "New source" means a source which commences construction after January 1972. Addition to, enlargement, modification, replacement, or any alteration of any process or source which may increase emissions or ambient air concentrations of any contaminant for which federal or state ambient or emissions standards have been established shall be construed as construction or installation or establishment of a new source. In addition every major modification (as defined in WAC 173-403-030) shall be construed as construction or installation or establishment of a new source.~~

~~((17) "Notice of construction" means a document which makes application for permission to construct a~~

~~new source or to accomplish the modification of an existing source.~~

~~(18) "Opacity" means the degree to which an object seen through a plume is obscured, stated as a percentage.~~

~~(19) "ppm" (parts per million) means parts of a contaminant per million parts of gas, by volume, exclusive of water or particulates.~~

~~(20) "Particulate matter" or "particulates" means small discrete masses of liquid or solid, exclusive of uncombined water.~~

~~(21) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality or government agency.~~

~~(22) "Reasonably available control technology (RACT)" means the technology that will result in the lowest emission limit that a sulfite pulping mill is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual plant taking into account the impact of the source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality and the capital and operating costs of the additional controls. RACT requirements for any sulfite pulping mill may be adopted as an order or regulation after public involvement per WAC 173-403-110.~~

~~((23)) (6) "Recovery system" means the process by which all or part of the cooking chemicals may be recovered, and cooking liquor regenerated from spent cooking liquor, including evaporation, combustion, dissolving, fortification, storage facilities, and emission control equipment associated with the recovery cycle.~~

~~((24) "Source" means all of the emissions unit(s) including quantifiable fugitive emissions, which are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control) whose activities are ancillary to the production of a single product or functionally related group of products.~~

~~(25) "Standard conditions" means a temperature of 20°C (68°F) and a pressure of 760 mm (29.92 inches) of mercury except when otherwise specified.~~

~~((26)) (7) "Sulfite pulping mill" means any manufacturing facility which uses a cooking liquor consisting of sulfurous acid, a sulfite or bisulfite salt alone or in any combination, with or without additional mechanical refining or delignification to produce pulp, pulp products or cellulose from wood fibers. For the purposes of this regulation "sulfite pulping mill" is equivalent to "source."~~

~~((27)) (8) "Total reduced sulfur (TRS)" means hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and other organic sulfides present, expressed as hydrogen sulfide.~~

NEW SECTION

WAC 173-410-042 EMISSION REQUIREMENTS OF PRIOR JURISDICTIONS. Any emissions unit that was under the jurisdiction of a cognizant local

authority and now is under the jurisdiction of the department; or regulated by chapter 173-400 WAC and now is contained in this chapter shall meet all emission requirements that were applicable prior to transfer of jurisdiction.

AMENDATORY SECTION (Amending Order DE 83-13, filed 4/15/83)

WAC 173-415-020 DEFINITIONS. ~~((1))~~ "Air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof which are airborne. "Air pollutant" means the same as "air contaminant."

(2) "Ambient air" means the surrounding outside air.

(3) "Ambient air quality standard" means an established concentration, exposure time and frequency of occurrence of a contaminant or multiple contaminants in the ambient air which shall not be exceeded.

(4) "Commenced construction" means that an owner or operator has all the necessary preconstruction approvals or permits and either has:

(a) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

(b) Entered into binding agreements or contractual obligations which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

(5) "Department" means the state of Washington department of ecology.

(6) "Emission" means a release of air contaminants into the ambient air.

(7) "Emission standard" means a regulation or regulatory order (or portion thereof) setting forth an allowable rate of emissions, level of opacity, or prescribing equipment or operating conditions that result in control of air pollution emission.

(8) "Emissions unit" means any equipment, device, process, or activity that produces and emits to the outside air, or that may produce and emit to the outside air, any contaminant regulated by state or federal law.

(9)) Unless a different meaning is clearly required by context words and phrases used in this chapter shall have the following meanings; general terms common with other chapters as defined in chapter 173-403 WAC, and terms specific to Primary Aluminum Mills as defined below.

(1) "Fluorides" means compounds of the element fluorine.

~~((10))~~ (2) "Forage" means grasses, pasture and other vegetation that is normally consumed or is intended to be consumed by livestock.

~~((11))~~ "Fugitive emissions" means emissions that do not pass and which could not reasonably pass through a stack, chimney, vent or other functionally equivalent opening.

(12) "Materials handling" means the handling, transporting, loading, unloading, storage, and transfer of materials with no significant alteration of the chemical or physical properties of the material.

~~((13))~~ (3) "New source" means a source which commences construction after June 17, 1970. Addition to, enlargement, modification, replacement, or any alteration of any process or source which may increase emissions or ambient air concentrations of any contaminant for which federal or state ambient or emissions standards have been established shall be construed as construction or installation or establishment of a new source. In addition every major modification (as defined in WAC 173-403-030) shall be construed as construction or installation or establishment of a new source.

~~((14))~~ "New source performance standard (NSPS)" means the federal regulations set forth in 40 CFR Part 60, as promulgated prior to January 1, 1983.

(15) "Notice of construction" means a document which makes application for permission to construct a new source or to accomplish the modification of an existing source.

(16) "Opacity" means the degree to which an object seen through a plume is obscured, stated as a percentage.

(17) "Particulate matter" or "particulates" means small discrete masses of liquid or solid, exclusive of uncombined water.

(18) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality or government agency.

~~((19))~~ (4) "Primary aluminum plant" means a plant which produces aluminum metal from aluminum oxide (alumina). For the purposes of this regulation "primary aluminum plant" is equivalent to "source."

~~((20))~~ (5) "Potline primary emission control system" means the equipment and procedures designed to collect and remove contaminants from the exhaust gases which are captured at the pot.

~~((21))~~ "Reasonably available control technology (RACT)" means the technology that will result in the lowest emission limit that a primary aluminum plant is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual plant taking into account the impact of the source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality and the capital and operating costs of the additional controls. RACT requirements for any primary aluminum plant may be adopted as an order or regulation after public involvement per WAC 173-403-110.

(22) "Source" means all of the emissions unit(s) including quantifiable fugitive emissions, which are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control), whose activities are ancillary to the production of a single product or functionally related group of products.

(23) "Standard conditions" means a temperature of 20°C (68°F) and a pressure of 760 mm (29.92 inches) of mercury except when otherwise specified.)

NEW SECTION

WAC 173-415-041 EMISSION REQUIREMENTS OF PRIOR JURISDICTIONS. Any emissions unit that was under the jurisdiction of a cognizant local authority and now is under the jurisdiction of the department; or regulated by chapter 173-400 WAC and now is contained in this chapter shall meet all emission requirements that were applicable prior to transfer of jurisdiction.

WSR 85-06-049**PROPOSED RULES****PUBLIC DISCLOSURE COMMISSION**

[Filed March 6, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Public Disclosure Commission intends to adopt, amend, or repeal rules concerning political advertising, new WAC 390-18-010; that the agency will at 9:00 a.m., Tuesday, April 23, 1985, in the East Room, Olympia Timberland Library, East 8th and South Franklin, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 23, 1985.

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 23, 1985.

Dated: March 5, 1985
By: Graham E. Johnson
Administrator

STATEMENT OF PURPOSE

Title: WAC 390-18-010 Political advertising.

Description of Purpose: To implement RCW 42.17.510 - 42.17.540.

Statutory Authority: RCW 42.17.510 - 42.17.540 and 42.17.370(1).

Summary of Rule: Defines "sponsor" of political advertising; lists items on which sponsor identification is not required; and lists acceptable party identification abbreviations.

Reasons Supporting Proposed Action: Required by the act or necessary to provide guidance and clarification.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Graham E. Johnson, Administrator.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: PDC staff.

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: N/A.

NEW SECTION

WAC 390-18-010 POLITICAL ADVERTISING. Identification of Sponsor. (1) For the purpose of RCW 42.17.510-.540 and this rule,

"sponsor" means the candidate, political committee or other person paying for the advertising. If a person acts as an agent for another or is reimbursed by another for the payment, the original source of the payment is the sponsor.

(2) Printed advertising shall clearly state that it has been paid for by the sponsor (Example: (1) Paid for by the XYZ Committee, mailing address, city, state, zip code; (2) Vote For John Doe, paid for by John Doe, mailing address, city, state, zip code). Broadcast advertising shall conform to the requirements of the Federal Communications Commission.

(3) If more than one person sponsors advertising, the identity of each sponsor must be shown. However, if a person contributes in cash or in-kind to a candidate or political committee to assist in paying the cost of the advertising, it is unnecessary to include that contributor's name as a sponsor provided the contribution is reported in accordance with applicable provisions of chapter 42.17 RCW.

(4)(a) Political advertising consisting of more than one page but intended to be presented as a single item (i.e. 3-page letter with return envelope) need not contain the sponsor's identification on more than one page. Identification on an envelope alone is not sufficient.

(b) Political advertising which is a collection of several items and distributed simultaneously must show the respective sponsor on the respective items.

(5) The following forms of political advertising need not include the sponsor's name and address because such identification is impractical: ashtrays, badges and badge holders, balloons, bingo chips, brushes, bumper stickers (4" x 15" or smaller), buttons, cigarette lighters, clothes pins, clothing, coasters, combs, cups, earrings, emery boards, envelopes, erasers, frisbees, glasses, golf balls, golf tees, hand-held signs, hats, horns, ice scrapers, inscriptions, key rings, knives, labels, letter openers, magnifying glasses, matchbooks, nail clippers, nail files, newspaper ads (1/2 col. inch or less), noisemakers, paper and plastic cups, paper and plastic plates, paper weights, pencils, pendants, pennants, pens, pinwheels, plastic tableware, pocket protectors, pot holders, reader boards, where message is affixed in moveable letters, ribbons, 12-inch (or shorter) rulers, shoe horns, skywriting, staple removers, stickers (2-3/4" x 1" or smaller), sunglasses, sunvisors, swizzle sticks, water towers, whistles, yard signs, yo-yos, and all other similar items.

(6) The commission shall publish a suggested list of abbreviations or symbols which may be used by candidates and political committees which the commission finds will clearly identify political party affiliation.

WSR 85-06-050**EMERGENCY RULES****PUBLIC DISCLOSURE COMMISSION**

[Order 85-01—Filed March 6, 1985]

Be it resolved by the Public Disclosure Commission, acting at 403 Evergreen Plaza Building, FJ-42, Olympia, WA 98504-3342, that it does adopt the annexed rules relating to political advertising, new WAC 390-18-010.

We, the Public Disclosure 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 House Bill 1133 took effect on June 8, 1984. Numerous inquiries are being received from candidates and political committees for the guidance this rule will provide.

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

This rule is promulgated pursuant to RCW 42.17.370(1) which directs that the Public Disclosure

Commission has authority to implement the provisions of the Open Government Act.

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 March 5, 1985.

By Graham E. Johnson
Administrator

NEW SECTION

WAC 390-18-010 POLITICAL ADVERTISING.
Identification of Sponsor. (1) For the purpose of RCW 42.17.510-.540 and this rule, "sponsor" means the candidate, political committee or other person paying for the advertising. If a person acts as an agent for another or is reimbursed by another for the payment, the original source of the payment is the sponsor.

(2) Printed advertising shall clearly state that it has been paid for by the sponsor (Example: (1) Paid for by the XYZ Committee, mailing address, city, state, zip code, (2) Vote For John Doe, paid for by John Doe, mailing address, city, state, zip code). Broadcast advertising shall conform to the requirements of the Federal Communications Commission.

(3) If more than one person sponsors advertising, the identity of each sponsor must be shown. However, if a person contributes in cash or in-kind to a candidate or political committee to assist in paying the cost of the advertising, it is unnecessary to include that contributor's name as a sponsor provided the contribution is reported in accordance with applicable provisions of chapter 42.17 RCW.

(4)(a) Political advertising consisting of more than one page but intended to be presented as a single item (i.e. 3-page letter with return envelope) need not contain the sponsor's identification on more than one page. Identification on an envelope alone is not sufficient.

(b) Political advertising which is a collection of several items and distributed simultaneously must show the respective sponsor on the respective items.

(5) The following forms of political advertising need not include the sponsor's name and address because such identification is impractical: ashtrays, badges and badge holders, balloons, bingo chips, brushes, bumper stickers (4" x 15" or smaller), buttons, cigarette lighters, clothes pins, clothing, coasters, combs, cups, earrings, emery boards, envelopes, erasers, frisbees, glasses, golf balls, golf tees, hand-held signs, hats, horns, ice scrapers, inscriptions, key rings, knives, labels, letter openers, magnifying glasses, matchbooks, nail clippers, nail files, newspaper ads (1/2 col. inch or less), noisemakers, paper and plastic cups, paper and plastic plates, paper weights, pencils, pendants, pennants, pens, pinwheels,

plastic tableware, pocket protectors, pot holders, reader boards, where message is affixed in moveable letters, ribbons, 12-inch (or shorter) rulers, shoe horns, skywriting, staple removers, stickers (2-3/4" x 1" or smaller), sunglasses, sunvisors, swizzle sticks, water towers, whistles, yard signs, yo-yos, and all other similar items.

(6) The commission shall publish a suggested list of abbreviations or symbols which may be used by candidates and political committees which the commission finds will clearly identify political party affiliation.

WSR 85-06-051

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed March 6, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning seed testing fee charges, chapter 16-304 WAC;

that the agency will at 1:00 p.m., Tuesday, April 23, 1985, in the Agricultural Service Center Conference Room, 2015 South 1st Street, Yakima, WA 98903, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 30, 1985.

The authority under which these rules are proposed is chapter 15.49 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 23, 1985.

Dated: March 6, 1985

By: Art Losey
Assistant Director

STATEMENT OF PURPOSE

Title: WAC 16-304-040.

Description of Purpose: To consider increases in seed testing lab charges.

Statutory Authority: Chapter 15.49 RCW.

Summary of Rules: These rules set seed testing lab charges for services performed for the seed industry.

Reasons for Supporting Proposed Action: The proposed fee increases are to cover increased handling costs.

Agency Personnel Responsible for Drafting, Enforcing and Implementing Rules: Max G. Long, Supervisor Seed Branch, 2015 South 1st Street, Yakima, WA 98903, phone scan 558-2750.

Persons Proposing Rules: Washington State Department of Agriculture.

Agency Comments: None.

Rule Amendments Necessary to Comply with Federal Laws: No.

Small Business Economic Impact Statement: None.

AMENDATORY SECTION (Amending Order 1832, filed 6/15/84)

WAC 16-304-040 SCHEDULE OF CHARGES. (1) Testing fees shall be as follows:

	SAMPLE MIN. SIZE	PURITY (a)	NOXIOUS ONLY	GERM (b)	PURITY AND GERM (c)	TETRA- ZOLIUM 200 Seeds
Bentgrass	2 oz.	\$26.00	\$13.00	\$14.00	\$40.00	\$18.00
Bluegrass	4 oz.	18.00	11.00	12.00	30.00	18.00
Bromegrass	6 oz.	19.00	11.00	10.00	30.00	18.00
Fescue	4 oz.	18.00	11.00	10.00	28.00	18.00
Orchardgrass	4 oz.	21.00	13.00	11.00	32.00	18.00
Ryegrass	4 oz.	18.00	11.00	9.50	27.50	18.00
Crested						
Wheatgrass	4 oz.	21.50	13.00	11.00	32.50	18.00
Other						
Wheatgrasses	6 oz.	31.00	19.00	11.00	42.00	18.00
Other grasses	4 oz.	15.00	9.50	9.50	24.50	18.00
Beans and peas	1 1/4 lb.	11.00	6.50	10.00	21.00	18.00
Cereals	1 1/4 lb.	11.50	8.00	10.00	21.50	18.00
Other crops	4 oz.	11.50	8.00	10.00	21.50	18.00
Mixture (for each						
additional kind)		9.50		11.00		18.00
Beets		12.00	7.50	15.00	27.00	
Bentgrass	2 oz.	\$30.00	\$15.00	\$16.00	\$46.00	\$21.00
Bluegrass	4 oz.	21.00	13.00	14.00	35.00	21.00
Bromegrass	6 oz.	22.00	13.00	11.50	33.50	21.00
Fescue	4 oz.	21.00	13.00	11.50	32.50	21.00
Orchardgrass	4 oz.	24.00	15.00	13.00	37.00	21.00
Ryegrass	4 oz.	21.00	13.00	10.50	31.50	21.00
Crested						
Wheatgrass	4 oz.	24.50	15.00	13.00	37.50	21.00
Other						
Wheatgrasses	6 oz.	36.00	22.00	13.00	49.00	21.00
Other grasses	4 oz.	17.00	10.50	10.50	27.50	21.00
Beans and peas	1 1/4 lb.	13.00	7.50	11.50	24.50	21.00
Cereals	1 1/4 lb.	13.50	9.00	11.50	25.00	21.00
Other crops	4 oz.	13.50	9.00	11.50	25.00	21.00
Mixture (for each						
additional kind)		10.50		13.00		21.00
Beets		14.00	8.50	17.00	31.00	

(a) Purity - analysis to determine percent pure, other crop, inert, and weeds based on working sample as prescribed by Federal Seed Act (example: One gram - bluegrass; five grams - alfalfa; and one hundred grams - wheat) and examined for Washington state noxious weeds based on minimum sample size as prescribed by Federal Seed Act (example: Ten grams - bluegrass; fifty grams - alfalfa; five hundred grams - wheat).

(b) Germination - test prescribed by Federal Seed Act to determine percent germination of seed sample based on four hundred seeds.

(c) Purity and germination - includes both (a) and (b). This combination of tests provides information needed to label seed under state and federal acts.

(d) Tetrazolium test - a chemical test that measures viability and germination potential. (A germination test should also be obtained.)

(2) Special tests: (Standard noxious exam size unless otherwise specified).

(a) Crop and/or weed exam Noxious only
 fee plus \$ 3.50
 (or hourly rate when applicable).

All crop seeds and/or all weed seeds are listed as number per pound.
 (b) Poa annua check for bentgrass and bluegrass - each five grams \$((+14.00))
 16.00
 Poa annua check for other grasses - each 10 grams \$((+14.00))
 16.00

(c) Sod seed analysis -
 Bluegrass \$((49.00))
 56.00
 Fescue \$((35.00))
 40.00
 Ryegrass \$((28.00))
 32.00

(A special test of turf grasses - for those who need a detailed examination of seed before purchase and/or use.)

Bluegrass test includes purity, twenty-five gram all weed/all crop, except ten gram Poa annua exam. Ryegrass and Fescue test includes purity, one hundred gram all weed/all crop. (Fluorescent required on ryegrass; germ and fluorescent test additional fee.)

(d) Fluorescent test - (four hundred seed test) \$((+11.00))
 13.00
 (e) Pest and disease, soil exam or similar \$((+14.00))
 16.00

(Reported on seed analysis certificate.) A visual examination of a representative sample.

(f) Sod analysis check - fifty gram exam to evaluate if a lot appears to be sod quality (phone report only) \$((+13.00))
 15.00

(g) Variety separation of Kentucky bluegrass \$((+16.00))
 18.00
 If separated at time of purity analysis \$ ((8.00))
 9.00

(3) Inventory testing for germination: A service to provide opportunity to have carry-over seed stocks except mixtures tested at lowest possible charge. Not an official germination test.

(a) Reports will not be mailed until all tests are completed.

(b) Samples must be plainly labeled "inventory samples."

(c) Samples will be reported according to the sender's designation. The laboratory will assume no responsibility for correct identification. These samples and tests will not become a part of our permanent record.

(d) The fee for this service will be one-half the regular germination fee.

(e) Inventory testing for germination will be run as germination space is available, with the understanding that regular service samples have priority.

(4) Miscellaneous laboratory fees:

(a) Rush samples (including phone report if requested at time sample is submitted) \$ 8.00

(b) Phone reports on test result, per call \$ 2.50

(c) Preliminary report on germination (phone report only) \$ 7.00

(d) Morphological test \$ 7.00

(alfalfa or clover examined under magnification for combine damage.)

(e) Additional mailing of report (each destination) \$ ((+50))
9.00

(f) Recopies of reports (minimum fee) \$ ((2.50))
3.00

(or hourly fee when applicable)

(g) ISTA test - purity and germination fee plus fifty percent

(h) Seed count \$((+4.00))
16.00

(i) Extra charge for samples requiring special preparation for germination, i.e., New Zealand spinach, pelleted seeds, spinach, chard, etc. \$16.00

(j) Hourly fee for miscellaneous services \$16.00

(k) Service charge for submitted federal phytosanitary certificates, per certificate \$ 5.00

(l) All states noxious weed examination \$12.00

WSR 85-06-052

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed March 6, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning seed certification and inspection, chapter 16-316 WAC;

that the agency will at 1:00 p.m., Tuesday, April 23, 1985, in the Agricultural Service Center Conference Room, 2015 South 1st Street, Yakima, 98903, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 30, 1985.

The authority under which these rules are proposed is chapter 15.49 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 23, 1985.

Dated: March 6, 1985

By: Art Losey
Assistant Director

STATEMENT OF PURPOSE

Title: WAC 16-316-0601, 16-316-215, 16-316-230, 16-316-270, 16-316-327, 16-316-350, 16-316-440, 16-316-474, 16-316-660, 16-316-724, 16-316-800, 16-316-820 and 16-316-830.

Description of Purpose: To consider increases in seed certification charges and amend the small grain standards and grass seed varieties eligible.

Statutory Authority: Chapter 15.49 RCW.

Summary of Rules: These rules set seed certification charges and standards for services performed for the seed industry.

Reasons for Supporting Proposed Action: The proposed fee increases are to cover increased handling costs.

Agency Personnel Responsible for Drafting, Enforcing and Implementing Rules: Max G. Long, Supervisor Seed Branch, 2015 South 1st Street, Yakima, WA 98903, phone scan 558-2750.

Persons Proposing Rules: Washington State Department of Agriculture.

Agency Comments: None.

Rule Amendments Necessary to Comply with Federal Laws: No.

Small Business Economic Impact Statement: None.

AMENDATORY SECTION (Amending Order 1831, filed 6/15/84)

WAC 16-316-0601 SEED STANDARDS. Seed standards shall be as follows:

Bentgrass				
Specific Seed Standards		Founda-tion	Regis-tered	Certi-fied
Pure Seed**	(Minimum)	98.00%	98.00%	98.00%
Other Crop Seed	(Maximum)	.20%	.20%	.60%
Inert Matter	(Maximum)	2.00%	2.00%	2.00%
Weed Seed	(Maximum)	.30%	.30%	.40%*

Germination	(Minimum)	85.00%	85.00%	85.00%

Redtop				
Specific Seed Standards		Founda-tion	Regis-tered	Certi-fied
Pure Seed**	(Minimum)	96.00%	96.00%	95.00%
Other Crop Seed	(Maximum)	.20%	.20%	((.60%))
Inert Matter	(Maximum)	4.00%	4.00%	5.00%
Weed Seed	(Maximum)	.30%	.30%	.50%

Germination	(Minimum)	80.00%	80.00%	80.00%

(a) Blue tag seed shall not contain over nine hundred seeds per pound, singly or collectively, of the following weeds: Plantain spp., Big Mouse-ear Chickweed, Yarrow, Spotted Cat's Ear, and Dandelion.

(b) Seed must not contain more than ninety per pound for blue tag, singly or collectively of objectionable weeds (see general rules). Seed must be free of the seed of weeds listed as prohibited noxious.

* A maximum of .50% weed seed will be allowed in bentgrass containing silver hairgrass providing the total of all other weed seed does not exceed .40%.

** 1.50% other fine bentgrasses and .50% redtop will be allowed in certified bentgrass containing a minimum of 98.00% total bentgrass.

AMENDATORY SECTION (Amending Order 1798, filed 5/16/83)

WAC 16-316-215 RULES AND PROCEDURES FOR ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT SCHEME FOR VARIETAL CERTIFICATION (O.E.C.D.): (1) O.E.C.D. certification is an international certification scheme limited to federal government membership. The agricultural research service of the United States Department of Agriculture is responsible for implementing the O.E.C.D. seed certification schemes in the United States. The state department of agriculture, by virtue of a memorandum of agreement with the agricultural research service, United States Department of Agriculture, is authorized to implement O.E.C.D. certification in the state of Washington.

(2) The general and specific crop certification standards established by Washington state department of agriculture and the O.E.C.D. Scheme for varietal certification are basic and, together with the following specific rules, constitute the rules for O.E.C.D. seed certification.

(3) Varieties eligible.

(a) Crop varieties of U.S. origin will be eligible for O.E.C.D. certification only if accepted into Washington's state's certification program.

(b) Crop varieties, of origin other than U.S., will be eligible for O.E.C.D. certification only if listed in O.E.C.D. publication, "List of Cultivars Eligible for Certification."

(4) Classes of seed eligible.

Washington and U.S. Seed Classes	Label Color	Equivalent O.E.C.D. Seed Classes	O.E.C.D. Label Color
Breeder	—	PreBasic	—
Foundation	White	Basic	White
Registered	Purple	Basic	White
Certified	Blue	1st Generation Certified Seed	Blue
Certified produced from Certified	Blue	2nd Generation Certified Seed	Red

(a) Breeder or prebasic must be planted to be eligible to produce basic white label.

(b) Foundation white label, registered purple label, or basic white label must be planted to be eligible to produce 1st generation blue label.

(c) Certified or 1st generation blue label must be planted to be eligible to produce 2nd generation red label.

(5) Seed stock sample. Each lot of O.E.C.D. seed stock must be sampled under supervision of the certifying agency before seals are broken. Sample will be used as control for growout test and a portion may be submitted to seed laboratory for analysis if deemed necessary. Seed stock lots without official tags may not be granted O.E.C.D. approval.

(6) The department of agriculture must obtain approval from the originating country for each O.E.C.D. seed stock lot to be planted in the state of Washington for O.E.C.D. production. Request for O.E.C.D. approval will be submitted by the seed branch to ARS-Beltsville, Maryland, who then contacts the originating country.

(7) Application for certification and fees.

(a) Applicant desiring plantings to be eligible for O.E.C.D. certification must submit applications and fees as required for certification of that crop under Washington's state's certification standards. Certification requirements and procedures for each kind shall be the genetic standards in Washington's state certification program supplemented by O.E.C.D. standards and by the limitations specified by originating country; such as, length of stand and number of seed crops eligible.

These seed lots will not be required to meet Washington's minimum purity or germination certified seed standards; however, all seed must be officially sampled and tested prior to tagging.

(b) Washington O.E.C.D. eligible lots may, with approval of both agencies involved, be blended with O.E.C.D. eligible seed of other state agencies. Applicant is responsible for all fees of both agencies involved.

(c) Seed produced out of state and processed in Washington must be O.E.C.D. tagged by the state of origin.

(8) Tagging and sealing. O.E.C.D. tags will be printed and issued according to O.E.C.D. rules. Seed branch will issue an O.E.C.D. reference number; e.g. (USA-W-78-000), which will be printed on each tag. It is recommended that O.E.C.D. reference numbers be stenciled

on each bag. Extra statement on the O.E.C.D. tag such as, "date of sealing," etc. will be kept to a minimum.

(9) Bagging sample. A bagging sample of each lot of O.E.C.D. seed tagged must be drawn under supervision of the certifying agency. One hundred to two hundred fifty grams of the sample will be held for the originating country, the balance will be used for required post control grow-out tests.

(10) O.E.C.D. certificate. The seed branch will issue an O.E.C.D. certificate showing kind, variety, reference number, date of sealing, number of containers, weight of lot, class of seed and O.E.C.D. reference number of seed stock used for each lot tagged and sealed upon receipt of tagging report and bagging sample. One copy of the O.E.C.D. certificate is to be mailed to the shipper, one copy to ARS-USDA, one copy attached to bagging sample and one copy for seed branch files.

(11) Grow-out tests. As prescribed by O.E.C.D. rules, at least one of four domestic lots tagged and all lots of foreign varieties O.E.C.D. tagged will be planted in grow-out tests.

(12) Special O.E.C.D. fees. In addition to fees required by applicable Washington certification rules, the following fees are in addition and will apply to all seed tagged O.E.C.D.:

- (a) O.E.C.D. certificate \$10.00 each
- (b) O.E.C.D. grow-out test (each entry) (no charge for control entry) ~~\$(40.00)~~46.00 each entry
- (c) Fees for seed stock sampling or services not listed in this (~~order~~) rule shall be the most applicable fee established by the director of agriculture.
- (d) All fees payable by person requesting O.E.C.D. certificate. Certifying agency may require fees payable in advance.

AMENDATORY SECTION (Amending Order 1735 [1831], filed 5/15/81 [6/15/84])

WAC 16-316-230 CERTIFICATION FEES.

(1) Seedling applications: Due within sixty days after planting, however, may be accepted after due date at the discretion of the certifying agency.

- (a) Seedling application fee:
 - Per variety, per grower \$15.00
 - (b) Late seedling penalty fee: \$15.00
 This additional fee shall be charged for each seedling application received more than sixty days after planting.
 - (c) Seedling acreage fee: (per acre) \$ ~~((1.50))~~ 1.75

(Refundable if acreage is withdrawn before inspection.) Required of seedling fields to be harvested for certification the year of planting. Notification of seedling field to be harvested for certification and required fees are due July 31, however, may be accepted after due date with ten dollars late penalty fee at the discretion of the certifying agency.

(2) Renewal applications: Due June 7, however, may be accepted after due date at the discretion of the certifying agency.

- (a) Renewal application fee:
 - Per variety, per grower \$15.00
 - (b) Renewal acreage fee: (per acre) \$ ~~((1.50))~~ 1.75
 (Refundable if acreage is withdrawn before inspection.)
 - (c) Late renewal penalty fee: \$ ~~((1.50))~~ 15.00

This additional fee shall be charged for each renewal application received after June 15.

(3) Reinspection: Other than isolation (each field) \$20.00

If a field is rejected for certification, the grower may apply for reinspection after the cause for rejection has been corrected. Only two re-inspections are permitted for each field each year.

(4) Production fee includes sampling and tagging per cwt.: \$ ~~((0.40))~~ 0.45

The sampling and production fees are billed at completion of tests. If none of the seed is tagged, ten cents of the (~~thirty~~) forty-five cents cwt. production fee charged is refundable.

(5) Purity and germination test: Fees as established by the director of agriculture.

(6) Fees for retagging, or services not listed in this rule shall be the most applicable fee established by the director of agriculture.

(7) Fees for reissue of tags shall be five cents a tag with a minimum fee of five dollars.

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

AMENDATORY SECTION (Amending Order 1831, filed 6/15/84)

WAC 16-316-270 CERTIFICATION FEES.

(1) Applications: Due July 1, however, may be accepted after due date at the discretion of the certifying agency.

(a) Application fee:

Per variety, per grower \$15.00

(b) Acreage fee:

(i) One inspection: (per acre) \$ ((+50)) 1.75

One inspection is required for certification of Great Northern, Red Mexican, pinto, pink, and small white beans.

(ii) Two inspections: (per acre) \$ ((3-00)) 3.50

Includes windrow inspection which is required for: Certification of snap beans, kidney beans, and eligibility for shipment into Idaho. For phytosanitary certification see WAC 16-316-327.

(iii) Acreage fee is refundable if acreage is withdrawn before inspection.

(c) Late application penalty fee: \$ ((+0-00)) 15.00

This additional fee shall be charged per grower for applications received after July 1.

(2) Reinspection: (each field) \$20.00

If a field is rejected for reasons other than bacterial diseases at the first inspection, the grower may apply for reinspection after the cause for rejection has been corrected. Only two reinspections are permitted for each field each year.

(3) Production fee includes sampling and tagging per cwt. \$ ((0-30)) 0.35

The production fees are billed at final certification and tagging.

(4) Purity and germination tests: Fees as established by the director of agriculture.

(5) Fees for retagging or services not listed in this rule shall be the most applicable fee established by the director of agriculture.

(6) Bean seed entered into the certification program must comply with bean seed quarantine rules. See WAC 16-494-001 through 16-494-062.

AMENDATORY SECTION (Amending Order 1626, filed 4/30/79)

WAC 16-316-327 PHYTO-SANITARY CERTIFICATE FOR BEANS. (1) Specific bacterial diseases of beans for which phytosanitary certificates ((with)) may be issued are:

(a) Halo Blight - Pseudomonas phaseolicola (Burk.) Dows.

(b) Common Bean Blight - Xanthomonas phaseoli (E.F. Sm.) Dows.

(c) Fuscous Blight - Xanthomonas phaseoli var. fuscans (Burk.)

(d) Bean Bacterial Wilt - Corynebacterium flaccumfaciens (Hedg- es) Dows.

(e) Or any varieties or new strains of these diseases.

(f) Brown spot disease - Pseudomonas rydingae

(g) Bean anthracnose - Colletotrichum lindemuthianum

(2) Common bean seed to be eligible for a phyto-sanitary certificate covering the bacterial diseases listed above, must be free of the diseases in question as determined by field inspection during the growing season and by a windrow inspection. (Serology test and greenhouse test may be accepted in lieu of windrow inspection at the discretion of the department of agriculture.)

(3) Snap beans and kidney beans grown under sprinkler irrigation will not be eligible for phyto-sanitary certificates covering bacterial diseases.

(4) To be eligible for phyto-sanitary certificate, field planted must be free of halo blight the previous two years.

(5) To be eligible for phyto-sanitary certificate, field must be 1320 feet from an incident of diseases listed in paragraph (1) of this section. It is recommended that equipment be disinfected between fields.

(6) Field inspection requirements:

At least two field inspections are required for beans being inspected for the bacterial diseases listed above:

(a) The first inspection is required when factors effecting diseases are most evident.

(b) The second inspection is required when the plants are in the windrow.

(7) All bean seed entered into the phytosanitary inspection program must comply with the bean seed quarantine rules. See WAC 16-494-001 through 16-494-062.

AMENDATORY SECTION (Amending Order 1831, filed 6/15/84)

WAC 16-316-350 CERTIFICATION FEES. (1) Seedling applications: Due within sixty days after planting: PROVIDED, That such applications may be accepted after due date at the discretion of the certifying agency upon payment of the late seedling penalty fee.

(a) Seedling application fee:

Per variety, per grower \$15.00

(b) Late seedling penalty fee: (per kind) \$15.00

This additional fee shall be charged for seedling applications received more than sixty days after planting.

(c) Seedling producing application fee:

Per variety, per grower \$15.00

Required of seedling fields to be harvested for certification the year of planting. Notification of seedling field to be harvested for certification and required fees are due July 31: PROVIDED, That such application may be accepted after due date with ten dollars late penalty fee at the discretion of the certifying agency.

(2) Renewal applications: Due May 1: PROVIDED, That such applications may be accepted after due date at the discretion of the certifying agency upon payment of the late renewal penalty fee.

(a) Renewal application fee:

Per variety, per grower \$15.00

(b) Late renewal penalty fee: (per kind) \$ ((+0-00)) 15.00

This additional fee shall be charged for renewal applications received after May 1.

(3) Reinspection: Other than isolation (each field) \$20.00

If a field is rejected for certification, the grower may apply for reinspection after the cause for rejection is corrected. Only two reinspections are permitted for each field each year.

(4) Inspection and final certification fees: Inspection and final certification fees will be based on pounds sampled and billed upon completion of required tests (Option A). Those dealers requesting sampling and tagging privileges and/or participation in Option B must sign a memorandum of agreement that shall expire on June 30 of each year. Memorandum may be terminated by the director if conditioner violates certification standard or requirements of memorandum.

(a) Option A: When based on pounds sampled, and billed at completion of required laboratory tests, the fees shall be:

(i) Inspection and final certification fee. \$ ((0-60)) 0.80

per one hundred pounds. (If no seed is tagged, twenty cents of the final certification fee is refundable upon request.)

(ii) Service fee for out-of-state origin \$ 0.30 per one hundred pounds.

(iii) Blend fee shall be as established by blend rule, and in addition to above fees. However, blend fee not applicable to salvage blends.

(iv) Payment of fees shall be the responsibility of the person signing the application. However, conditioner may assume this responsibility.

(b) Option B: When based on pounds tagged after required laboratory tests are completed, the fees shall be:

(i) Inspection and final certification fee. \$ ((+0-00)) 1.10

per one hundred pounds. (Minimum fee per tagging) \$10.00

(ii) Service fee for out-of-state origin \$ 0.65 per one hundred pounds.

(iii) Blend fee (in addition to fee established by blend rule) shall be payable upon completion of blend on total weight of blend, and shall be as follows:

(A) Washington origin certified seed used in blend \$ ((0-95)) 1.00

per one hundred pounds.

(B) Out-of-state origin certified seed used in blend \$ 0.60 per one hundred pounds: PROVIDED, That those fees listed in (a) and (b) above are not applicable to certified seed that is tagged and sealed, and on which final fees have been paid.

(C) A refund or credit will be issued for the percent of the blend lot not tagged. (For example, if forty percent of the blend is not tagged, forty percent of the fees charged under Option B above is refundable.) Requests for refunds must be made by June 30 following final disposition of the blend.

(5) Payment of fees shall be the responsibility of the conditioner. A conditioner choosing this program shall handle all certified grasses in his warehouse under this program for the entire crop year. Upon termination or nonrenewal of Option B memorandum of agreement, conditioner shall be responsible for Option A fees on all certified seed not tagged at termination date.

(6) Fees for services such as O.E.C.D. and sod quality, etc., shall be in addition to the fees listed in these standards.

(7) Purity and germination test fees shall be as established by the director of agriculture.

(8) Fees for retagging, or services not listed in this rule shall be the most applicable fee established by the director of agriculture.

(9) Fees for reissue of tags shall be ten cents per tag with a minimum fee of ten dollars.

AMENDATORY SECTION (Amending Order 1831, filed 6/15/84)

WAC 16-316-440 CERTIFICATION FEES.

(1) Seedling applications: Due within sixty days after planting, however, may be accepted after due date at the discretion of the certifying agency.

- (a) Seedling application fee: Per variety, per grower \$15.00
(b) Late seedling penalty fee: \$15.00 This additional fee shall be charged for each seedling application received more than sixty days after planting.
(c) Seedling acreage fee: (per acre) \$ ((+50)) 1.75

(Refundable if acreage is withdrawn before inspection.) Required of seedling fields to be harvested for certification the year of planting. Notification of seedling field to be harvested for certification and required fees are due July 31, however, may be accepted after due date with ten dollars late penalty fee at the discretion of the certifying agency.

(2) Renewal applications: Due June 15, however, may be accepted after due date at the discretion of the certifying agency.

- (a) Renewal application fee: Per variety, per grower \$15.00
(b) Renewal acreage fee: (per acre) \$ ((+50)) 1.75 (Refundable if acreage is withdrawn before inspection.)
(c) Late renewal penalty fee: \$ ((+10.00)) 15.00 This additional fee shall be charged for each renewal application received after June 15.

(3) Reinspection: Other than isolation (each field) \$20.00 If a field is rejected for certification, the grower may apply for reinspection after the cause for rejection has been corrected. Only two re-inspections are permitted for each field each year.

(4) Production fee: Includes sampling and tagging per cwt.: \$ ((0.40)) 0.45 The production fee is billed at completion of tests. If none of the seed is tagged, ten cents of

the ((thirty)) forty-five cents cwt. production fee charged is refundable.

(5) Purity and germination test: Fees as established by the director of agriculture.

(6) Fees for retagging, or services not listed in this rule shall be the most applicable fee established by the director of agriculture.

(7) Fees for reissue of tags shall be ((five)) ten cents a tag with a minimum fee of ((five)) ten dollars.

AMENDATORY SECTION (Amending Order 1798, filed 5/16/83)

WAC 16-316-474 APPLICATION AND FEES. (1) An application for seed certification with application fee, field inspection fee, and late application fee (if due) for each field must be filed by or for each grower with Washington State Crop Improvement Association, Inc., the certifying agency for seeds of field pea, lentil, soybean, sorghum and small grains.

- (2) Due dates: (a) Field pea - June 1 (b) Lentil - June 1 (c) Soybean - July 1 (d) Sorghum - July 15 (e) Small grains - June 1 for both winter varieties; ((July 1 for)) and spring varieties.

(f) After due date, an application with late application fee may be accepted for service.

- (3) Fees: (a) Application fee per variety per grower \$10.00 (b) Field inspection fee per acre \$ ((+10)) 1.85

(c) Late application fee \$10.00 (d) Reinspection fee \$20.00 minimum for each field which did not pass field inspection plus \$ 0.20 for each acre over twenty-five. The reinspection fee for isolation requirements only for a field of any size is \$20.00.

(e) Final certification fee \$ 0.14 per cwt. of clean seed sampled, which shall be charged to conditioning plant, or production fee \$ 0.14 per cwt. of production from fields inspected which is utilized for seed, which shall be charged to conditioning plant or, if none, to applicant.

(f) Sampling fee \$ 0.10 per cwt. of clean seed sampled, with minimum charge of \$10.00 per sample, which shall be charged to conditioning plant in lieu of mechanical sampling.

(4) A field may be withdrawn upon notification by the applicant to the certifying agency's office before field inspection. In such case, the field inspection fee shall be refunded upon request until June 30 of the year following harvest.

(5) Harvest before field inspection causes forfeitures of both the application and field inspection fees, and completion of certification.

AMENDATORY SECTION (Amending Order 1831, filed 6/15/84)

WAC 16-316-660 CERTIFICATION FEES.

(1) Seedling applications: Due within sixty days after planting, however, may be accepted after due date at the discretion of the certifying agency.

- (a) Seedling application fee: Per variety, per grower \$15.00
(b) Late seedling penalty fee: \$15.00 This additional fee shall be charged for each seedling application received more than sixty days after planting.
(c) Seedling acreage fee: (per acre) \$ ((+50)) 1.75

(Refundable if acreage is withdrawn before inspection.) Required of seedling fields to be harvested for certification the year of planting. Notification of seedling field to be harvested for certification and required fees are due July 31, however, may be accepted after due date with ten dollars late penalty fee at the discretion of the certifying agency.

(2) Renewal applications: Due June 15, however, may be accepted after due date at the discretion of the certifying agency.

(a) Renewal application fee:
Per variety, per grower \$15.00

(b) Renewal acreage fee: (per acre) \$ ~~((+50))~~
1.75
(Refundable if acreage is withdrawn before inspection.)

(c) Late renewal penalty fee: \$ ~~((+0.00))~~
15.00

This additional fee shall be charged for each renewal application received after June 15.

(3) Reinspection: Other than isolation (each field) \$20.00

If a field is rejected for certification, the grower may apply for reinspection after the cause for rejection has

been corrected. Only two reinspections are permitted for each field each year.

(4) Production fee: Includes sampling and tagging per cwt. \$ ~~((0.40))~~
0.45

The production fee is billed at completion of tests. If none of the seed is tagged, ten cents of the ~~((thirty))~~ forty-five cents cwt. production fee charged is refundable.

(5) Purity and germination test: Fees as established by the director of agriculture.

(6) Fees for retagging or services not listed in this rule shall be the most applicable fee established by the director of agriculture.

(7) Fees for reissue of tags shall be ~~((five))~~ ten cents a tag with a minimum fee of ~~((five))~~ ten dollars.

AMENDATORY SECTION (Amending Order 1744, filed 7/10/81)

WAC 16-316-724 SMALL GRAINS STANDARDS. (1) Small grains (barley, oat, rye, triticale, wheat) – land, isolation, and field standards:

CLASS	LAND STANDARDS	ISOLATION STANDARDS	FIELD STANDARDS	
	MINIMUM YEARS	MINIMUM FEET	OFF-TYPE MAXIMUM PLANTS/ACRE	OTHER CROP MAXIMUM PLANTS/ACRE
Foundation	1*	3**	None	None***
Registered	1*	3**	5	5***
Certified	1*	3**	15	15***

- * Waived if the previous crop was grown from an equal or higher certified class of seed of the same variety.
- ** Refers to distance from other small grain fields. In addition, each rye field for certification must be isolated from fields producing a certified class of the same variety by three feet, and from other rye fields by six hundred sixty feet. Each triticale field for certification must be isolated from fields producing a certified class of the same variety by three feet, and from other triticale, rye and wheat fields by three hundred feet.
- *** Refers to other small grains, except that no rye or triticale is permitted in barley, oat, or wheat; no vetch is permitted.

(2) Small grains – seed standards:

CLASS	OFF-TYPE MAXIMUM SEEDS/LB	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM %	WEED MAXIMUM %	GERMINATION MINIMUM %
Foundation	None	99.00	1.00	None	None	85.00
Registered	1	99.00	1.00	0.05*	0.05**	85.00
Certified	4	99.00	1.00	0.10*	0.05**	85.00

* Other tolerance for other crop seed:

	OTHER SMALL GRAINS MAXIMUM
Foundation	None
Registered	1/lb
Certified	2/lb

No rye or triticale is permitted in barley, oat or wheat; no vetch is permitted.

** Other tolerances for weed seed:

	OBJECTIONABLE WEED SEED MAXIMUM	WILD OAT MAXIMUM
Foundation	None	None
Registered	None	None
Certified	1/lb	None, except 1/lb in ((barley and)) oat

AMENDATORY SECTION (Amending Order 1833, filed 6/15/84)

WAC 16-316-800 GRASS VARIETIES ELIGIBLE. (1) Following are the grass varieties eligible and the certifying scheme for each:

Bentgrass: (subject to poa annua quarantine)	Astoria Colonial*** Bardot Colonial* Highland Colonial** Seaside Creeping*** Emerald Creeping**	(subject to poa annua quarantine) Canby Bluegrass: Kentucky Bluegrass: (subject to poa annua quarantine)	Canbar** A-20-6* A-34 (Bensun)** Adelphi** Argyle** Barblue*pvpV Baron** Birka* Bonnieblue (Pac)** Bono (Birdie)*
Big Bluegrass:	Sherman**		
Canada Bluegrass:	Reubens**		

Bristol*
 Cheri (Golf)*
Classic**
 Cougar*
 Delta*
 Eclipse*
 Enmundi*pvvV
 Fylking**
 Georgetown**
 Geronimo*
 Glade**
 Haga*
 Holiday*
Julia*
 Kenblue*
 I-13**
 Liberty**
 Majestic**
 Merion**
Monopoly*
 Mystic*
 ((Nassau**pvvV))
Nassau**
 Newport**
 Nugget*
 Pacific*pvvV
 Parade*
 Park**
 Pennstar*
 Plush*
 Ram I*pvvV
 Rugby*
 ((Swing))
Swing*
 Sydsport*
 S-21**
 Touchdown**
 Troy**
 Victa*
 Wabash*

Redtop:
 Indian Ricegrass:
 Perennial Ryegrass:
 (subject to poa annua
 quarantine)

Puccinellia distans:

Timothy:

Wheatgrass:

Pennlate*
 Potomac*
 Streaker
 Nezpar**
All*Star**
 Belle*
 Cropper*
 Diplomat*pvvV
 Elka*
 Friend**pvvV
 Jackpot
 ((NK-100*))
 Yorktown*pvvV
 Norlea*
 Pennfine*pvvV
 ((Peto**))
 Yorktown II*pvvV
 Manhattan*
 LP-20*
 Fults*
 Champlain*
 Climax*
 Clair*
 Mohawk**
 Pronto*
 Whitmar Beardless**
 Secar Bluebunch**
 Fairway Crested*
 Ruff Crested*
 Nordan Crested**
 Ephraim Rhizomatous Crested**
 Amur Intermediate***
 Greenar
 Intermediate**
 Oahe Intermediate*
 Tegmar Intermediate*
 Siberian**
 Greenleaf Pubescent*
 Luna Pubescent**
 Topar Pubescent**
 Primar Slender**
 P-27 Siberian
 Sodar Streambank**
 Critana Thickspike**
 Alkar Tall**
 Magnar**

Basin Wild Rye:

(2) Variety restrictions.

NO. OF SEED HARVESTS
 FOUNDATION REGISTERED CERTIFIED

(a) Kentucky Bluegrass:

Baron	5	5
Birka	2 + 3 Cert.	5
Bonnieblue	2 + 5 Cert.	5
Bristol	4	4
Cougar	3	6
Enmundi	4	5
Georgetown	5	5
Geronimo	6	6
Kenblue	5	7
Majestic	3 + 5 Cert.	5
Pacific	5	5
Parade	5	5
Ram-I	2	6
Rugby	3 + 2 Cert.	5
Sydsport		5
Touchdown	2 + 5 Cert.	5

(b) Deertongue:

Tioga		6
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(c) Orchardgrass:

Pennlate	3	6
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(d) Perennial Ryegrass:

Belle	4 + 2 Cert.	5
Diplomat	5 + 2 Cert.	5
Elka	4	4
Pennfine	2 + 2 Cert.	4
Yorktown II	4 + 3 Cert.	4

Meadow Brome:

Regar**

Mountain Brome:

Bromar**

Smooth Brome:

Baylor*
 Blair*
 ((Bromex*))
 Manchar**
 Sac**
 Saratoga*

Deertongue:

Tioga*

Fescue:

Cascade Chewings**
 Countess Chewing**pvvV

(subject to poa annua

Arid tall*
 Jamestown Chewings*pvvV

quarantine - except tall
 fescue)

Barcel Tall**pvvV
 Durar Hard**
 Scaldis Hard*
 Dawson Red*
 Nezpurs Idaho*pvvV
 Novorubra Red*
 Logro Slender Creeping
 Red**pvvV
 Pennlawn Red*
 Ruby Red*
 Wintergreen Red*
 Covar Sheep**
 Alta Tall**
 Fawn Tall*
Beaumont meadow*
 First Meadow**((pvvV))
 Forager Tall*

Orchardgrass:

Hay King*
 Latar**
 Paivte**

NO. OF SEED HARVESTS
FOUNDATION REGISTERED CERTIFIED

Manhattan 2 + 5 Cert. 5

AMENDATORY SECTION (Amending Order 1833, filed 6/15/84)

WAC 16-316-820 ALFALFA VARIETIES ELIGIBLE. (1) Following are the alfalfa varieties eligible and the certification scheme for each:

- A-24**
- A-59**
- Agate*
- Anchor*
- Answer*
- Apalachee*
- Aquarius*
- Apollo*
- Apollo II*
- Arc*
- Atlas*
- Atra-55*
- Baker*pvvV
- Big Ten*
- Blazer*
- Challenger*
- Cimarron*
- Citation*
- Classic*
- Defender*
- Delta**
- Drummor*
- Duke*
- Eagle*
- Dupuits*
- Epic*
- Expo*
- ((G-777**))
- G-7730*
- ((Gladiator**))
- Hi-Phy*
- Honeye*pvvV
- Iroquois*
- Ladak**
- Ladak 65*
- Liberty**
- Maverick*
- Maxim*
- Marathon*
- Mesilla**
- Multileaf*pvvV
- Narragansett**
- Nomad**
- ((NS-79-P2))
- Nugget*
- Olympic*
- Oneida*pvvV
- Peak*
- Perry*
- Phytor*
- Polar II*
- Preserve
- Primal*
- Prowler*
- Raidor*
- Ramsey*
- Ranger**
- Saranac*
- Saranac AR*pvvV
- Shenandoah*
- Spectrum*
- Spredor 2*
- Sverre*
- SX-10*
- SX-418*
- Team*
- Tempo*

- ((Thor**))
- Titan*
- Trident*
- Trumpetor*
- Vernal*
- Vancor*
- Vanguard*
- Vernema*
- Vista*
- Voris A77*
- WL-220*
- Washoe*
- Weevlchek*
- WL-215*
- WL-219*
- WL-221*
- WL-311*
- WL-312*
- WL-313*
- WL-315*pvvV
- WL-316*pvvV
- WL-318*
- WL-320*pvvV
- 120*
- 123*
- 130*
- 521*
- 520*
- 526*
- 530*
- 531
- 532*(**)
- 581*
- 5444*

(2) Variety restrictions.

	NO. OF SEED HARVESTS			
	Breeder	Foundation	Registered	Certified
Answer		2		5
Apollo II				3
Baker	2	3		6
Blazer		3		
Challenger	2	3		5
Defender	2	3		5
Drummor	2	3		5
Duke		3		5
Epic		4		6
Expo		3		5
G-7730		3		5
Honeye		3		6
Iroquois		3		6
Maverick		3		5
Multileaf		3		6
Oneida		3		6
Peak		3		
Perry	2	3		6
Preserve	2	3		5
Polar II	2	3		5
Prowler	2	3		5
Raidor	2	3		5
Saranac		3		6
Saranac AR		3		6
Spredor 2	2	3		5
Trident		2		5
Trumpetor	2	3		5
Vancor	2	3		5
Vernema		4		6
Voris A-77		2		5
WL-221		3		
WL-313		3		
WL-315		3		5
WL-316		3		5
Wrangler				6
120		3		
123		2		4
130		3		5
526		3		5

AMENDATORY SECTION (Amending Order 1833, filed 6/15/84)

WAC 16-316-830 BEAN VARIETIES ELIGIBLE. Following are the bean varieties eligible and the certification scheme for each:

Red Mexican: Bigbend** NW-59** NW-63** Rufus**
 Pinto: NW-410 NW-590 Nodak**
 Olathe**pvpV Pindak** U of I 114***
 Wyo 166**
 Pink: Gloria** Harold** Roza**
 Victor** Viva**
 Small White: Chief** Aurora** Bonus**
 Kidney: Royal Red**, Pilgrim*,
 Carmine*
 Snap Bean: Yakima** Apollo** Epoch**pvpV
 Tanta**
 Navy: NW 395**, Duty (Pulsar)*
 Great Northern: Harris**, Emerson*
 Black Turtle: Black Turtle Soup** #39
 Black Beauty** Ebony**pvpV
 Large, Round White Snowball*

WSR 85-06-053**PROPOSED RULES****DEPARTMENT OF LICENSING
(Dental Hygiene Examining Committee)**

[Filed March 6, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Dental Hygiene Examining Committee intends to adopt, amend, or repeal rules concerning the examination results, amending WAC 308-25-030;

that the agency will at 9:30 a.m., Friday, April 19, 1985, in Nendels, Executive Conference Theater, 16838 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 18.29.031.

The specific statute these rules are intended to implement is RCW 18.29.031.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 12, 1985.

Dated: March 6, 1985

By: John H. Keith
 Assistant Attorney General
 Board Counsel

STATEMENT OF PURPOSE

Name of Agency: Washington State Dental Hygiene Examining Committee.

Purpose: The purpose is to revise the examination requirements.

Statutory Authority: RCW 18.29.031.

Summary of the Rule: WAC 308-25-030 describes the requirements for passing the examination.

Reasons Proposed: To permit applicants to carry partial scores to the next examination offered.

Responsible Departmental Personnel: In addition to the members of the Dental Hygiene Examining Committee, the following Department of Licensing personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Chris Robert Rose, Assistant Administrator, and Linda McCue, Administrative Assistant, Third Floor, Highways-Licenses

Building, Olympia, WA 98504, 234-1150 scan, 753-1150 comm.

Proponents: This amendment was proposed by the Washington State Dental Hygiene Examining Committee.

Small Business Economic Impact Statement: A small business economic impact statement is not required since these rules do not impact small businesses as that term is defined by RCW 43.31.920.

AMENDATORY SECTION (Amending Order PL 459, filed 2/1/84)

WAC 308-25-030 EXAMINATION RESULTS: (1) In order to pass the examination the applicant must:

(a) Attain a score of 65% in the written theory examination section, or submit proof of successful completion of the National Board of Dental Hygiene Examination and a score of 75% in any required additional written examination;

(b) Successfully complete the prophylaxis case;

(c) Successfully complete the anesthetic practical examination and;

(d) Successfully complete the restorative practical examination.

(2) An applicant who passes at least two of the three of the examination sections identified in subsections 1 (b), (c), (d) and the additional written examination may elect to retake only the examination sections failed; PROVIDED, that if the applicant has not passed all sections of the examination at the next examination administration offered then the entire examination must be retaken.

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

WSR 85-06-054**PROPOSED RULES****BOARD OF ACCOUNTANCY**

[Filed March 6, 1985]

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

Amd WAC 4-25-040 State Board of Accountancy.

Amd WAC 4-25-140 Certified public accountants.

Rep WAC 4-25-260 Temporary permits;

that the agency will at 10:00 a.m., Friday, March 29, 1985, in the Conference Room, 30th Floor, Touche Ross and Company, 1111 3rd Avenue, Seattle, WA 98101, 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 18.04.055.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 29, 1985.

This notice is connected to and continues the matter in Notice No. WSR 85-06-008 filed with the code reviser's office on February 22, 1985.

Dated: March 5, 1985

By: James R. Silva
 Assistant Attorney General

WSR 85-06-055
PROPOSED RULES
COUNCIL ON HEARING AIDS
 [Filed March 6, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Council on Hearing Aids intends to adopt, amend, or repeal rules concerning the fitting and dispensing of hearing aids;

that the agency will at 1:30 p.m., Tuesday, April 9, 1985, in the Airport Hilton, Elliott East/West Rooms, 17620 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 18.35.161.

The specific statute these rules are intended to implement is RCW 18.35.161.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 1, 1985.

Dated: February 25, 1985
 By: Barbara Johnson
 Executive Secretary

STATEMENT OF PURPOSE

Title and Number of Rule Sections or Chapters: WAC 308-50-060 Place(s) of business in Washington; 308-50-070 Mobile hearing aid dispensing units; 308-50-080 Temporary or itinerant activities prohibited; 308-50-300 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Canvassing; 308-50-320 Documentation of referrals; 308-50-390 Minimum standards for fitting and dispensing locations; 308-50-400 Notice of availability and location of follow up services; and 308-50-410 Surety bonding—Security in lieu of bonding.

Statutory Authority: RCW 18.35.161.

Specific Statute that Rule is Intended to Implement: RCW 18.35.161.

Summary of the Rules: WAC 308-50-060 describes the place(s) of business in Washington where the fitting and dispensing of hearing aids takes place and the requirements for operation; 308-50-070 describes the operating requirements for mobile units which engage in the fitting and dispensing of hearing aids; 308-50-080 describes the requirements for testing the hearing of the public and fitting and dispensing hearing aids at temporary or itinerant locations; 308-50-300 prohibits house to house canvassing for purposes of obtaining purchasers or prospective purchasers of hearing aids without prior invitation, request or referral; 308-50-320 requires documentation of all referrals and defines the content of the documentation; 308-50-390 describes the minimum standards for place(s) of business in the state of Washington where licensees engage in the fitting and dispensing of hearing aids, and the definition of a place of business; 308-50-400 provides the guidelines licensees must follow in informing hearing aid purchasers of their

availability for follow up service(s); and 308-50-410 describes which hearing aid businesses (establishments/facilities) require bonding as required by RCW 18.35.240.

Reasons Supporting the Proposed Actions: WAC 308-50-060 will be superseded by WAC 308-50-390 and 308-50-400 which more clearly protect the consumer; 308-50-070 will be superseded by and included in WAC 308-50-390 and 308-50-400 which more clearly protect the consumer; 308-50-080 will be superseded by and included in WAC 308-50-390 and 308-50-400 which more clearly protect the consumer; 308-50-300 has been determined to be unconstitutional; 308-50-320 is to clarify the requirements of documenting referrals when a hearing aid(s) is fit to a consumer; 308-50-390 is to clarify the definition of place(s) of business in the state of Washington and provide guidelines for minimum standards of facilities and equipment essential for testing hearing and fitting and dispensing hearing aids; 308-50-400 is to clarify requirements of the licensee in notifying the consumer of availability and location of follow up services; and 308-50-410 is to clarify which establishments/facilities engaged in the fitting and dispensing of hearing aids in Washington state must file a surety bond as required in RCW 18.35.240.

Responsible Personnel: In addition to members of the council, and the director of the Department of Licensing, the following individual has knowledge of and responsibility for drafting, implementing and enforcing these rules: Barbara Johnson, Executive Secretary, Division of Professional Licensing, P.O. Box 9649, Olympia, WA 98504, 753-1153, 234-1153 scan.

Name of the Person or Organization that is Proposing the Rules: Washington State Council on Hearing Aids.

Agency Comments or Recommendations: Rule-making and disciplinary authorities under chapter 18.35 RCW were previously delegated to the director of the Department of Licensing. The authorities were newly delegated to the Council on Hearing Aids with the enactment of RCW 18.35.161. The council has undertaken to review existing rules and to propose amendments necessary to fulfill the obligations imposed upon the council by RCW 18.35.161.

These rules are not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rules or Their Purposes: None.

Small Business Economic Impact Statement: A small business economic impact statement is not required and has not been filed since these rules do not impact more than twenty percent of all industries, or more than ten percent of any one industry as that term is defined by RCW 19.85.020(3).

AMENDATORY SECTION (Amending Order PL 469 [159], filed 7/3/84 [2/8/74])

WAC 308-50-320 DOCUMENTATION OF REFERRALS. A licensee or trainee shall document (~~all referrals for inspection by the department;~~) the name of the referral source for all persons who are fit with a hearing aid. Documentation shall consist of ~~((the))~~ a name and address of the referral source and the date of such referral. Should

the referral source be the person being fit with the hearing aid, this information shall also be recorded as the referral source.

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

NEW SECTION

WAC 308-50-390 MINIMUM STANDARDS FOR FITTING AND DISPENSING LOCATIONS. (1) The hours of business of each hearing aid establishment shall be prominently and continuously displayed and visible to the public at each regular place or places of business owned or operated by that establishment.

(2) All such regular place or places of business or any activities emanating therefrom shall meet the minimum standards for facilities and equipment essential for the testing of hearing and the fitting and dispensing of hearing aids as set forth in WAC 308-50-110.

(3) The term "place or places of business" means a location where a licensee engages or intends to engage in the fitting and dispensing of hearing aids at a permanent address(es) open to the public on a regular basis.

NEW SECTION

WAC 308-50-400 NOTICE OF AVAILABILITY AND LOCATION OF FOLLOW UP SERVICES. Every licensee shall provide to a hearing aid purchaser, in writing prior to the signing of the contract, notice of availability of services. The notice shall include the specific location of the follow up service, including date and time if applicable.

NEW SECTION

WAC 308-50-410 SURETY BONDING — SECURITY IN LIEU OF BONDING. Every establishment shall file a bond or security in lieu of a bond as required by RCW 18.35.240. An establishment means any facility engaged in the fitting and dispensing of hearing aids. For bonding purposes, a facility means any established place at a permanent address, open to the public on a regular basis, adapted primarily for housing and operating equipment which a fitter/dispenser uses to perform tests and procedures for selection and adaption of hearing aids, and attended by a licensed fitter/dispenser. Activities emanating from a bonded establishment which project fitting and dispensing services from the establishment to temporary locations for the convenience of the public shall be regarded as functions of that establishment and need not be bonded separately. Examples of such activities include mobile fitting and dispensing units, home visitations, community center visitations, and itinerant services provided at public places of commerce or accomodation.

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.

REPEALER

The following sections of the Washington Administrative Code are hereby repealed:

- WAC 308-50-060 PLACE(S) OF BUSINESS IN WASHINGTON
- WAC 308-50-070 MOBILE HEARING AID DISPENSING UNITS
- WAC 308-50-080 TEMPORARY OR ITINERANT ACTIVITIES PROHIBITED
- WAC 308-50-300 UNFAIR OR DECEPTIVE PRACTICES, UNETHICAL CONDUCT AND UNFAIR METHODS OF COMPETITION — CANVASSING

WSR 85-06-056
NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION
 [Memorandum—March 5, 1985]

The Washington State Human Rights Commission will conduct a special meeting to discuss legislation, accept a resignation, and possibly hold an executive session to discuss personnel matters, on March 8, 1985. The meeting will be held by telephone conference call which will originate in the Olympia office beginning at 10:00 a.m.

WSR 85-06-057
NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION
 [Memorandum—March 5, 1985]

The commissioners of the Human Rights Commission, at the regular commission meeting on February 21, 1985, agreed to change the date of the March 1985 meeting. The meeting will be held on March 28, 1985, as opposed to March 21, 1985. This change was made in order to facilitate the attendance of all of the commissioners. The meeting will be held at the State Human Rights Commission Office, Fourth Floor Conference Room, 1601 Second Avenue Building, Seattle, Washington. The meeting will begin at 9:30 a.m.

WSR 85-06-058
PROPOSED RULES
COUNCIL FOR
POSTSECONDARY EDUCATION
 [Filed March 6, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Council for Postsecondary Education intends to adopt, amend, or repeal rules concerning the displaced homemaker program;

that the agency will at 9:30 a.m., Tuesday, April 16, 1985, in the Transportation Building, Meeting Room 2F22, Maple Park Drive, 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 April 16, 1985.

The authority under which these rules are proposed is RCW 28B.10.806.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 9, 1985.

Dated: March 6, 1985
By: Carl A. Trendler
Executive Coordinator

STATEMENT OF PURPOSE

Re: State of Washington displaced homemaker program.

Statement of Purpose: This statement of purpose is written in compliance with section 2, chapter 186, Laws

of 1980, and to accompany the notice of intention to adopt, amend, or repeal rules by the Council for Postsecondary Education.

Title: Amendments modifying regulations for the administration of the displaced homemaker program.

Summary: These amendments make the following changes to the regulations for the administration of the displaced homemaker program: Clarifies specific dates and dollar amounts contained in the sections concerning utilization of contract funds, length of contract periods and contract calendar and closing dates for the 1985-86 fiscal years.

Institutional Personnel Responsible for Drafting, Implementation and Enforcement of Rule: Ms. Charlie Arnold, Council for Postsecondary Education, 908 East Fifth, Olympia, WA 98504.

Governmental Organization Proposing the Rule: Council for Postsecondary Education.

Institutional Comments Regarding Statutory Matters: Not applicable.

Rule is not necessary as the result of federal law or court action.

AMENDATORY SECTION (Amending Order 2-82, Resolution No. 82-54, filed 7/12/82)

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

(1) "Act" means the Displaced Homemaker Act((+)), chapter 28B.04 RCW, as amended.

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

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

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

(5) "Council" means the council for postsecondary education.

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

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

(b) Is not gainfully employed;

(c) Needs assistance in securing employment; and

(d) Meets one of the following criteria;

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

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

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

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

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

(9) "Gainfully employed" means employed for salary or wages on a continuing basis and earning at least \$((9,000))10,200 on an annual basis \$((750))850 monthly or \$((+74))213 weekly.

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

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

(12) "Displaced homemaker program" means the program of contracts for multipurpose service centers and programs of service for displaced homemakers authorized by the act.

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

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

(a) Job counseling services, which shall:

(i) Be specifically designed for displaced homemakers;

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

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

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

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

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

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

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

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

(i) Include general principles of preventative health care;

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

(iii) Include family health care and nutrition;

(iv) Include alcohol and drug abuse; and

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

(d) Financial management services, which shall:

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

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

(e) Educational services, which shall:

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

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

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

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

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

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

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

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

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

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

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

AMENDATORY SECTION (Amending Order 2/84, Resolution No. 84-76, filed 7/3/84)

WAC 250-44-050 UTILIZATION OF AVAILABLE CONTRACT FUNDS. (1) Each biennium the executive coordinator shall issue contract application guidelines which shall establish criteria for specific utilization of available contract funds. The guidelines shall set forth:

(a) The maximum contract amount for a multipurpose service center to be provided ~~((from funds available))~~ depending on available funds under the act during the ((+1983-85)) 1985-87 biennium shall ((be \$3,800)) not exceed \$4,000 per month.

(b) The maximum contract amount for a contract for a program or programs of service ~~((from funds available))~~ depending on available funds under the act during the ((+1983-85)) 1985-87 biennium shall ((be \$2,500)) not exceed \$2,700 per month.

(c) A reservation of funds for contracts to provide state-wide outreach and information services and/or training for service providers.

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

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

AMENDATORY SECTION (Amending Order 2/84, Resolution No. 84-76, filed 7/3/84)

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

(1) Contracts for operation of multipurpose service centers during the ~~((+1983-85)) 1985-87 biennium~~ may cover operations beginning as early as ~~((September 1, +1984)) July 1, 1985~~ and ending June 30, ~~((+1985)) 1987.~~

(2) Contracts for operation of programs of services during the ~~((+1983-85)) 1985-87 biennium~~ may cover operations beginning as early as ~~((September 1, +1984)) July 1, 1985~~ and ending June 30, ~~((+1985)) 1987.~~

AMENDATORY SECTION (Amending Order 2-82, Resolution No. 82-54, filed 7/12/82)

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

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

(2) Sponsoring organizations will submit requests for payment ~~((in a))~~ on Invoice Voucher A 19-x form and ~~((containing))~~ to contain information specified by the executive coordinator to include ~~((information))~~:

(a) ~~((Total payments received to date;~~

(b) ~~Estimated expenditures to date;~~

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

(d) ~~Balance required to cover estimated expenditures))~~ Actual expenditures for request period;

(b) Expenditures listed by the following categories: Personnel, travel, facilities, advertising, supplies/materials, communications, and other.

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

(4) Requests for payments must be received in the council office at least two weeks prior to the requested payment date.

AMENDATORY SECTION (Amending Order 2/84, Resolution No. 84-76, filed 7/3/84)

WAC 250-44-130 CALENDAR AND CLOSING DATES FOR LETTERS OF INTENT, APPLICATIONS AND AWARDS. (1) Sponsoring organizations wishing to apply for contracts to continue operation of multipurpose service centers, shall submit to the executive

coordinator a letter of intent, accompanied by appropriate documentation of nonprofit status in the case of nonpublic applicants, by ~~((Monday, June 18, +1984))~~ Wednesday, April 10, 1985 as specified in the contract application guidelines.

(2) The executive coordinator or his designee will screen the letters of intent for multipurpose service centers, prepare a list of all eligible sponsoring organizations which filed letters of intent and distribute the list to all organizations on the list, by ~~((Monday, June 25, +1984))~~ Wednesday, April 17, 1985 or seven days from the filing date for letters of intent as specified in the contract application guidelines.

(3) Applications for contracts for multipurpose service centers may be submitted by sponsoring organizations on the list pursuant to subsection ((2)) (2) of this section. The closing dates for such applications by Monday, ~~((July 9, +1984))~~ May 13, 1985 as specified in the contract application guidelines.

(4) Sponsoring organizations wishing to apply for contracts to operate programs of service and a state-wide outreach and information services program shall submit to the executive coordinator a letter of intent, accompanied by appropriate documentation of nonprofit status in the case of nonpublic applicants, by ~~((Monday, June 18, +1984))~~ Wednesday, April 10, 1985.

(5) The executive coordinator or his designee will screen the letters of intent for programs of service and a state-wide outreach and information services program, prepare a list of all eligible sponsoring organizations which filed letters of intent, and distribute the list to all organizations on the list, by ~~((Monday, June 25, +1984))~~ Wednesday, April 17, 1985, or seven days from the filing date for letters of intent as specified in the contract application guidelines.

(6) Applications for contracts for programs of service and a state-wide outreach and information services program may be submitted by sponsoring organizations on the list pursuant to subsection ((5)) (5) of this section by Monday, ~~((July 9, +1984))~~ May 13, 1985 as specified in the contract application guidelines.

(7) The executive committee of the council will approve awards of contracts, provided qualifying applications were received by the closing dates specified in this section and in the guidelines.

(8) In the event that available funds for contracts under the act are not fully utilized after approval of contracts the executive coordinator may either establish a new calendar for further consideration of applications and award of contracts or award supplemental funds to existing centers and programs by amendment of contracts in effect.

WSR 85-06-059
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed March 6, 1985]

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 patient overutilization, amending WAC 388-86-008;

that the agency will at 10:00 a.m., Wednesday, March 27, 1985, in the Auditorium, Office Building #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 April 3, 1985.

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

The specific statute these rules are intended to implement is chapter 74.09 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 27, 1985.

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 Administrative Regulations Section, at State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by March 13, 1985. The meeting site is in a location which is barrier free.

This notice is connected to and continues the matter in Notice No. WSR 85-03-080 filed with the code reviser's office on January 18, 1985.

Dated: March 6, 1985

By: David A. Hogan, Director
Division of Administration and Personnel

WSR 85-06-060
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Order 2210—Filed March 6, 1985]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to retrospective budgeting and prospective eligibility, amending WAC 388-28-483.

This action is taken pursuant to Notice No. WSR 85-03-067 filed with the code reviser on January 17, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

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

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED March 6, 1985.

By David A. Hogan, Director
Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 2049, filed 11/16/83)

WAC 388-28-483 RETROSPECTIVE BUDGETING, PROSPECTIVE BUDGETING, AND PROSPECTIVE ELIGIBILITY. (1) The CSO shall determine eligibility based on the best estimate of income and circumstances which will exist in the month for which the assistance payment is made.

(2) For the first two months of initial eligibility, all income shall be budgeted prospectively. (See subsection

(3) of this section for exceptions.) The CSO shall compute the amount of the assistance payment based on the expected income and circumstances which will exist in the month for which the assistance payment is made.

(3) Retrospective budgeting shall be used for the first two months of initial eligibility when:

(a) There has been less than one month's break in assistance (i.e., the applicant received assistance in the preceding month, or would have received assistance except for the prohibition on payments less than ten dollars).

(b) Assistance had been suspended due to an extra pay day for the month prior to the month of application, assistance had been terminated at the end of the month of suspension, and the applicant's circumstances for the initial authorization month have not changed significantly from those prior to termination.

(c) A case is reopened as terminated in error.

(4) After the first two months of initial eligibility, all income shall be budgeted retrospectively.

(a) The CSO shall compute the amount of assistance based on the income and circumstances which existed in the second month preceding the month for which the payment is made.

(b) All income received ((before)) during the ((date)) calendar month of application approval shall ((not)) be considered for retrospective budgeting purposes.

(c) Nonrecurrent income which is budgeted prospectively during the first two months of eligibility shall not be budgeted again when retrospective budgeting begins.

(d) Definitions:

(i) The calendar month for which payment is made shall be called the payment month.

(ii) The second calendar month preceding the payment month shall be called the budget/report month.

(iii) The calendar month between the budget/report month and the payment month shall be called the process month.

(5) See WAC 388-33-140 for effective date of increase or decrease of the grant. See WAC 388-33-135 for effective dates of ineligibility.

WSR 85-06-061
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Order 2211—Filed March 6, 1985]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Food stamps—Issuances replacement allotments, amending WAC 388-54-800.

This action is taken pursuant to Notice No. WSR 85-03-040 filed with the code reviser on January 11, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 74.04.510 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED March 6, 1985.

By David A. Hogan, Director
Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 1962, filed 5/19/83)

WAC 388-54-800 ISSUANCE—REPLACEMENT ALLOTMENTS. (1) Effective January 1, 1982, households may request a replacement for that portion of food coupons received, but subsequently destroyed by a household disaster, such as fire or flood and not to exceed one month food stamp allotment.

The following applies:

(a) The household shall report the destruction to the department within ten days of the incident or within the period of intended use, whichever is earlier.

(b) The household shall sign an affidavit attesting to the destruction.

(c) The disaster shall be verified through either a collateral contact, documentation from a community agency including, but not limited to, the fire department or the Red Cross, or through a home visit.

(d) Replacement of coupons reported as destroyed subsequent to receipt shall be made only once in a six-month period. The department shall deny the request for replacement if in the previous five-month period the household has been issued a replacement for either coupons or an FCA reported as destroyed subsequent to receipt.

(e) The department shall issue replacement coupons, if warranted, within ten days of request for replacement.

(f) The department shall not issue a replacement of coupons if lost or misplaced after receipt.

(g) In a FNS declared disaster, the household shall not receive both the disaster allotment and a replacement allotment.

(2) Within the period of intended use, households may request a replacement for an FCA received but mutilated or subsequently destroyed in a household disaster, such as a fire or flood or stolen. The following applies:

(a) The household shall report the theft ((or)), destruction, or mutilation to the department within ten days of the incident or within the period of the FCA's intended use, whichever is earlier.

(b) The household shall sign an affidavit with the department attesting to the theft or destruction.

(c) The department shall verify the disaster or theft through either a collateral contact, documentation from a community agency including, but not limited to, the fire department or the Red Cross, or through a home visit.

(d) Replacement of an FCA reported stolen subsequent to receipt shall be made only once in a six-month

period. Replacement of an FCA or coupons reported as destroyed subsequent to receipt shall be made only once in a six-month period. If, in the previous five months, the household has been issued a replacement for an FCA reported stolen subsequent to receipt, then a request for a replacement of a stolen FCA shall be denied. If, in the previous five months, the household has been issued a replacement of an FCA or coupons reported as destroyed, then the request for a replacement of a destroyed FCA shall be denied.

(e) The department shall issue a replacement, if warranted, within ten days of receipt of requests.

(f) Replacement of the FCA shall be denied or delayed when documentation exists substantiating the request for replacement is fraudulent. The household shall be informed of the household's right to a fair hearing to contest the denial or delay of the replacement of the FCA. The denial or delay of the replacement shall remain in effect pending the hearing decision.

(g) The department shall not issue a replacement FCA or coupons if lost or misplaced after receipt.

(h) The department shall determine that a mutilated FCA is identifiable as belonging to the household requesting the replacement. An unidentifiable FCA shall be treated the same as an FCA which has been lost after receipt.

(3) The department shall issue a replacement FCA stolen or lost in the mail prior to receipt when reported in the period of the FCA's intended use and the household has not been issued two replacements in the previous five months. The following applies:

(a) The department shall determine if the FCA was valid when issued, actually mailed, and if sufficient time has elapsed for delivery.

(b) The household shall sign an affidavit attesting to the nonreceipt of the FCA.

(c) The department shall issue a replacement FCA no more than ten days after report of nondelivery has been received.

(d) The department shall deny or delay the FCA replacement if documentation indicates the request is fraudulent. The household shall be informed of the right to a fair hearing. The denial or delay of the FCA replacement remains in effect pending the hearing decision.

(e) The department shall utilize other delivery methods after two requests are received for replacement of an original or replacement FCA in a six-month period.

(4) The department shall issue replacement coupons only if the coupons are reported stolen from the mail or lost in the mail prior to receipt in the period of intended use, and the household has not been issued two replacements in the previous five months. The following applies:

(a) The department shall determine if the coupons were validly issued, actually mailed, and if sufficient time had elapsed for delivery.

(b) The household shall sign an affidavit attesting to the nondelivery.

(c) The department shall issue replacement coupons no more than ten calendar days after the report of nondelivery of first class mail has been received.

(d) Certified mail coupons.

(i) The department shall deny the request for replacement for coupons mailed by certified mail if a signed receipt of delivery is obtained by the post office from any person residing or visiting at the address provided by the household. These coupons are not replaceable as they are considered stolen after receipt.

(ii) In any other certified mail replacement circumstance, the department will use prudent judgment to determine whether coupons were lost or stolen before or after receipt.

(iii) The department will replace coupons, if otherwise eligible, within ~~((fifteen))~~ ten calendar days after household reports nondelivery of certified mail.

(e) The department shall utilize other delivery methods after one report of nondelivery of either full or partial allotments in a six-month period.

(f) If delivery of a partial allotment is reported, the department shall determine the value of coupons and ~~((corroborated))~~ corroborate by evidence that the coupon loss was due to damage in the mail before delivery or a discrepancy in the issuance unit's inventory. If receipt of a partial allotment is due to an error in issuance unit, the remainder of the allotment shall be issued regardless of the number of times the household has received replacements in the past five months.

(5) The department shall replace food purchased with food coupons when destroyed in a disaster affecting a participating household, not to exceed one month's food coupon allotment when reported within ten days of the loss. The following applies:

(a) The department shall verify the disaster through a collateral contact, a community organization such as the fire department, Red Cross, or a home visit.

(b) The department shall issue a replacement allotment no more than ten days after report of the loss.

(c) The household shall not receive both an FNS declared disaster allotment and a replacement allotment under this provision.

WSR 85-06-062
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2212—Filed March 6, 1985]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to administrative hearings, amending WAC 388-54-817.

This action is taken pursuant to Notice No. WSR 85-03-020 filed with the code reviser on January 8, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 74.04.510 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED March 6, 1985.

By David A. Hogan, Director
Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 2032, filed 10/6/83)

WAC 388-54-817 ADMINISTRATIVE HEARINGS. Fair hearings in the food stamp program are governed by chapters 10-08, 388-08 WAC, and this section.

(1) This subsection governs a food stamp applicant's or recipient's appeal of a department action or decision that aggrieves him or her.

(a) An applicant or participant in the food stamp program has the right to a fair hearing:

(i) On an action by the department or loss of benefits which occurred in the prior ninety days;

(ii) On a denial of a request for restoration of any benefits lost more than sixty days, but less than a year prior to the request;

(iii) At any time within a certification period to dispute the household's current level of benefits.

(b) The appellant must make the request for a hearing within ninety days of receipt of the decision he or she wishes to appeal.

(c) The final administrative decision is to be made within sixty days of the department's receipt of the request for hearing.

(i) The decision-rendering time is extended by as many days as the hearing is continued by a continuance or continuances made on motion by or with the assent of the appellant.

(ii) A hearing request from a household ~~((that plans))~~ planning to move from the state before the hearing decision would normally be entered shall be expedited.

(d) Before and during the hearing, the appellant or his or her representative with appellant's written authorization, may inspect the department file or files containing information related to the issue raised in the request for hearing. WAC 388-08-435 states the right of access to, and procedures for disclosure of, investigative and intelligence files.

(e) The hearing is conducted in the county of the appellant's residence unless the appellant moves for or assents to the hearing being conducted in another county. When the hearing is conducted by telephone, for the purposes of this rule the hearing is conducted in the appellant's county of residence when the appellant participates in the hearing from a location in his or her county of residence regardless of the location or locations from which the department's representative and/or the presiding and review officer participate in the hearing.

(f) The decision-rendering procedure is the initial decision, petition for review, and review decision procedure described in WAC 388-08-409 and 388-08-413, except the period to timely file a petition for review is ten days from the date the initial decision was mailed.

(g) The department is responsible for carrying out the hearing decision.

(i) If the hearing authority determines a household was incorrectly denied program benefits or was issued a lesser allotment than was due, lost benefits shall be provided to the household.

(ii) If the hearing authority determines a household is entitled to an increase in benefits, the increase shall be reflected in the coupon allotment within ten days of the receipt of the hearing decision even if the department must provide a supplementary FCA or otherwise provide the household with the opportunity to obtain the allotment outside of the normal issuance cycle.

(iii) If the hearing authority determines a household is entitled to a decrease in benefits, the decrease shall be reflected in the next scheduled issuance following entry of the final decision.

(iv) If the hearing authority determines the department's action was correct, a claim against the household for any overissuances shall be prepared and processed.

(h) A copy of the tape recording of the hearing is provided at no cost to the appellant upon written request. The request must be made within one year of the hearing and made to the office of hearings.

(2) Administrative disqualification hearings are governed by this subsection.

(a) The individual alleged to have committed an act of intentional program violation shall be given at least thirty days advance notice of the hearing date.

(b) The notice of hearing shall be served on the individual alleged to have committed intentional program violation by a method which obtains proof of receipt.

(c) The notice of hearing shall comply with WAC 10-08-040 and the notice, and/or the complaint accompanying the notice, shall contain the following information necessary to comply with federal requirements:

(i) The allegations against the individual;

(ii) A summary of the department's evidence and how and where the evidence can be examined;

(iii) A statement that if the individual or his or her representative fails without good cause to appear at the hearing, a decision will be made based solely on the evidence and argument the department presents(

~~(iv))~~ and a statement that the individual has ten days from the date of the scheduled hearing to file a motion with the presiding officer showing good cause for the failure to appear and seeking a new hearing.

(iv) A statement that if the hearing is scheduled to be conducted by telephone, the individual can have it changed to an in-person hearing by filing a motion so requesting with the administrative law judge at least one week before the day the hearing is scheduled to be conducted.

(d) The individual, or his or her representative, has the right to one continuance of up to thirty days upon request, provided the motion for the continuance is filed at least ten days in advance of the hearing date.

(e) If the individual alleged to have committed intentional program violation, or his or her representative,

fails to appear at the hearing without good cause, the hearing shall be conducted without the individual or representative.

(i) The decision shall be based solely on the evidence and argument the department presents.

(ii) The individual has ten days from the date of the scheduled hearing to file a motion with the presiding officer showing good cause for failure to appear and requesting that the hearing be reinstated.

(f) If the hearing is scheduled to be conducted by telephone and the individual requests it to be changed to an in-person hearing by motion filed at least one week before the day the hearing is originally scheduled to be conducted, the administrative law judge shall grant the motion. If the motion is filed one week or less before the hearing is originally scheduled to be conducted, the administrative law judge shall grant the motion if the moving party shows good cause for having the hearing conducted in person. See WAC 10-08-180.

(g) When the individual appears at the disqualification hearing, the presiding officer shall advise the individual that he or she may refuse to answer questions during the hearing.

~~((g))~~ (h) The burden of showing intentional program violation is on the department. The burden of proof is clear and convincing evidence.

(i) The decision-rendering procedure is the proposal for decision, exception and argument, administrative decision procedure described in WAC 388-08-406.

~~((h))~~ (j) The final administrative decision shall be entered within ninety days of the date the individual receives the notice of hearing((, the final decision shall be entered)).

(3) When a food stamp overpayment allegation is combined with a disqualification allegation, subsections (2) and (3) of this section govern the hearing.

(a) The department may combine a food stamp overpayment allegation and an administrative disqualification allegation into a single hearing when the facts alleged for each arise out of the same or related circumstances.

(b) When the overpayment and disqualification allegations are combined into a single hearing, the department must give the individual alleged to have committed intentional program violation and the person or persons alleged to be liable for the overpayment prior notice. Such notice may be given in the notice or notices of hearing or other written document which apprises the individual that the hearings have been combined.

(c) When the overpayment and the disqualification hearings are combined, the hearing procedures and time frames shall be those applicable to a disqualification hearing.

(d) When the overpayment allegation and the disqualification allegation hearings are combined, the household loses its right to a subsequent fair hearing on the overpayment allegation.

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 85-06-063
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)

[Order 2213—Filed March 6, 1985]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to IMR program and reimbursement system, amending chapter 275-38 WAC.

This action is taken pursuant to Notice No. WSR 85-03-006 filed with the code reviser on January 3, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 74.09.120 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 March 6, 1985.

By David A. Hogan, Director
 Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 2150, filed 9/17/84)

WAC 275-38-001 TERMS. Unless the context clearly requires otherwise, the following terms shall have the meaning set forth in this section when used in this chapter.

(1) "Accrual method of accounting" – A method of accounting where revenues are reported in the period when earned, regardless of when collected, and expenses are reported in the period incurred, regardless of when paid.

(2) "Active treatment in institutions for the mentally retarded" requires the following:

(a) The individual's regular participation, in accordance with an individual habilitation plan, in professionally developed and supervised activities, experiences, or therapies.

(b) A written individual habilitation plan setting forth measurable goals or objectives stated in terms of desirable behavior and prescribing an integrated program of activities, experiences, or therapies necessary for the individual to reach the goals or objectives. The overall purpose of the plan is to help the individual function at the greatest physical, intellectual, social, or vocational level he or she can presently or potentially achieve.

(c) An interdisciplinary professional evaluation:

(i) Completed, for a recipient, before admission to the institution but not more than three months before, and for an individual applying for Medicaid after admission, before the institution requests payment;

(ii) Consisting of complete medical, social, psychological diagnosis and evaluations, and an evaluation of the individual's need for institutional care; and

(iii) Made by a physician, a social worker, and other professionals, at least one of whom is a qualified mental retardation professional.

(d) Reevaluation medically, socially, and psychologically at least annually by the staff involved in carrying out the resident's individual plan of care. The reevaluation must include review of the individual's progress toward meeting the plan objectives, the appropriateness of the individual plan of care, assessment of his or her continuing need for institutional care, and consideration of alternate methods of care.

(e) An individual postinstitutionalization plan, as part of the individual plan of care, developed before discharge by a qualified mental retardation professional and other appropriate professionals.

(3) "Allowable costs" – See WAC 275-38-680.

(4) "Appraisal" – The process of establishing the fair market value or reconstruction of the historical cost of an asset acquired in a past period as performed by an individual professionally designated either by the American institute of real estate appraisers as a member, appraisal institute (MAI), or by the society of real estate appraisers as a senior real estate analyst (SREA) or a senior real property appraiser (SRPA). The process includes a systematic, analytic determination, the recording and analyzing of property facts, rights, investments, and values based on a personal inspection and inventory of the property.

(5) "Arm's-length transaction" – A transaction resulting from good-faith bargaining between a buyer and seller, where neither party is legally related to the other party by blood or under law, and having adverse positions in the market place. Sales or exchanges of IMR or nursing home facilities among two or more parties where all parties subsequently continue to own one or more of the facilities involved in the transaction shall not be considered arm's-length transactions. Sale of an IMR facility subsequently leased back to the seller within five years of the date of sale shall not be considered an arm's-length transaction.

(6) "Assets" – Economic resources of the contractor, recognized, and measured in conformity with generally accepted accounting principles. Assets also include certain deferred charges((-)) which are not resources((-)) but (assets) which are recognized and measured in accordance with generally accepted accounting principles. The value of assets acquired in a change of ownership entered into after September 30, 1984, shall not exceed the acquisition cost of the owner of record as of July 18, 1984.

(7) "Bad debts" – Amounts considered to be uncollectable from accounts and notes receivable.

(8) "Beds" – Unless otherwise specified, the number of set-up beds in the IMR facility, not to exceed the number of licensed beds.

(9) "Beneficial owner" – Any person:

(a) Directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise has or shares:

(i) Voting power including the power to vote, or to direct the voting of such ownership interest; and/or

(ii) Investment power including the power to dispose, or to direct the disposition of such ownership interest.

(b) Directly or indirectly, creates or uses a trust, proxy, power of attorney, pooling arrangement, or any other contract, arrangement, or device with the purpose or effect of divesting himself or herself of beneficial ownership of an ownership interest or preventing the vesting of such beneficial ownership as part of a plan or scheme to evade the reporting requirements of this chapter.

(c) Subject to subsection (9) of this section, has the right to acquire beneficial ownership of such ownership interest within sixty days, including but not limited to any right to acquire:

(i) Through the exercise of any option, warrant, or right;

(ii) Through the conversion of an ownership interest;

(iii) Pursuant to the power to revoke a trust, discretionary account, or similar arrangement; or

(iv) Pursuant to the automatic termination of a trust, discretionary account, or similar arrangement;

Except, any person acquiring an ownership interest or power specified in subsection (9)(c)(i), (ii), or (iii) of this section with the purpose or effect of changing or influencing the control of the contractor, or in connection with or as a participant in any transaction having such purpose or effect, immediately upon such acquisition shall be deemed to be the beneficial owner of the ownership interest acquired through the exercise or conversion of such ownership interest or power.

(d) Any person in the ordinary course of business having a pledgee of ownership interest under a written pledge agreement shall not be deemed to be the beneficial owner of such pledged ownership interest until the pledgee has taken all formal steps necessary required to declare a default and determine the power to vote or to direct the vote or to dispose or to direct the disposition of such pledged ownership interest will be exercised: PROVIDED, That

(i) The pledge agreement is bona fide and was not entered into with the purpose nor with the effect of changing or influencing the control of the contractor, nor in connection with any transaction having such purpose or effect, including persons meeting the conditions set forth in subsection (9) of this section; and

(ii) The pledge agreement, prior to default, does not grant to the pledgee:

(A) The power to vote or direct or to direct the vote of the pledged ownership interest; or

(B) The power to dispose or direct the disposition of the pledged ownership interest, other than the grant of such power or powers pursuant to a pledge agreement where credit is extended and where the pledgee is a broker or dealer.

(10) "Boarding home" – Means any home or other institution licensed in accordance with chapter 18.20 RCW.

(11) "Capitalization" – The recording of an expenditure as an asset.

(12) "Capitalized lease" – A lease required to be recorded as an asset and associated liability in accordance with generally accepted accounting principles.

(13) "Cash method of accounting" – A method of accounting where revenues are recognized only when cash is received, and expenditures are expensed, and asset items are not recorded until cash is disbursed.

(14) "Change of ownership" – A change in the individual or legal organization responsible for the daily operation of an IMR facility.

(a) Events changing ownership include but are not limited to the following:

(i) The form of legal organization of the owner is changed (such as a sole proprietor forms a partnership or corporation);

(ii) Title to the IMR enterprise is transferred by the contractor to another party;

(iii) The IMR facility is leased, or an existing lease is terminated;

(iv) Where the contractor is a partnership, any event occurs dissolving the partnership;

(v) Where the contractor is a corporation, the corporation is dissolved, merges with another corporation which is the survivor, or consolidates with one or more other corporations to form a new corporation.

(b) Ownership does not change when the following occurs:

(i) A party contracts with the contractor to manage the enterprise as the contractor's agent, (i.e., subject to the contractor's general approval of daily operating decisions);

(ii) If the contractor is a corporation, some or all of the corporation's stock is transferred.

(15) "Charity allowances" – Reductions in charges made by the contractor because of the indigence or medical indigence of a resident.

(16) "Contract" – A contract between the department and a contractor for the delivery of IMR services to eligible Medicaid recipients in a facility and an entity responsible for operational decisions.

(17) "Contractor" – An entity contracting with the department to deliver IMR services to eligible Medicaid recipients.

(18) "Courtesy allowances" – Reductions in charges in the form of an allowance to physicians, clergy, and others, for services received from the contractor. Employee fringe benefits are not considered courtesy allowances.

(19) "CSO" – The local community services office of the department.

(20) "DDD" – The division of developmental disabilities of the department.

(21) "Department" – The department of social and health services (DSHS) and employees.

(22) "Depreciation" – The systematic distribution of the cost or other base of a tangible asset less salvage, over the estimated useful life of the asset.

(23) "Donated asset" – An asset the contractor acquired without making any payment in the form of cash, property, or services. An asset is not a donated asset if the contractor made even a nominal payment in acquiring the asset. An asset purchased using donated funds is not a donated asset.

(24) "Entity" – An individual, partnership, corporation, public institution established by law, or any other

association of individuals, capable of entering enforceable contracts.

(25) "Equity capital" – Total tangible and other assets necessary, ordinary, and related to patient care from the most recent provider cost report minus related total long-term debt from the most recent provider cost report plus working capital as defined in this section.

(26) "Facility" – A residential setting certified as an IMR by the department in accordance with federal regulations. A state facility is a state-owned and operated residential habilitation center. A nonstate facility is a residential setting which is not owned and operated by the state and which is licensed in accordance with chapter 18.51 RCW as a nursing home or chapter 18.20 RCW as a boarding home.

(27) "Fair market value" – The price the asset would have been purchased for on the date of acquisition in an arm's-length transaction between a well-informed buyer and seller, neither being under any compulsion to buy or sell.

(28) "Fiscal year" – The operating or business year of a contractor. All contractors report on the basis of a twelve-month fiscal year, but provision is made in this chapter for reports covering abbreviated fiscal periods.

(29) "Generally accepted accounting principles" – Accounting principles currently approved by the financial accounting standard board (FASB).

(30) "Goodwill" – The excess of the price paid for a business over the fair market value of all other identifiable and tangible assets acquired. Also, the excess of the price paid for an asset over fair market value.

(31) "Habilitative services" – Those services required by the individual habilitation plan provided or directed by qualified therapists.

(32) "Historical cost" – The actual cost incurred in acquiring and preparing an asset for use, including feasibility studies, architects' fees, and engineering studies.

(33) "Imprest fund" – A fund regularly replenished in exactly the amount expended from the fund.

(34) "IMR" – When referring to a facility, one certified to provide services to the mentally retarded or persons with related conditions. When referring to a level of care, IMR is a range of services required for the mentally retarded or persons with related conditions. When referring to a person, a recipient requiring IMR services.

(35) "Interest" – The cost incurred for the use of borrowed funds, generally paid at fixed intervals by the user.

(36) "Joint facility costs" – Any costs representing expenses incurred benefiting more than one facility, or one facility and any other entity.

(37) "Levels of care" – The classification of levels of services provided to residents by a contractor, (e.g., levels A, B, C, D, and E).

(38) "Medicaid program" – The state medical assistance program provided under RCW 74.09.500 or authorized state medical services.

(39) "Medical assistance recipient" – An individual determined eligible for medical assistance by the department for the services provided in chapter 74.09 RCW.

(40) "Nonallowable costs" – Same as "unallowable costs."

(41) "Nonrestricted funds" – Donated funds not restricted to a specific use by the donor, (e.g., general operating funds).

(42) "Nursing home" – A home, place, or institution, licensed in accordance with chapter 18.51 RCW, where skilled nursing, intermediate care, and/or IMR services are delivered.

(43) "Operating lease" – A lease under which rental or lease expenses are included in current expenses in accordance with generally accepted accounting principles.

(44) "Owner" – A sole proprietor, general or limited partner, or beneficial interest holder of five percent or more of a corporation's outstanding stock.

(45) "Ownership interest" – All interests beneficially owned by a person, calculated in the aggregate, regardless of the form such beneficial ownership takes.

(46) "Per diem (per resident day) costs" – Total allowable costs for a fiscal period divided by total resident days for the same period.

(47) "Prospective daily payment rate" – The daily amount assigned to each contractor, determined by the department to be reasonable to meet the costs of providing services required by law if the contractor provides those services in an economical and efficient manner. Such a rate is a budget for maximum expenditures necessary to provide services required by law.

(48) "Qualified mental retardation professional (QMRP)" – A therapist approved by the department having specialized training and one year's experience in working with the mentally retarded or developmentally disabled.

(49) "Qualified therapist" – Any of the following:

(a) An activities specialist having specialized education, training, or experience as specified by the department.

(b) An audiologist eligible for a certificate of clinical competence in audiology or having the equivalent education and clinical experience.

(c) A dental hygienist as defined by chapter 18.29 RCW.

(d) A dietitian: Eligible for registration by the American dietetic association under requirements in effect on January 17, 1974; or having a baccalaureate degree with major studies in food and nutrition, dietetics, or food service management; having one year supervisory experience in the dietetic service of a health care institution; and participating annually in continuing dietetic education.

(e) An occupational therapist being a graduate of a program in occupational therapy, or having the equivalent of such education or training.

(f) A pharmacist as defined by chapter 18.64 RCW.

(g) A physical therapist as defined by chapter 18.74 RCW.

(h) A physician as defined by chapter 18.71 RCW or an osteopathic physician as defined by chapter 18.57 RCW.

(i) A psychologist as defined by chapter 18.83 RCW.

(j) A qualified mental retardation professional.

(k) A registered nurse as defined by chapter 18.88 RCW.

(l) A social worker who is a graduate of a school of social work.

(m) A speech pathologist eligible for a certificate of clinical competence in speech pathology or having the equivalent education and clinical experience.

(50) "Recipient" – An eligible medical care recipient.

(51) "Regression analysis" – A statistical technique through which one can analyze the relationship between a dependent or criterion variable and a set of independent or predictor variables.

(52) "Regional services" – Local office division of developmental disabilities.

(53) "Related organization" – An entity which is under common ownership and/or control with, or has control of or is controlled by, the contractor. An entity is deemed to "control" another entity if one entity has a five percent or greater ownership interest in the other, or if an entity has capacity, derived from any financial or other relationship, and whether or not exercised, to influence directly or indirectly the activities of the other.

(54) "Relative" – Spouse; natural parent, child, or sibling; adopted child or adoptive parent; stepparent, stepchild, stepbrother, stepsister; father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law; grandparent or grandchild; uncle, aunt, nephew, niece, or cousin.

(55) "Resident day" – A calendar day of resident care. In computing calendar days of care, the day of admission is always counted. The day of discharge is counted only when the resident was admitted on the same day. A resident is admitted for purposes of this definition when he or she is assigned a bed and a resident record is opened.

(56) "Resident living staff" – Staff whose primary responsibility is the care and development of the residents, including:

(a) Resident activity program;

(b) Domiciliary services; and/or

(c) Habilitative services under the supervision of the QMRP.

(57) "Restricted fund" – A fund where the use of the principal and/or income is restricted by agreement with or direction by the donor to a specific purpose, in contrast to a fund over which the owner has complete control. These generally fall into three categories:

(a) Funds restricted by the donor to specific operating purposes;

(b) Funds restricted by the donor for additions to property, plant, and equipment; and

(c) Endowment funds.

(58) "Secretary" – The secretary of DSHS.

(59) "Start-up costs" – The one-time preopening costs incurred from the time preparation begins on a newly constructed or purchased building until the first resident is admitted. Start-up costs include administrative and nursing salaries, utility costs, taxes, insurance, repairs and maintenance, training costs, etc. Start-up costs do not include expenditures for capital assets.

(60) "Title XIX" – The 1965 amendments to the Social Security Act, P.L. 89-07, as amended.

(61) "Unallowable costs" – Costs not meeting every test of an allowable cost, as determined in WAC 275-38-680.

(62) "Uniform chart of accounts" – A list of account titles identified by code numbers established by the department for contractors to use in reporting costs.

(63) "Vendor number" – A number assigned to each contractor delivering IMR services to IMR Medicaid recipients.

(64) "Working capital" – Total current assets necessary, ordinary, and related to resident care as reported in the most recent cost report minus total current liabilities necessary, ordinary, and related to resident care from the most recent cost report.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-745 ALLOWABLE INTEREST.

(1) The contractor's necessary and ordinary interest for working capital and capital indebtedness will be allowable.

(a) To be necessary, interest must be incurred in connection with a loan satisfying a financial need of the contractor and be for a purpose related to resident care and training. Interest expense relating to business opportunity or goodwill will not be allowed.

(b) To be ordinary, interest must be at a rate not in excess of what a prudent borrower would have to pay at the time of the loan in an arm's-length transaction in the money market.

(c) Interest expense shall include amortization of bond discounts and expenses related to the bond issue. Amortization shall be over the period from the date of sale to the date of maturity or, if earlier, the date of extinguishment of the bonds.

(d) Interest expense for assets acquired in a change of ownership entered into after September 30, 1984, shall be disallowed in proportion to the amount by which the loan principal for the acquired assets exceeds the original depreciation base of the owner of the assets as of July 18, 1984.

(2) Interest paid to or for the benefit of a related organization will be allowed only to the extent the actual interest does not exceed the cost to the related organization of obtaining the use of the funds.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-785 DEPRECIATION BASE. (1)

The depreciation base shall be the historical cost of the contractor in acquiring the asset from an unrelated organization and preparing depreciation base for use, less goodwill and less accumulated depreciation incurred during periods the assets have been used in or as a facility by the contractor, such accumulated depreciation to be measured in accordance with subsection (4) of this section and WAC 275-38-790, 275-38-795, and 275-38-800. If the department challenges the historical cost of an asset or a contractor is not able to provide adequate documentation of the historical cost of an asset, the department may have the fair market value of the

asset at the time of purchase established by appraisal. The fair market value of items of equipment will be established by appraisals performed by vendors of the particular type of equipment. When these appraisals are conducted, the depreciation base of the asset will not exceed fair market value. Estimated salvage value shall be deducted from historical cost where the straight-line or sum-of-the-years digits method of depreciation is used.

(2) Effective January 1, 1981, for purposes of setting rates for rate periods beginning July 1, 1982, and subsequently, subsection (1) of this section shall be applied with the phrase "in an arm's-length transaction" replacing the phrase "from an unrelated organization."

(3) Effective July 1, 1982, in all cases subsection (1) of this section shall be applied with the phrase "in an arm's-length transaction" replacing the phrase "from an unrelated organization."

(4) Where depreciable assets are acquired from a related organization, the contractor's depreciation base shall not exceed the base the related organization had or would have had under a contract with the department.

(5) The depreciation base for assets acquired in a change of ownership entered into after September 30, 1984, shall not exceed the acquisition cost base of the owner of the assets as of July 18, 1984.

AMENDATORY SECTION (Amending Order 2150, filed 9/17/84)

WAC 275-38-831 REIMBURSEMENT PRINCIPLES. (1) Medicaid program reimbursement rates established under the provisions of this chapter shall be only for facilities holding appropriate state licenses and certified to provide IMR services in accordance with applicable state and federal laws and regulations.

(2) Rates established shall be reasonable and adequate to meet the costs that must be incurred by economically and efficiently operated facilities to provide services in conformity with applicable state and federal laws and regulations.

(3) For nonstate facilities, final payment shall be the lower of their prospective rate or allowable costs.

(a) Prospective rates for nonstate facilities shall be determined in accordance with WAC 275-38-845, 275-38-846, 275-38-850, 275-38-860, 275-38-863, 275-38-865, 275-38-868, 275-38-869, 275-38-870, 275-38-875, and 275-38-880.

(b) Final payments for nonstate facilities shall be determined in accordance with WAC 275-38-886.

(4) For state facilities, final payment shall be their allowable costs.

(a) Interim rates for state facilities shall be determined in accordance with WAC 275-38-846 and 275-38-890.

(b) Final payments for state facilities shall be determined in accordance with WAC 275-38-892.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-850 COST CENTERS. (1) A contractor's overall reimbursement rate for IMR residents

consists of the total of ~~((five))~~ three component rates, each covering one cost center. The five cost centers are: ~~((1) Residential))~~ Resident care and habilitative services; food; administration and operations; property; and return on equity;

(2) ~~((Food;~~

~~(3) Administration and operations;~~

~~(4) Property; and~~

~~(5) Return on equity))~~ Effective January 1, 1985, a

contractor's reimbursement rate for IMR residents consists of the total of three component rates, each covering one cost center. The three cost centers are: Resident care and habilitation; administration, operations, and property; and return on equity.

AMENDATORY SECTION (Amending Order 2150, filed 9/17/84)

WAC 275-38-860 RESIDENT CARE AND ~~((HABILITATIVE SERVICES))~~ HABILITATION COST CENTER RATE. (1) For C and D level facilities, the resident care and ~~((habilitative services))~~ habilitation cost center will reimburse for resident living services, habilitative and training services, recreation services, and nursing services in accordance with applicable federal and state regulation.

(2) For E level facilities, the resident care and ~~((habilitative services))~~ habilitation cost center will reimburse for resident living services, habilitative and training services, recreation services, and nursing services in accordance with applicable federal and state regulation. The cost center will also reimburse for resident care and training staff performing administration and operations functions specified in WAC 275-38-870.

(3) A facility's resident care and ~~((habilitative services))~~ habilitation cost center rate shall be determined as follows:

(a) The facility's most recent desk-reviewed costs per resident day shall be adjusted for inflation.

(b) A resident care and training (RCT) staff add-on shall be determined by multiplying the number of reimbursed RCT staff hours per resident day reported in the facility's 1983 cost report by sixty-one cents per hour.

(c) The amounts determined in subsections (3)(a) and (3)(b) of this section shall be summed to establish the facility's rate.

NEW SECTION

WAC 275-38-863 ADMINISTRATION, OPERATIONS, AND PROPERTY COST CENTER RATE. Effective January 1, 1985, the administration, operations, and property cost center rate shall consist of the sum of three rate components: Food, administration and operations, and property. The food rate component shall be established pursuant to WAC 275-38-865. The administration and operations rate component shall be established pursuant to WAC 275-38-870. The property rate component shall be established pursuant to WAC 275-38-875.

AMENDATORY SECTION (Amending Order 2150, filed 9/17/84)

WAC 275-38-865 ~~FOOD ((COST-CENTER))~~ RATE COMPONENT. (1) The food ~~((cost-center))~~ rate component will reimburse for the necessary and ordinary costs of bulk and raw food, dietary supplements, and beverages for meals and between-meal nourishment for residents.

(2) A facility's food ~~((cost-center))~~ rate component shall be set at the July 1, 1983, IMR food ~~((cost-center))~~ rate component, adjusted for inflation.

AMENDATORY SECTION (Amending Order 2150, filed 9/17/84)

WAC 275-38-870 ~~ADMINISTRATION AND OPERATIONS ((COST-CENTER))~~ RATE COMPONENT. (1) The administration and operations ~~((cost-center))~~ rate component will include reimbursement for the necessary and ordinary costs of overall administration and management of the facility, operation and maintenance of the physical plant, resident transportation, dietary service (other than the cost of food and beverages), laundry service, medical and habilitative supplies, taxes, and insurance.

(2) A facility's administration and operations rate component shall be the lesser of:

(a) The facility's most recent desk-reviewed cost per resident day, adjusted for inflation; or

(b) The eighty-fifth percentile ranking of state and nonstate facilities' most recent desk-reviewed cost per resident day, adjusted for inflation. The ranking shall be based on cost reports used for rate determination for facilities having an occupancy level of at least eighty-five percent for the cost report period.

AMENDATORY SECTION (Amending Order 2150, filed 9/17/84)

WAC 275-38-875 ~~PROPERTY ((COST-CENTER))~~ RATE COMPONENT. Property reimbursement for both leased and owner-operated facilities will not exceed the predicted cost plus 1.75 standard deviations of the necessary and ordinary costs of depreciation, and interest, of owner-operated facilities utilizing a multiple regression formula developed by the bureau of nursing home affairs pursuant to WAC 388-96-743. Depreciation and interest costs of owner-operated facilities, for mortgages entered into prior to July 1, 1979, will be reimbursed to the extent the depreciation and interest costs do not exceed the reimbursement rate payable for the property cost center as of June 30, 1979, or July 1, 1979, whichever is higher, adjusted to meet any discrepancies as determined by the federal government between the reimbursements made and the approved state Medicaid plan, and adjusted for any approved capitalized additions or replacements. Any leased facility operated as an intermediate care facility for the mentally retarded prior to July 1, 1979, will be reimbursed to the extent that the property cost exceed the upper limit of the multiple regression formula.

AMENDATORY SECTION (Amending Order 2150, filed 9/17/84)

WAC 275-38-886 SETTLEMENT. (1) ~~((For the))~~ Effective January 1, 1985, a contractor's resident care and habilitation ((services)) cost center((,- food-cost center, administration and operations cost center, and property cost center,)) payment ((to contractors)) shall ((not exceed)) be the lower of ((the)) their prospective rate or ((audited)) allowable cost. ((For each cost center specified in this subsection, a settlement shall be calculated at the lower of the prospective rate or audited allowable costs, except as otherwise provided in this section)) A contractor's administration, operations and property cost center payment shall be their prospective rate. A contractor's return on equity payment shall be their prospective rate.

(2) ~~((For calendar year 1981 and subsequent years, in determining a contractor's settlement, if allowable costs were less than the rate in any cost center, savings will be shifted (or "transferred") to cover any deficit in another cost center.~~

~~(a) The amount shifted may not exceed twenty percent of the rate in the cost center into which the shift is made.~~

~~(b) No saving may be shifted in the property or return on equity cost centers.~~

~~(c) Effective July 1, 1984, no saving may be shifted out of the resident care and habilitative services cost center)) A contractor's resident care and habilitation cost center payment shall be determined by the settlement procedure prescribed in this section.~~

(3) The settlement process shall consist of a preliminary settlement and a final settlement.

(4) The preliminary settlement process will be as follows:

(a) Providers are required to submit a proposed settlement report with the cost report.

(b) Within one hundred twenty days after receipt of the proposed settlement, the department shall verify the accuracy of the proposal and shall issue a preliminary settlement substantiating refunds, underpayments, and overpayments.

(5) The final settlement process will be as follows:

(a) After completion of the audit process, including exhaustion or mutual termination of reviews and appeals of audit findings or determinations, the department will submit a final settlement report to the contractor fully substantiating disallowed costs, refunds, underpayments, or adjustments to the contractor's financial statements, cost report, and final settlement.

(b) Where the contractor is pursuing judicial or administrative review or appeal in good faith regarding audit findings or determinations, the department may issue a partial final settlement to recover overpayments based on audit adjustments not in dispute.

(c) A preliminary settlement as issued by the department will become the final settlement if no audit is to be conducted.

(6) Repayment of amounts owed the department shall be as follows:

(a) The contractor shall have thirty days after the date the preliminary or final settlement report is submitted to the contractor to contest a settlement determination under WAC 275-38-960. After the thirty-day period has expired, a preliminary or final settlement will not be subject to review.

(b) A contractor found to have received either overpayments or erroneous payments under a preliminary or final settlement shall refund such payments to the state within thirty days after the date of the preliminary or final settlement report is submitted to the contractor.

(c) In the event the contractor fails to make repayment in the time provided in subsection (6)(b) of this section, the department shall either:

(i) Deduct the amount of refund due plus assessment of interest, at the rate of one percent per month on the unpaid balance, from payment amounts due the contractor; or

(ii) In the instance the contract has been terminated:

(A) Deduct the amount of refund due plus an assessment of interest, at the rate of one percent per month on the unpaid balance, from any payments due; or

(B) Assess the amount due plus interest, at the rate of one percent per month on the unpaid balance, on the amount due.

(iii) Interest on the unpaid balance owed the department shall begin to accrue on the thirty-first day following receipt of written notification to the contractor of the amount owed the department.

(d) Where the facility is pursuing timely filed judicial or administrative remedies in good faith regarding settlement issues, the contractor need not refund nor shall the department withhold from the facility current payment amounts the department claims to be due from the facility but which are specifically disputed by the contractor. If the judicial or administrative remedy sought by the facility is not granted after all appeals are exhausted or mutually terminated, the facility shall make payment of such amounts due plus interest accrued from the date of filing of the appeal, as payable on judgments, within sixty days of the date such decision is made.

(7) Payment of amounts owed the contractor shall be as follows: The department shall make payment of any underpayments within thirty days after the date the settlement report is submitted to the contractor.

WSR 85-06-064
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2214—Filed March 6, 1985]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to food stamps, amending chapter 388-54 WAC.

This action is taken pursuant to Notice No. WSR 85-03-005 filed with the code reviser on January 3, 1985.

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

This rule is promulgated pursuant to RCW 74.04.510 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED March 6, 1985.

By David A. Hogan, Director
 Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 1959, filed 5/4/83)

WAC 388-54-660 APPLICATION AND PARTICIPATION—SPECIAL CIRCUMSTANCES FOR PARTICIPATION. (1) Delivered meals. In order to purchase meals from a nonprofit meal delivery service authorized by FNS, eligible household members:

(a) Must be sixty years of age or over, or

(b) Must be housebound, physically handicapped or otherwise disabled to the extent household members are unable to adequately prepare all meals, or

(c) Be the spouse of such a person.

(2) Communal dining. Members of eligible households sixty years of age or older and spouses, or members receiving SSI and spouses may use all or any part of coupons to purchase meals prepared especially for the household member at a communal dining facility authorized by FNS for that purpose.

(3) Residents of drug or alcohol treatment and rehabilitation programs. Narcotics addicts or alcoholics regularly participating in a drug or alcoholic treatment and rehabilitation program on a resident basis, may use food coupons to purchase food prepared for or served to the resident during the program, provided:

(a) The program is administered by a private nonprofit organization or institution authorized by FNS as a retailer or certified by the state as providing treatment leading to the rehabilitation of drug addicts or alcoholics pursuant to P.L. 92-255; and

(b) A resident participant shall be certified only under the following conditions:

(i) The resident must voluntarily elect to participate in the food stamp program;

(ii) The resident must be certified through the use of an authorized representative who shall be an employee of, and designated by, the private nonprofit organization administering the treatment and rehabilitation program;

(iii) The resident must be certified as a one-person household.

(c) The drug or alcohol treatment center acting as the authorized representative must agree to the following conditions:

(i) The center must receive and spend the coupon allotment for meals prepared by or served to the addict or alcoholic;

(ii) The center must notify the department of changes in the participant's income, resources or household circumstances and when the addict or alcoholic leaves the treatment center, within ten days of the change;

(iii) The center shall be responsible for and can be penalized or disqualified for any misrepresentation or fraud committed in the certification of center residents and shall assume total liability for food coupons held on behalf of resident participants;

(iv) The treatment center shall provide resident addicts or alcoholics with ID cards and any untransacted FCA cards issued for the household when the household leaves the program;

(v) The treatment center shall provide the household with one-half of the household's monthly coupon allotment when the household leaves the program prior to the sixteenth day of the allotment month;

(vi) The center shall provide the department with a certified list of currently participating residents on a monthly basis;

(vii) The treatment center shall return to the department the household's FCA or coupons received after the household has left the center.

(d) If an alcohol treatment and rehabilitation program is located on an Indian reservation and the department does not certify reservation-based centers, approval to participate shall be granted if the center is funded by the National Institute on Alcohol Abuse and Alcoholism (NIAAA) pursuant to P.L. 91-616, or was so funded and subsequently transferred to Indian Health Services (IHS) funding.

(4) Residents of group living arrangements receiving benefits under Title II or Title XVI of the Social Security Act. A group living arrangement is defined as: A public or private nonprofit residential setting serving no more than sixteen residents certified by the appropriate state agencies under regulations issued under Section 1616(e) of the Social Security Act. The following applies:

(a) The resident must voluntarily apply for the food stamp program;

(b) If the resident makes an application through the use of a group home's authorized representative, the resident's eligibility shall be determined as a one-person household. If the resident applies on his or her own behalf, the household size shall be in accordance with the definition in WAC 388-54-665;

(c) The department shall certify residents of group living arrangements using the same provisions applying to all other households;

(d) The department shall verify the group living arrangement is nonprofit and authorized by FNS or is certified by the appropriate agency or agencies of the state;

(e) The group living arrangement shall provide the department with monthly lists of participating residents signed by a responsible center official. The department shall conduct periodic random on-site visits to assure the accuracy of the lists;

(f) If the resident made an application on his or her own behalf, the household is responsible for reporting

changes to the department. If the group living arrangement is acting in the capacity of an authorized representative, the group living arrangement shall notify the department of changes in the household's income or other household circumstances and when the individual leaves the group living arrangement;

(g) The group living arrangement shall return any household's FCA cards or coupons to the department if received after the household has left the group arrangement;

(h) When the household leaves the facility, the group living arrangement shall provide the resident with the ID card and any untransacted FCA cards;

(i) The group living arrangement shall provide the departing household with the full allotment if issued by direct mail and if no coupons have been spent on behalf of the individual household. These provisions are applicable any time during the month. If the coupons have already been issued and any portion spent on behalf of the resident, the group living arrangement shall provide the resident with one-half of the monthly household's coupon allotment when the household leaves the facility prior to the sixteenth day of the allotment month;

(j) If a resident or a group of residents apply on their own behalf and retain the use of the coupons, the individuals are entitled to keep the coupons when leaving;

(k) If the group living arrangement acts as the authorized representative, the facility must be knowledgeable about the household's circumstances and is responsible for any misrepresentation or fraud the facility knowingly commits in the certification of center residents.

(5) Shelters for battered women and children. Effective April 1, 1982, the following provisions apply prior to certifying residents:

(a) The department shall determine the shelter for battered women and children meets the definition in WAC 388-54-665 (6)(d);

(b) Shelters having FNS authorization to redeem at wholesalers shall be considered as meeting the definition for battered women and children;

(c) Shelter residents recently leaving a food stamp household containing a person abusing him or her may apply for and (if otherwise eligible) participate in the program as separate households. Shelter residents included in a previously certified food stamp household shall receive an additional allotment as a separate household only once a month;

(d) Shelter residents applying as separate households shall be certified solely on the basis of income, resources, and the expenses for which the residents are responsible. Residents will be certified without regard to the income, resources, and expenses of the former household;

(e) Jointly held resources shall be considered inaccessible in accordance with WAC 388-54-715. The shelter resident's access to the value of the resources is dependent on the agreement of a joint owner still residing in the former household;

(f) The department shall take prompt action to ensure the former household's eligibility or allotment reflects the change in the household's composition.

(6) Sponsored aliens. The following provisions shall apply to those aliens for whom a sponsor has signed an

affidavit of support or similar statement on or after February 1, 1983:

(a) "Sponsored alien" means those aliens lawfully admitted for permanent residence into the United States.

(b) "Sponsor" means a person who executed an affidavit or affidavits of support or similar agreement on behalf of an alien as a condition of the alien's entry or admission into the United States as a permanent resident.

(c) Portions of the gross income and the resources of a sponsor and the sponsor's spouse (if living with the sponsor) shall be deemed to be the unearned income and resources of a sponsored alien for three years following the alien's admission for permanent residence to the United States. The spouse's income and resources will be counted even if the sponsor and spouse were married after the signing of the agreement.

(d) The monthly income of the sponsor and sponsor's spouse deemed to be that of the alien shall be the total monthly earned and unearned income of the sponsor and the sponsor's spouse (if living with the sponsor) at the time the household containing the sponsored alien member applies or is recertified for program participation. Reduce by eighteen percent the earned income amount for that portion of income determined as earned income of the sponsor and the sponsor's spouse. Deduct the monthly gross income eligibility limit for a household equal in size to the sponsor, the sponsor's spouse, and any other person who is claimed by the sponsor or sponsor's spouse as a dependent for federal income tax purposes.

(e) If the alien has already reported gross income information on his or her sponsor due to AFDC's sponsored alien rules, that income amount may be used for food stamp program. However, allowable reductions to be applied to the total gross income of the sponsor and the sponsor's spouse prior to attributing an income amount to the alien, shall be limited to the eighteen percent earned income amount and the food stamp program gross monthly income amount.

(f) Actual money paid to the alien by the sponsor or the sponsor's spouse will not be considered as income to the alien unless the amount paid exceeds the amount attributed to the alien. Only the amount paid that actually exceeds the amount deemed would be considered income to the alien.

(g) Resources of the sponsor and sponsor's spouse to be deemed to be that of the alien shall be the total amount of their resources as determined in accordance with WAC 388-54-695 through 388-54-720, reduced by one thousand five hundred dollars. If the alien has already reported total resource information on his or her sponsor due to AFDC's sponsored alien rules, the resource amount calculated by AFDC as the amount to be attributed to the alien may be used for food stamp program deeming purposes.

(h) The amount of income and resources deemed to be that of the sponsored alien shall be considered in determining the eligibility and benefit level of the household of which the alien is a member.

If a sponsored alien can demonstrate to the state agency's satisfaction his or her sponsor sponsors other

aliens, then the income and resources deemed available shall be divided by the number of sponsored aliens applying for or participating in the program.

(i) If the alien switches sponsors during the certification period, then deemed income or resources would be recalculated based on the required information about the new sponsor as soon as possible after the information is supplied by the alien and verified by the state agency.

(j) Exempt aliens. The provisions of subsection (6) of this section do not apply to:

(i) An alien participating in the food stamp program as a member of his or her sponsor's household;

(ii) An alien sponsored by an organization or group as opposed to an individual;

(iii) An alien not required to have a sponsor under the Immigration and Nationality Act, such as, but not limited to, a refugee, a parolee, one granted asylum, and a Cuban or Haitian entrant.

(k) Sponsored alien's responsibility. The sponsored alien and his or her spouse are responsible for providing the state agency with any information or documentation necessary to determine the income and resources of the alien's sponsor and the sponsor's spouse for three years from the alien's date of entry or date of admission as a lawful permanent resident. The alien and his or her spouse shall also be responsible for demonstrating that the sponsor also sponsors other aliens, how many, and for obtaining any necessary cooperation from the sponsor.

(l) Verification. The CSO staff shall obtain from the alien or alien's spouse the following information:

(i) The income and resources of the alien's sponsor and the sponsor's spouse (if living with the sponsor) at the time of the alien's application for food stamp assistance.

(ii) The number of other aliens for whom the sponsor has signed an affidavit of support or similar agreement.

(iii) The provision of the Immigration and Nationality Act under which the alien was admitted.

(iv) The date of the alien's entry or admission as a lawful permanent resident as established by INS.

(v) The alien's date of birth, place of birth, and alien registration number.

(vi) The number of dependents for federal income tax purposes of the sponsor and the sponsor's spouse.

(vii) The name, address, and phone number of the alien's sponsor.

(m) If verification is not received on a timely basis, the sponsored alien and his or her spouse shall be ineligible until such time as all necessary facts are obtained. The eligibility of any remaining household members shall be determined. The income and resources of the ineligible alien and his or her spouse (excluding the attributed income and resources of the alien's sponsor and the sponsor's spouse) shall be treated in the same manner as a disqualified member. If the information or verification is subsequently received, the CSO shall act on the information as a reported change in circumstances. The CSO shall obtain verification of information requested pursuant to subsection (6)(l)(i) and (ii) of this section. The CSO shall verify all other information

which the state agency determines is questionable and which affects household eligibility and benefit level.

(7) Households refusing to cooperate with quality control.

(a) A food stamp household refusing to cooperate as a part of a quality control review is ineligible to receive benefits.

(b) The household remains ineligible until the quality control review requirements have been met or ninety-five days from the end of the annual quality control review period, whichever comes first.

(c) If a household reappplies after ninety-five days from the end of the annual quality control review period, a nonexpedited household must provide verification of all eligibility requirements prior to being determined eligible. Households meeting expedited service eligibility must provide verification of all eligibility requirements prior to receiving second month's benefits.

WSR 85-06-065
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed March 6, 1985]

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

- Amd ch. 173-14 WAC Permits for development on shorelines of the state.
- Amd ch. 173-16 WAC Shoreline Management Act guidelines for development of master programs.
- Amd ch. 173-18 WAC Shoreline Management Act—Streams and rivers constituting shorelines of the state.
- Amd ch. 173-19 WAC Shoreline Management Act of 1971—State master program.
- Amd ch. 173-20 WAC Shoreline Management Act—Lakes constituting shorelines of the state.
- Amd ch. 173-22 WAC Adoption of designations of wetlands associated with shorelines of the state;

that the agency will at 2:00 p.m., Tuesday, April 9, 1985, in the Department of Ecology Headquarters, Room 273, St. Martin's College Campus, Lacey, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 9, 1985.

The authority under which these rules are proposed is RCW 90.58.030, 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 April 3, 1985.

Dated: March 5, 1985
 By: Glen H. Fiedler
 Deputy Director

STATEMENT OF PURPOSE

Title: Amending chapter 173-14 WAC, Permits for development on shorelines of the state; chapter 173-16 WAC, Shoreline Management Act guidelines for development of master programs; chapter 173-18 WAC,

Shoreline Management Act—Streams and rivers constituting shorelines of the state; chapter 173-19 WAC, Shoreline Management Act of 1971—State master program; chapter 173-20 WAC, Shoreline Management Act—Lakes constituting shorelines of the state; and chapter 173-22 WAC, Adoption of designations of wetlands associated with shorelines of the state.

Description of Purpose: Adoption of administrative revisions to the regulations implementing chapter 90.58 RCW and recognition of new information relative to the designation of shorelines and wetlands of the state.

Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200.

Summary of Rule: The amendments correct errors which inaccurately affect the language of chapter 90.58 RCW, provide for a modification in permit filing procedures with the state and alter the designation of certain shorelines throughout the state.

Reasons Supporting Proposed Action: To render the implementing regulations consistent with chapter 90.58 RCW to increase efficiency of permit processing and to fulfill the department's role as the agency responsible for designating shorelines and wetlands of the state.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Sue Mauermann, Department of Ecology, Mailstop PV-11, Olympia, WA 98504, (206) 459-6280.

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: [No information supplied by agency.]

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: Not required for the proposed amendments.

AMENDATORY SECTION (Amending Order DE 78-7, filed 6/14/78)

WAC 173-14-040 EXEMPTIONS FROM SUBSTANTIAL DEVELOPMENT PERMIT ((SYSTEM)) REQUIREMENT. The following shall not require substantial development permits for the purposes of the act:

- (1) Any development of which the total cost or fair market value, whichever is higher, does not exceed ((~~\$1000~~)) one thousand dollars, if such development does not materially interfere with the normal public use of the water or shorelines of the state.
- (2) Normal maintenance or ((the)) repair of existing structures or developments, including damage by accident, fire or elements.
- (3) Construction of the normal protective bulkhead common to single-family residences.
- (4) Emergency construction necessary to protect property from damage by the elements.
- (5) Construction of a barn or similar agricultural structure on wetlands. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on wetlands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels: PROVIDED, That a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the wetlands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations.

(6) Construction or modification of navigational aids such as channel markers and anchor buoys.

(7) Construction on wetlands by an owner, lessee or contract purchaser of a single-family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter.

(8) Construction of a dock, designed for pleasure craft only, for the private noncommercial use of the owners, lessee, or contract purchaser of a single-family residence, for which the cost or fair market value, whichever is higher, does not exceed two thousand five hundred dollars.

(9) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water from the irrigation of lands.

(10) The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water.

(11) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on the effective date of the 1975 amendatory act which were created, developed or utilized primarily as a part of an agricultural drainage or diking system.

(12) Any project with a certification from the governor pursuant to chapter 80.50 RCW.

~~((13) The construction of up to 500 feet of one and only one road or segment of a road, for forest practices, provided such road does not enter the shoreline more than once. Such exemption from said permit requirements shall be limited to a single road or road segment for each forest practice and such road construction shall be subject to the requirements of chapter 76.09 RCW, the Forest Practices Act, and regulations adopted pursuant thereto and to the prohibitions or restrictions of any master program in effect under the provisions of chapter 90.58 RCW. Nothing in this subsection shall add to or diminish the authority of the Shoreline Management Act regarding road construction except as specifically provided herein. The provisions of this subsection shall not relate to any road which crosses over or through a stream, lake, or other water body subject to chapter 90.58 RCW.))~~

AMENDATORY SECTION (Amending Order DE 78-7, filed 6/14/78)

WAC 173-14-064 REVISIONS TO SUBSTANTIAL DEVELOPMENT, CONDITIONAL USE, AND VARIANCE PERMITS. When an applicant seeks to revise a substantial development, conditional use, or variance permit, local government shall request from the applicant detailed plans and text describing the proposed changes in the permit.

(1) If local government determines that the proposed changes are within the scope and intent of the original permit, local government may approve a revision.

(2) "Within the scope and intent of the original permit" shall mean the following:

- (a) No additional over water construction will be involved;
- (b) Lot coverage and height may be increased a maximum of ten percent from the provisions of the original permit: PROVIDED, That revisions involving new structures not shown on the original site plan shall require a new permit, and: PROVIDED FURTHER, That any revisions authorized under this subsection shall not exceed height, lot coverage, setback or any other requirements of the master program for the area in which the project is located.

(c) Landscaping may be added to a project without necessitating an application for a new permit: PROVIDED, That the landscaping is consistent with conditions (if any) attached to the original permit and is consistent with the master program for the area in which the project is located;

(d) The use authorized pursuant to the original permit is not changed;

(e) No additional significant adverse environmental impact will be caused by the project revision.

(3) If the revision or the sum of the revision and any previously approved revisions pursuant to WAC 173-14-064 will violate the terms of one or more of the provisions in WAC 173-14-064(2) above, local government shall require that the applicant apply for a new substantial

development, conditional use, or variance permit, as appropriate, in the manner provided for herein.

(4) The revised permit shall become effective immediately. Within eight days of the date of final local government action the revised site plan, text and the approved revision shall be submitted to the ~~((appropriate regional office of the))~~ department and the attorney general for the completion of their files. In addition, local government shall submit a notice of revision approval to persons who have notified local government of their desire to receive a copy of the action on a permit pursuant to WAC 173-14-070.

(5) Appeals shall be in accordance with RCW 90.58.180 and shall be filed within fifteen days from the date of receipt of the local governments action by the department of ecology ~~((regional office))~~. Appeals shall be based only upon contentions of noncompliance with one or more of the provisions of WAC 173-14-064(2) above. Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit shall be at the applicants own risk until the expiration of the appeals deadline. If an appeal is successful in proving that a revision was not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.

AMENDATORY SECTION (Amending Order DE 78-7, filed 6/14/78)

WAC 173-14-090 FILING WITH DEPARTMENT AND ATTORNEY GENERAL. Any ruling by local government ~~((or))~~ on an application for a substantial development, conditional use or variance permit, whether it be an ~~((approved))~~ approval or denial, shall be filed with the department and attorney general. When a substantial development permit and a conditional use or variance permit are required for a development, the filing of local government's rulings on the permits shall be made concurrently.

Copies of the original application, affidavit of public notice, site plan, vicinity map, permit, and final order shall be filed with the ~~((regional office of the))~~ department and attorney general within eight days of the local government final decision. Where applicable, local government shall also file the following materials required by chapter 43.21C RCW, the State Environmental Policy Act; environmental checklist, threshold determination, and environmental impact statement, or in lieu thereof, a statement summarizing the actions and dates of such actions taken pursuant to chapter 43.21C RCW.

Filing shall not be complete until the required documents have actually been received by the ~~((regional office of the))~~ department ~~((within which the project lies.))~~ and by the attorney general. This same rule shall apply to conditional uses, variances, rescissions and revisions of permits.

"Date of filing" of a local government final order involving approval or denial of a substantial development permit, or involving a denial of a variance or conditional use permit, shall be the date of actual receipt by the ~~((regional office of the))~~ department. With regard to a permit for a conditional use or variance approved by local government, and such permits which also involve concurrent filing by local government of a substantial development permit, the "date of filing" shall mean the date the department's final decision on the variance or conditional use permit is transmitted to local government and the applicant. The department shall in all circumstances notify in writing the local government and the applicant of the "date of filing."

AMENDATORY SECTION (Amending Order DE 78-7, filed 6/14/78)

WAC 173-14-110 APPLICATION FOR SUBSTANTIAL DEVELOPMENT, CONDITIONAL USE, OR VARIANCE PERMIT. Applications for a substantial development, conditional use, or variance permit shall contain, as a minimum, the information called for in the following form. Such forms shall be supplied by local government.

APPLICATION FOR SUBSTANTIAL DEVELOPMENT, CONDITIONAL USE, OR VARIANCE PERMIT

TO THE APPLICANT: This is an application for a substantial development, conditional use, or variance permit as authorized by the Shoreline Management Act of 1971. It is suggested that you check with appropriate local, state, or federal officials to determine whether your project falls within any other permit systems.

- 1. Name of applicant
- 2. Mailing address

- 3. Relation of applicant to property:
 - Owner
 - Purchaser
 - Lessee
 - Other
 - 4. Name and address of owner, if other than applicant
 -
 -
 - 5. General location of proposed project (please list street address or section to the nearest quarter section, township, and range)
 -
 - 6. Name of water area and/or wetlands within which development is proposed
 -
 - 7. Current use of the property with existing improvements
 -
 - 8. Proposed use of property (Please be specific)
 -
 -
 - 9. (To be completed by local official.) Nature of the existing shoreline. (Describe type of shoreline, such as marine, stream, lake, lagoon, marsh, bog, swamp, flood plain, floodway, delta; type of beach, such as accretion, erosion, high bank, low bank, or dike; material such as sand, gravel, mud, clay, rock, riprap; and extent and type of bulkheading, if any:)
 -
 -
 -
 - 10. (To be completed by local official.) In the event that any of the proposed buildings or structures will exceed a height of thirty-five feet above the average grade level, indicate the approximate location of and number of residential units, existing and potential, that will have an obstructed view.
 - 11. (To be completed by local official.) If the application involves a conditional use or variance, set forth in full that portion of the master program which provides that the proposed use may be a conditional use, or, in the case of a variance, from which the variance is being sought.
- PROJECT DIAGRAMS: Draw all site plans and maps to scale, clearly indicating scale on lower right-hand corner and attach them to the application.
- (a) SITE PLAN: Include on plan:
 - (1) Site boundary.
 - (2) Property dimensions in vicinity of project.
 - (3) Ordinary high-water mark.
 - (4) Typical cross section or sections showing:
 - (i) Existing ground elevations.
 - (ii) Proposed ground elevation.
 - (iii) Height of existing structures.
 - (iv) Height of proposed structures.
 - (5) Where appropriate, proposed land contours using five-foot intervals in water area and ten-foot intervals on areas landward of ordinary high-water mark, if development involves grading, cutting, filling, or other alteration of land contours.
 - (6) Show dimensions and locations of existing structures which will be maintained.
 - (7) Show dimensions and locations of proposed structures.
 - (8) Identify source, composition, and volume of fill material.
 - (9) Identify composition and volume of any extracted materials, and identify proposed disposal area.

- (10) Location of proposed utilities, such as sewer, septic tanks and drainfields, water, gas, electricity.
- (11) If the development proposes septic tanks, does proposed development comply with local health and state regulations?
- (12) Shoreline designation according to master program.
- (13) Show which areas are shorelines and which are shorelines of state-wide significance.
- (b) VICINITY MAP.
 - (1) Indicate site location using natural points of reference (roads, state highways, prominent land marks, etc.)
 - (2) If the development involves the removal of any soils by dredging or otherwise, please identify the proposed disposal site on the map. If the disposal site is beyond the confines of the vicinity map, provide another vicinity map showing the precise location of the disposal site and its distance to the nearest city or town.
 - (3) Give a brief narrative description of the general nature of the improvements and land use within one thousand feet in all directions from development site. (i.e., residential to the north, commercial to the south, etc.).

AMENDATORY SECTION (Amending Order DE 78-7, filed 6/14/78)

WAC 173-14-115 LETTER OF EXEMPTION. Whenever a development falls within the exemptions stated in WAC 173-14-040 and the development is subject to a U.S. Corps of Engineers section 10 permit under the Rivers and Harbors Act of 1899, or a section 404 permit under the Federal Water Pollution Control Act of 1972, the local government shall prepare a letter addressed to the applicant and the ((appropriate regional office of the)) department, exempting the development from the substantial development permit requirements of chapter 90.58 RCW. This exemption shall be in substantially the following form. Such forms will be supplied by local government.

EXEMPTION FROM SHORELINE
MANAGEMENT ACT SUBSTANTIAL
DEVELOPMENT PERMIT REQUIREMENT

To:
(name and address of the applicant)

The proposal by (name of applicant) to undertake the the following development (please be specific)

.....
upon the following property (please list legal description, i.e., section to the nearest quarter section)

.....
within (name of water area) and/or its associated wetlands is exempt from the requirement of a substantial development permit because the development

.....
(Identify exemptions as outlined in WAC 173-14-040)

.....
(Corps Public Notice Number)

The proposed development is consistent or inconsistent with:

CHECK ONE
CONSISTENT INCONSISTENT

<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

Policies of the Shoreline Management Act. The guidelines of the Department of Ecology where no master program has been finally approved or adopted by the department. The master program.

.....
(Date)

.....
(Signature of Authorized Local Governmental Official)

AMENDATORY SECTION (Amending Order DE 78-7, filed 6/14/78)

WAC 173-14-130 DEPARTMENT REVIEW OF CONDITIONAL USE AND VARIANCE PERMITS. After local government approval of a conditional use or variance permit, local government shall submit the permit to the ~~((appropriate regional office of the))~~ department for the departments approval, approval with conditions (with concurrence of local government), or denial. The department shall render and transmit to local government and the applicant its final decision approving, approving with conditions, or disapproving the permit within thirty days of the date of submittal by local government pursuant to WAC 173-14-090. Local government shall notify those interested persons having requested notification from local government pursuant to WAC 173-14-070 of the departments final decision.

AMENDATORY SECTION (Amending Order DE 72-12, filed 6/20/72 and 7/20/72)

WAC 173-16-030 DEFINITIONS. As used herein, the following words and phrases shall have the following meanings:

- (1) "Act" means Shoreline Management Act of 1971, chapter 90.58 RCW.
- (2) "Department" means state of Washington, department of ecology.
- (3) "Development" means a use, consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the act at any state of water level.
- (4) "Director" means the director of the department of ecology.
- (5) "Extreme low tide" means the lowest line on the land reached by a receding tide.
- (6) "Guidelines" means those standards adopted to implement the policy of this chapter for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria to local governments and the department in developing master programs.
- (7) "Hearings board" means the shorelines hearings board established by the act.
- (8) "Local government" means any county, incorporated city, or town which contains within its boundaries any lands or waters subject to the Shoreline Act of 1971.
- (9) "Master program" means the comprehensive use plan for a described area, and the use regulations, together with maps, diagrams, charts or other descriptive material and text, a statement of desired goals and standards developed in accordance with the policies enunciated in section 2 of the act.
- (10) "Ordinary high-water mark" means the mark on all lakes, streams, and tidal waters, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation, as that condition exists on ~~((the effective date of this chapter))~~ June 1, 1971, ((or)) as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: PROVIDED, That in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining saltwater shall be the line of mean higher high tide and the ordinary high-water mark adjoining freshwater shall be the line of mean high water.
- (11) "Permit" means that required by the act for substantial development on shorelines, to be issued by the local government entity having administrative jurisdiction and subject to review by the department of ecology and the attorney general.
- (12) "Shorelines" means all of the water areas of the state, including reservoirs, and their associated wetlands, together with the lands underlying them, except:
 - (a) Shorelines of state-wide significance;
 - (b) Shorelines on segments of streams upstream of a point where the mean annual flow is 20 cubic feet per second or less, and the wetlands associated with such upstream segments; and
 - (c) Shorelines on lakes less than 20 acres in size and wetlands associated with such small lakes.
- (13) "Shorelines of state-wide significance" means the following shorelines of the state:
 - (a) The area between the ordinary high-water mark and the western boundary of the state from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets;
 - (b) Those areas of Puget Sound and adjacent saltwaters and the Strait of Juan de Fuca between the ordinary high-water mark and the line of extreme low tide as follows:
 - (i) Nisqually Delta - from DeWolf Bight to Tatsolo Point;
 - (ii) Birch Bay - from Point Whitehorn to Birch Point;
 - (iii) Hood Canal - from Tala Point to Foulweather Bluff;
 - (iv) Skagit Bay and adjacent area - from Brown Point to Yokeko Point; and
 - (v) Padilla Bay - from March Point to William Point.
 - (c) Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent saltwaters north to the Canadian line and lying seaward from the line of extreme low tide;
 - (d) Those lakes, whether natural, artificial or a combination thereof, with a surface acreage of 1,000 acres, or more, measured at the ordinary high-water mark;
 - (e) Those natural rivers or segments thereof, as follows:
 - (i) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at 1,000 cubic feet per second, or more;
 - (ii) Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at 200 cubic feet per second, or more, or those portions of rivers east of the crest of the Cascade range downstream from the first 300 square miles of drainage area, whichever is longer;
 - (f) Those wetlands associated with (a) ~~((through)), (b), (d), and (e) ((above))~~ of this subsection.
- (14) "Shorelines of the state" means the total of all "shorelines" and "shorelines of state-wide significance" within the state.
- (15) "State master program" means the cumulative total of all master programs approved or adopted by the department of ecology.
- (16) "Substantial development" means any development of which the total cost, or fair market value, exceeds \$1,000, or any development which materially interferes with normal public use of the water or shorelines of the state; except that the following shall not be considered substantial developments:
 - (a) Normal maintenance or repair of existing structures or developments, including damage by fire, accident, or elements;
 - (b) Construction of the normal protective bulkhead, common to single-family residences;
 - (c) Emergency construction necessary to protect property from damage by the elements;
 - (d) Construction of a barn or similar agricultural structure on wetlands;
 - (e) Construction or modification of navigational aids, such as channel markers and anchor buoys;
 - (f) Construction on wetlands by an owner, lessee, or contract purchaser, of a single-family residence, for his own use or for the use of his family, which residence does not exceed a height of 35 feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof.
- (17) "Wetlands" or "wetland areas" means those lands extending landward for 200 feet in all directions, as measured on a horizontal plane from the ordinary high-water mark and all marshes, bogs, swamps, floodways, river deltas, and flood plains associated with the streams, lakes and tidal waters which are subject to the provisions of the act.

AMENDATORY SECTION (Amending Order DE 72-12, filed 6/20/72 and 7/20/72)

WAC 173-16-070 VARIANCES AND CONDITIONAL USES. The act states that each local master program shall contain provisions covering conditional uses and variances. Any permit for a variance or a conditional use granted ~~((to))~~ by local government under an approved master program ~~((s))~~ must be submitted to the department for approval, approval with conditions, or disapproval. The criteria contained in WAC 173-14-140 and 173-14-150 for shoreline conditional use and variance permits shall constitute the minimum criteria for review of these permits by local government and the department. More restrictive criteria may be applied where it exists in approved and adopted local master programs.

~~((This))~~ These provisions ~~((of the act))~~ should be utilized in a manner which, while protecting the environment, will assure that a person will be able to utilize his property in a fair and equitable manner.

~~((1)) Conditional uses. The objective of a conditional use provision is to provide more control and flexibility for implementing the regulations of the master program. With provisions to control undesirable effects, the scope of uses within each of the four environments can be expanded to include many uses.~~

~~Uses classified as conditional uses can be permitted only after consideration by the local government and by meeting such performance standards that make the use compatible with other permitted uses within that area.~~

~~Conditional use permits will be granted only after the applicant can demonstrate all of the following:~~

~~(a) The use will cause no unreasonably adverse effects on the environment or other uses.~~

~~(b) The use will not interfere with public use of public shorelines.~~

~~(c) Design of the site will be compatible with the surroundings and the master program.~~

~~(d) The proposed use will not be contrary to the general intent of the master program.~~

~~(2) Variances. Variance deals with specific requirements of the master program and its objective is to grant relief when there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the master program. The property owner must show that if he complies with the provisions he cannot make any reasonable use of his property. The fact that he might make a greater profit by using his property in a manner contrary to the intent of the program is not a sufficient reason for variance. A variance will be granted only after the applicant can demonstrate the following:~~

~~(a) The hardship which serves as basis for granting of variance is specifically related to the property of the applicant.~~

~~(b) The hardship results from the application of the requirements of the act and master program and not from, for example, deed restrictions or the applicant's own actions.~~

~~(c) The variance granted will be in harmony with the general purpose and intent of the master program.~~

~~(d) Public welfare and interest will be preserved; if more harm will be done to the area by granting the variance than would be done to the applicant by denying it, the variance will be denied.)~~

AMENDATORY SECTION (Amending Order DE 76-14, filed 5/3/76)

WAC 173-18-380 THURSTON COUNTY. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Beaver Creek	Tenino 15 Maytown 7 1/2 Rochester 15	From the confluence of Beaver Creek and unnamed creek (Sec.11,T16N,R2W) downstream to mouth at Black River (Sec.2,T16N,R3W).
(2) Black River	Tenino 15 Maytown 7 1/2 Rochester 15	From the confluence of Dempsey Creek and the Black River (Sec.13,T17N,R3W) downstream to Grays Harbor County line (Sec.26,T16N,R4W).
(3) Black Lake Drainage Ditch	Tumwater 7 1/2	From outlet of Black Lake (Sec.32,T18N,R2W) downstream to confluence with Percival Creek (Sec.21,T18N,R2W).
(4) Cedar Creek	Rochester 15	From the confluence of Cedar Cr. and Sherman Creek (Sec.2,T16N,R4W) downstream to Grays Harbor County line (same section).
((+4)) (5) Chehalis River (cont.)*	Rochester 15	From Lewis County line (Sec. 23,T15N,R3W) downstream to Grays Harbor County line (Sec.11,T15N,R4W), excluding all federal lands. The flow exceeds 1,000 cfs MAF at Lewis County line.

Stream Name	Quadrangle Name and Size	Legal Description
((+5)) (6) Deschutes River (cont.)	Ohop Valley 15 Bald Hill 7 1/2 Lake Lawrence 7 1/2 Vail 7 1/2 Weir Prairie 7 1/2 East Olympia 7 1/2 Tumwater 7 1/2 Maytown 7 1/2	From Lewis County line (Sec.24,T15N,R3E) downstream to mouth at Capitol Lake (Sec.26, T18N,R2W), excluding all federal lands.
((+6)) (7) Kennedy Creek	Shelton 15	From the confluence of Kennedy Creek and unnamed creek (Sec.14,T18N,R4W) downstream to the Mason County line (Sec.6,T18N,R3W).
((+7)) (8) Little Nisqually River (cont.)	Ohop Valley 15 Eatonsville 7 1/2	From the Lewis-Thurston County line (Sec.21,T15N,R4E) downstream to Alder Lake (Sec.16, same township).
((+8)) (9) McAllister Creek	Anderson Island 15 Nisqually 7 1/2	From the McAllister Springs (Sec.19,T18N,R1E) downstream to mouth at Nisqually Head (Sec.31, T19N,R1E).
((+9)) (10) McLane Creek	Tumwater 7 1/2	From an approximate point (SW1/4 of NE1/4 of Sec.25, T18N,R3W) downstream to mouth at Eld Inlet (Sec. 19,T18N,R2W).
((+10)) (11) Mima Creek	Rochester 15	From an approximate point (NE1/4 of NW1/4 of Sec.16, T16N,R3W) downstream to mouth at Black River (Sec.20, same township).
((+11)) (12) Mitchell Creek	Ohop Valley 15 Bald Hill 7 1/2	From the confluence of Mitchell Creek and unnamed creek (Sec.18,T15N,R3E) downstream to mouth at Deschutes River (Sec.7, same township).
((+12)) (13) Nisqually River (cont.)*	Kapowsin 15 Ohop Valley 15 Yelm 7 1/2 Anderson Island 15	From the Pierce County line in Alder Reservoir (Sec.20,T15N,R5E) downstream along left shore only, (exclude area from LaGrande Dam downstream to powerhouse due to use of aqueduct; also exclude all federal lands) to the Nisqually Indian Reservation boundary (Sec.11,T17N,R1E). The flow exceeds 1,000 cfs MAF at Pierce County line in Alder Reservoir.
((+13)) (14) Percival Creek	Tumwater 7 1/2	From the confluence of Percival Creek and stream from Black Lake (Sec.21,T18N,R2W) downstream to mouth at Capitol Lake (Sec.22, same township).
((+14)) (15) Scatter Creek	Tenino 15 Bucoda 7 1/2 Tenino S.W. 7 1/2 Rochester 15	From confluence of Scatter Creek and unnamed creek (Sec.20, T16N,R1W) downstream to mouth at Chehalis River (Sec.7,T15N,R3W).

Stream Name	Quadrangle Name and Size	Legal Description
((+5)) (16) Sherman Creek	Rochester 15	From the confluence of Sherman Creek and Monroe Creek (Sec.25,T17N,R4W) downstream to mouth on Cedar Cr. (Sec.2,T16N, R4W).
((+6)) (17) Skookum-chuck River (cont.)	Yelm 15 Tenino 15	From the Lewis County line (Sec.20,T15N,R2E) downstream back to the Lewis County line (Sec. 21,T15N,R2W).
((+7)) (18) Thompson Creek	Yelm 15 Weir Prairie 7 1/2	From the intersection of Highway SR 510 and Thompson Creek (Sec.11, T17N,R1E) downstream to mouth at Nisqually River (same section).
((+8)) (19) Waddell Creek	Rochester 15	From an approximate point (SE1/4 of NW1/4 of Sec.8,T17N,R3W) downstream to mouth at Black River (Sec.2, T16N,R3W).
((+9)) (20) Woodland Creek	Lacey 7 1/2	From an approximate point (NE1/4 of NE1/4 of SE1/4 of Sec.9,T18N,R1W) downstream to mouth at Henderson Inlet near South Bay (Sec. 32,T19N,R1W).
((+20)) (21) Yelm Creek	Yelm 15 McKenna 7 1/2 Weir Prairie 7 1/2	From the confluence of Yelm Creek and Yelm ditch (Sec.29,T17N,R2E) downstream to mouth at Nisqually River (Sec.12, T17N,R1E).

AMENDATORY SECTION (Amending Order DE 83-20, filed 7/6/83)

WAC 173-19-240 JEFFERSON COUNTY. Jefferson County master program approved December 20, 1974. ((~~Revision approved August 12, 1982.~~)) Revision approved August 12, 1982. Revision approved July 6, 1983. Revision approved April 9, 1985.

AMENDATORY SECTION (Amending Order DE 80-48, filed 12/11/80)

WAC 173-19-2511 KENT, CITY OF. City of Kent master program approved ((~~April 4, 1974~~) [~~April 9, 1974.~~]) April 9, 1974. Revision approved December 8, 1978. Revision approved April 10, 1979. Revision approved December 10, 1980. Revision approved April 9, 1985.

AMENDATORY SECTION (Amending Order DE 82-31, filed 8/16/82)

WAC 173-19-2901 CENTRALIA, CITY OF. City of Centralia master program approved March 29, 1978. ((~~Revision approved January 30, 1980.~~)) Revision approved August 12, 1982. Revision approved April 9, 1985.

AMENDATORY SECTION (Amending Order DE 83-28, filed 11/16/83)

WAC 173-19-3701 ANACORTES, CITY OF. City of Anacortes master program approved April 9, 1976. Revision approved November 25, 1980. Revision approved July 1, 1981. Revision approved December ((+15) [+23]) 23, 1982. Revision approved November 15, 1983. Revision approved April 9, 1985.

AMENDATORY SECTION (Amending Order DE 84-14, filed 5/2/84)

WAC 173-19-3903 EDMONDS, CITY OF. City of Edmonds master program approved January 23, 1976. Revision approved March 5, 1979. Revision approved May 6, 1980. ((~~Revision approved March 21, 1984.~~)) Revision approved April 30, 1984. Revision approved April 9, 1985.

AMENDATORY SECTION (Amending Order DE 76-16, filed 5/3/76)

WAC 173-20-120 LAKES COMING UNDER PURVIEW OF CHAPTER 90.58 RCW—CLALLAM COUNTY LAKES.

LOCATION	SECTION	NAME	AREA (ACRES)	USE
(1)	T29N-R14W 20 A/B	Wentworth Lk.	53.8	R
(2)	T30N-R7W 15-G	Aldwell Lk.	320.8	P,R
(3)	T30N-R8W 22-Q	Sutherland Lk.	360.8	R
((+3))				
(4)	T30N-R12W 9-J/K	Beaver Lk.	36.3	R
((+4))				
(5)	T30N-R13W 35-E	Pleasant Lk.	486.0	R
((+5))				
(6)	T30N-R14W 16-L	Dickey Lk.	527.0	R
((+6))				
(7)	T31N-R15W 12-W1/2	Elk Lk.	59.0	R
((+7))				
(8)	T31N-R15W 18-E/M	Seafield Lk.	22.0	R

AMENDATORY SECTION (Amending Order DE 76-16, filed 5/3/76)

WAC 173-20-130 LAKES COMING UNDER PURVIEW OF CHAPTER 90.58 RCW—CLALLAM COUNTY LAKES OF STATE-WIDE SIGNIFICANCE.

LOCATION	SECTION	NAME	AREA (ACRES)	USE
((+))				
T31N-R15W 31-A		Ozette Lk.	7787.0	R
((+2) T30N-R7W 15-G		Aldwell Lk.	320.8	P,R)

AMENDATORY SECTION (Amending Order DE 76-16, filed 5/3/76)

WAC 173-20-550 LAKES COMING UNDER PURVIEW OF CHAPTER 90.58 RCW—PEND OREILLE COUNTY LAKES OF STATE-WIDE SIGNIFICANCE.

LOCATION	SECTION	NAME	AREA (ACRES)	USE
(1)	T32N-R43E 12-F	Calispell Lk.	1031.0	R
(2)	T39N-R44E 31	Sullivan Lk.	1400.0	R,P
(3)	T40N-R43E 10-NE1/4	Boundary Res.	1600.0	R,P

AMENDATORY SECTION (Amending Order DE 73-13, filed 8/27/73)

WAC 173-20-700 LAKES COMING UNDER PURVIEW OF CHAPTER 90.58 RCW—THURSTON COUNTY LAKES.

LOCATION	SECTION	NAME	AREA (ACRES)	USE
(1)	T16N-R1W 13-E	McIntosh Lk.	115.8	R
(2)	T16N-R2W 3-NE1/4	Deep Lk.	66.1	R
(3)	T17N-R1W 28-K	Bushman Lk. (Tempo)	40.0	R
(4)	T17N-R1W 33-E	Offutt Lk.	192.0	R
(5)	T17N-R2W 1-L/P	Munn Lk.	29.8	R
(6)	T17N-R2W 33-A/H	Scott Lake	66.8	R
(7)	T17N-R2W 35-H/J	Pitman Lk.	27.0	R
(8)	T18N-R1W 22-H	Long Lk.	311.0	R
(9)	T18N-R1W 27-L	Hicks Lk.	171.3	R
(10)	T18N-R1W 29-B/G	Chambers Lk. (Little Chambers Lk.)	49.1	R
(11)	T18N-R1W 29-C	Chambers Lk. (Russel Lk.)	72.5	R
(12)	T18N-R1W 33-H/J	Southwick Lk.	37.1	R
(13)	T18N-R1W 35-P	Patterson Lk.	257.0	R
(14)	T18N-R2W 15-J	Capitol Lk.	306.0	R
(15)	((+18) T18N-R2W 34-G/K	Barnes Lake		R
((+6))	T18N-R2W 16-W1/2	Grass Lk.	120.0	R
((+7))				
(16)	T18N-R2W 20-H/J	Ken Lk.	24.6	R
((+8))				

LOCATION	SECTION	NAME	AREA (ACRES)	USE
(17) T18N-R2W	22-G	Percival Lk.	22.4	R
((19))				
(18) T18N-R2W	32-C	Black Lk.	576.1	R
((20))				
(19) T18N-R2W	36-B/C	Ward Lake	66.8	R
((21))				
(20) T18N-R2W	36-J	Hewitt Lk.	26.6	R
((22))				
(21) T18N-R4W	13-A	Summit Lk.	522.6	R
((23))				
(22) T16N-R2E	29-B	Lawrence Lk.	339.2	R
((24))				
(23) T16N-R3E	31-S1/2	Clear Lk.	172.8	R
((25))				
(24) T16N-R3E	32-B/C	Elbow Lk.	36.0	R
((26))				
(25) T16N-R3E	32-R	Bald Hill Lk.	44.8	R
((27))				
(26) T18N-R1E	31-32	St. Clair Lk.	244.7	R
((28))				
(27) T17N-R1W	11	Sunwood Lk.	23.0	D
((29))				
(28) T15N-R1E	17	Skookumchuck Res.	550.0	D

AMENDATORY SECTION (Amending Order DE 80-22, filed 7/2/80)

WAC 173-22-040 DESIGNATION CRITERIA. (1) Salt-water areas and lakes. The wetlands shall be measured on a horizontal plane two hundred feet in all directions from the line of vegetation. If there is no vegetative cover, the measurement will be, wherever possible, from a line connecting the lines of vegetation on either side of an area; otherwise, the measurement will be from the mean higher high tide on salt water, and the mean high water on fresh water.

(2) Riverine flood plains.
 (a) The wetland area within the flood plains shall be not less than those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark or floodway pursuant to subsection (b) below, whichever is greater. The wetland area shall not be greater than the 100-year flood plain boundary as established by acceptable methods.

(b) Wetland boundaries shall remain as the 100-year flood plain boundary, as defined by chapter 173-22 WAC, unless local government chooses to change the wetland boundaries. If the boundaries are changed, those changes shall be according to one of the following methods:

- (i) Appropriate surface soil type boundaries.
- (ii) Changes in type, quantity or quality of vegetative ground cover.
- (iii) Readily identifiable natural barriers or permanent flood control devices such as levees, dikes or revetments.
- (iv) Any reasonable method which meets the objectives of the Shoreline Management Act.

(c) The proposed revision of wetland boundaries by any of the above methods must be submitted to the department of ecology for review. Prior to submittal to the department of ecology, a decision as to the relative environmental significance of the revision shall be made pursuant to chapter 197-10 WAC, the SEPA guidelines. If the department of ecology is satisfied that the proposal conforms to the criteria contained herein, the local shoreline master program shall be revised to reflect the boundary changes. The department of ecology shall amend chapter 173-19 WAC (state master program) at a reasonable interval following amendment of the local shoreline master program.

(3) Marshes, bogs and swamps. If marshes, bogs and swamps which constitute associated wetlands extend more than two hundred feet beyond the ordinary high-water mark of the body of water with which they are associated, their perimeters shall be the outer limit of the wetland designation. Such marshes, bogs and swamps shall be defined and designated according, but not limited to, the following definitions:

(a) Marsh - A low flat area on which the vegetation consists mainly of herbaceous plants such as cattails, bulrushes, tules, sedges, skunk cabbage, and other aquatic or semi-aquatic plant. Shallow water usually stands on a marsh, at least during a considerable part of the year. The surface is commonly soft mud or muck.

(b) Bog - A depression or other undrained or poorly drained area containing, or covered with, peat (usually more than one layer) on which characteristic kinds of sedges, reeds, rushes, mosses, and other similar plants grow. In the early stages of development the vegetation is herbaceous and the peat is very wet. In middle stages the dominant vegetation is brush. In mature stages trees are usually the dominant

vegetation, and the peat, at least near the surface, may be comparatively dry.

(c) Swamp - A swamp is similar to a marsh except that ((reeds)) trees and shrubs comprise the characteristic vegetation. Marshes and swamps merge into each other, and both tend to merge into bogs.

AMENDATORY SECTION (Amending Order DE 81-18, filed 6/15/81)

WAC 173-22-060 DESIGNATION MAPS. ((Due to the bulk of the maps designating the wetland areas, they are not included in the text of this chapter, but rather are incorporated herein as an appendix hereto, having full legal force and effect as if published herein. Copies of the appendix are available to the public at all reasonable times for inspection in the headquarters of the department of ecology in Olympia, the Washington state code reviser's office, the appropriate county auditor and city clerk. Copies of portions thereof, or of the complete set, will be available from the department at the expense of the party requesting the same.)) Due to the bulk of the maps designating the wetland areas, they are not included in the text of this chapter, but rather are incorporated herein as an appendix hereto, having full legal force and effect as if published herein. Copies of the appendix are available to the public at all reasonable times for inspection in the headquarters of the department of ecology in Olympia, the Washington state code reviser's office, the appropriate county auditor and city clerk. Copies of portions thereof, or of the complete set, will be available from the department at the expense of the party requesting the same. Volumes I, II, and III entitled "Shorelines under the Shoreline Management Act of 1971" (chapter 90.58 RCW, chapter 286, Laws of 1971 1st ex. sess.) were adopted by reference on June 30, 1972. Revisions to the designation maps were adopted on August 28, 1973; August 31, 1977; August 10, 1978; June 26, 1980; June 9, 1981; and April 9, 1985.

WSR 85-06-066

PROPOSED RULES

DEPARTMENT OF FISHERIES

[Filed March 6, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Fisheries intends to adopt, amend, or repeal rules concerning personal use rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 16, 1985.

The authority under which these rules are proposed is RCW 75.08.080.

The specific statute these rules are intended to implement is RCW 75.08.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 9, 1985.

Dated: March 6, 1985

By: Russell W. Cahill
 for William R. Wilkerson
 Director

STATEMENT OF PURPOSE

Title: WAC 220-57-135 Calawah River; 220-57-285 Humptulips River; 220-57-295 Joe Creek; 220-57-385 Quillayute River; and 220-57-460 Soleduck River.

Description of Purpose: Modify harvest rules.

Statutory Authority: RCW 75.08.080.

Reasons Supporting Proposed Action: No harvestable surplus of adult chinook salmon is expected to return to the Quillayute system (Quillayute, Calawah, and Soleduck rivers), a small surplus of coho is expected to

return to Joe Creek, a harvestable surplus of three-year old male chinook salmon is expected in the Hump Tulips River.

Agency Personnel Responsible for Drafting: Evan S. Jacoby, 115 General Administration Building, Olympia, Washington, 754-2429; Implementation: Edward 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: No public hearing is scheduled.

These proposals are not the result of federal law or court order.

Small Business Economic Impact Statement: No impact, these rules involve recreational harvest of salmon only.

AMENDATORY SECTION (Amending Order 84-22, filed 4/11/84)

WAC 220-57-135 CALAWAH RIVER. (1) Bag limit ((A)) C - July 1 through ((November 30)) August 31: Downstream from the Highway 101 Bridge. ((During the period September 1 through November 30, the))

(2) Special bag limit - Six salmon ((bag limit may contain up to)) not less than 10 inches in length, not more than four ((fish over)) of which may exceed 24 inches in length((At all times,)) - September 1 through November 30: Downstream from the Highway 101 Bridge, except coho salmon greater than 20 inches in length must be released immediately.

AMENDATORY SECTION (Amending Order 84-22, filed 4/11/84)

WAC 220-57-285 HUMPTULIPS RIVER. (1) Bag limit C - July 1 through August 31: Downstream from confluence of east and west forks.

(2) Bag limit C - September 1 through January 31: Downstream of confluence of east and west forks to Highway 101 Bridge.

(3) Bag limit A - September 1 through January 31: Downstream from the Highway 101 Bridge. Chinook salmon over ((24)) 28 inches in length must be released immediately.

AMENDATORY SECTION (Amending Order 84-22, filed 4/11/84)

WAC 220-57-295 JOE CREEK (GRAYS HARBOR COUNTY). Bag limit ((E)) A - ((July)) September 1 through November 30: Downstream from the ((Burlington Northern Railroad)) County Highway 101 Bridge ((located just above)) to the ((Ocean Beach Road)) State Highway 109 Bridge, except that chinook salmon greater than 24 inches in length must be released immediately.

AMENDATORY SECTION (Amending Order 84-22, filed 4/11/84)

WAC 220-57-385 QUILLAYUTE RIVER. (1) Bag limit ((E)) A - Saturday preceding Memorial Day through ((June 30. Downstream from the confluence of the Soleduck and Bogachiel rivers to the Olympic National Park boundary.

(2) Bag limit A - July 1 through)) August 31: Downstream from the confluence of the Soleduck and Bogachiel rivers ((to the Olympic National Park boundary)), except chinook salmon greater than 24 inches in length must be released immediately.

((3)) (2) Special bag limit - Six salmon not less than 10 inches in length, not more than four of which may exceed 24 inches in length - September 1 through November 30: Downstream from the confluence of the Soleduck and Bogachiel rivers ((to the Olympic National Park boundary)). During the period September 20 through November 30, all coho salmon greater than 20 inches in length must be released immediately.

AMENDATORY SECTION (Amending Order 84-22, filed 4/11/84)

WAC 220-57-460 SOLEDUCK RIVER. (1) Bag limit ((E)) A - Saturday preceding Memorial Day through ((June 30. Downstream from concrete pump station at Soleduck Hatchery.

(2) Bag limit A - July 1 through)) August 31: Downstream from concrete pump station at Soleduck Hatchery, except chinook salmon greater than 24 inches in length must be released immediately.

((3)) (2) Special bag limit - Six salmon not less than 10 inches in length, not more than four of which may ((exceed)) be adults, defined as chinook salmon greater than 24 inches in length, coho salmon greater than 20 inches in length, or pink, chum, or sockeye salmon greater than 10 inches in length - September 1 through October 31: Downstream from concrete pump station at Soleduck Hatchery. During the period October 1 through October 31, all coho salmon greater than 20 inches in length must be released immediately.

(4) Bag limit A - November 1 through November 30: Downstream from concrete pump station at Soleduck Hatchery. All coho salmon greater than 20 inches in length must be released immediately.

WSR 85-06-067
PROPOSED RULES
HIGHER EDUCATION
PERSONNEL BOARD
 [Filed March 6, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Higher Education Personnel Board intends to adopt, amend, or repeal rules concerning:

- Amd WAC 251-06-010 Classification plan—Preparation, to delineate how a class plan is to be established and what it is to contain.
- New WAC 251-06-012 Classification plan—Documentation, to provide a more specific rule outlining the documentation required to support a new classification/compensation request.
- New WAC 251-06-014 Classification plan—Criteria, to provide a more specific rule outlining the criteria used in consideration of a classification request.
- Amd WAC 251-06-090 Probationary period—Duration, to specify the length of probationary period as well as how probationary periods of longer than six months are to be established.
- New WAC 251-06-092 Probationary period—Criteria, to provide a more specific rule outlining the criteria to be considered in an extended probationary period request.
- New WAC 251-06-094 Probationary period—Process steps, to provide a more specific rule outlining the steps to be taken by the institution to process an extended probationary period request package.
- Amd WAC 251-09-090 Special pay, to specify the general steps required to process and approve unique pay requests.
- New WAC 251-09-092 Special pay—Criteria, to provide a more specific rule outlining the criteria to be considered for approval of a special pay request.
- Amd WAC 251-14-040 Election and certification of exclusive representative, to set forth the standards and procedures for the conduct of elections.
- Amd WAC 251-14-050 Petition for decertification of exclusive representative, to set forth the criteria for requesting an election and the standards and procedures for the conduct of the election.
- Amd WAC 251-14-052 Union shop representative election, to

		set forth the standards and procedures for the conduct of elections.
Amd	WAC 251-14-054	Union shop representative decertification election, to set forth the criteria for requesting an election and the standards and procedures for the conduct of the election.
Rep	WAC 251-14-035	Election standards and procedures, and add provisions to WAC 251-14-040(3) and 251-14-052.
New	WAC 251-18-285	Certification—Error—Correction, to allow for the invalidation of an appointment by the director or personnel officer when the appointed eligible would not be among those certified to the position upon correction of a certification error;

that the agency will at 9:00 a.m., Friday, April 19, 1985, in the Board Room, Green River Community College, Auburn, Washington, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 28B.16.100.

The specific statute these rules are intended to implement is chapter 28B.16 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 19, 1985.

Dated: March 6, 1985

By: John A. Spitz
Director

STATEMENT OF PURPOSE

This statement is related to the notice filed with the code reviser on March 6, 1985, and is filed pursuant to RCW 34.04.025.

Rules Affected: WAC 251-06-010 Classification plan—Preparation; 251-06-012 Classification plan—Documentation; 251-06-014 Classification plan—Criteria; 251-06-090 Probationary period—Duration; 251-06-092 Probationary period—Criteria; 251-06-094 Probationary period—Process steps; 251-09-090 Special pay; 251-09-092 Special pay—Criteria; 251-14-035 Election standards and procedures; 251-14-040 Election and certification of exclusive representative; 251-14-050 Petition for decertification of exclusive representative; 251-14-052 Union shop representative election; and 251-14-054 Union shop representative decertification election.

Statutory Authority: RCW 28B.16.100 to implement the provisions of that section.

Purpose of Existing Rules: WAC 251-06-010, to delineate how a class plan is to be established and what it is to contain; 251-06-012, new rule proposal; 251-06-014, new rule proposal; 251-06-090, to specify the length of probationary period as well as how probationary periods of longer than six months are to be established; 251-06-092, new rule proposal; 251-06-094, new rule proposal; 251-09-090, to specify the general steps required to process and approve unique pay requests; 251-09-092, new rule proposal; 251-14-035, establishes the election standards and procedures for the conduct of an election; 251-14-040, sets forth the standards and procedures for the conduct of elections; 251-14-050, sets

forth the criteria for requesting an election and the standards and procedures for the conduct of an election; 251-14-052, sets forth the standards and procedures for the conduct of elections; and 251-14-054, sets forth the criteria for requesting an election and the standards and procedures for the conduct of the election.

Summary of Proposed Changes: To put into rule format the necessary procedures to be followed by institutions of higher education with respect to special pay, election standards, classification and extended probationary period.

Agency Person Responsible for Rule: John Spitz, Director, Higher Education Personnel Board, 1202 Black Lake Boulevard, FT-11, Olympia, WA 98504, scan 234-3730 or 753-3730.

Organization Proposing Change: Higher Education Personnel Board staff.

The agency makes no additional comments/recommendations.

The change is not the result of federal law or state court action.

Rule Affected: WAC 251-18-285 Certification—Error—Correction.

Statutory Authority: RCW 28B.16.100 to implement the provisions of that section.

Purpose of Existing Rules: New rule proposal.

Summary of Proposed Changes: To allow for the invalidation of an appointment by the director or personnel officer when the appointed eligible would not be among those certified to the position upon correction of a certification error.

Agency Person Responsible for Rule: John Spitz, Director, Higher Education Personnel Board, 1202 Black Lake Boulevard, FT-11, Olympia, WA 98504, scan 234-3730 or 753-3730.

Organization Proposing Change: Higher Education Personnel Board staff.

The agency makes no additional comments/recommendations.

The change is not the result of federal law or state court action.

AMENDATORY SECTION (Amending Order 98, filed 7/22/82, effective 9/1/82)

WAC 251-06-010 CLASSIFICATION PLAN—PREPARATION. (1) The director shall prepare and may revise for board approval a comprehensive classification plan for all positions after investigation and in consultation with personnel officers, employee representatives, and other interested parties, and after analysis of the duties and responsibilities of positions within each class including relevant supporting data. When complete, the plan will include, for each class, a specification including an appropriate title, a description of duties and responsibilities, and the minimum requirements of training, experience and other qualifications, and identification of the classes which require a probationary period of more than six months.

(2) A personnel officer or the HEPB staff may initiate a request to modify the classification/compensation plan through the addition of a new class or the modification or abolishment of an existing class.

NEW SECTION

WAC 251-06-012 CLASSIFICATION PLAN—DOCUMENTATION. Documentation supporting any new classification/compensation request is the responsibility of the party initiating the request. The following general documentation may be required on a case-by-case basis in support of the request:

- (1) Demonstration that an existing HEPB classification does not enable proper allocation;
- (2) Verification of workweek designation;
- (3) Indexing;
- (4) An organization chart (current and proposed) showing the relationship of the position (class) to other positions (classes) within the organizational unit;
- (5) The approximate number of positions within the institution and the HEPB system that would be affected by the action requested;
- (6) A copy of completed position description(s), when appropriate;
- (7) A copy of the institution position review;
- (8) Recommended salary range and complete rationale for the recommended salary range. If the proposed compensation rate(s) is (are) different from the prevailing rate for similar classes in other jurisdictions, explain the reason for proposing the different rate;

NOTE: HEPB class/comp staff will consider legislative guidance/intent regarding such issues as salary survey implementation in making its pay rate recommendations to the board.

- (9) Base pay rates for similar classes in other jurisdictions, if available:
 - (a) Name of firm and/or organization, name of contact person and phone number from which data was derived;
 - (b) Attach job description(s) from other jurisdictions, if available;
- (10) Any proposed special/premium pay rates shall be stated separately from the basic pay rate data for each class for which new or changed compensation rates are proposed.

NEW SECTION

WAC 251-06-014 CLASSIFICATION PLAN—CRITERIA. The following criteria will be used when considering a classification request.

- (1) System integrity, i.e., whether the action provides for an improved system.
- (2) Whether there are similar class(es) in other public or private jurisdictions.
- (3) Whether the proposal fits into the following classification hierarchy:
 - (a) Manager or second-level supervisor;
 - (b) Supervisor;
 - (c) Lead or specialist;
 - (d) Journey-level (fully competent and skilled);
 - (e) Entry;
 - (f) Trainee/apprentice.

AMENDATORY SECTION (Amending Order 98, filed 7/22/82, effective 9/1/82)

WAC 251-06-090 PROBATIONARY PERIOD—DURATION. (1) The probationary period for all classes in the HEPB classification plan will be six months, unless the board approves a longer probationary period for the class.

(2) The director will prepare and revise for board adoption on a class-by-class basis any probationary periods which exceed six months. (~~Procedures for requesting extended probationary periods will be developed by the director.~~)

(3) Classes with longer probationary periods will be identified in the HEPB classification plan.

(4) When the probationary period for a class is approved for longer than six months, the longer period shall apply only to eligibles appointed after the effective date of the board's action.

NEW SECTION

WAC 251-06-092 PROBATIONARY PERIOD—CRITERIA. Criteria which will be considered for extended probationary periods are listed below. Requests may be under any one criterion.

(1) Work of the class is of such a nature that performance of the full range of duties cannot be properly evaluated within six months after an appointment. ("Full range" means all the regularly-assigned tasks performed by incumbents of the class.) When making a request under this criterion the following information shall be provided:

- (a) The nature of the work which precludes evaluation within a six-month period.
- (b) Documented problems encountered with the current probationary period.
- (c) The performance evaluation method(s) used.

(d) A description of the nature of the work of the class that is the focus of the extended probationary request.

(2) Work of the class is cyclic in nature and the complete workload cycle exceeds the normal six-month period. The institution shall provide appropriate documentation to indicate that complete work cycles at a complexity level appropriate for the class cannot be completed within six months.

(3) Work is of such a nature that extended formalized training is required prior to the full assumption of duties. When making a request under this criterion the following information shall be provided:

- (a) The nature of the work that requires formal (not on-the-job) training following employment.
- (b) The nature of the training required.
- (c) The standard length of the required training.
- (d) Whether the training is conducted by an accredited training group and if so, whether it has an established curriculum.
- (e) Whether exceptions to the standard length of training exist, and if so,
 - (i) what are those exceptions on a position-by-position basis, and
 - (ii) what grounds were used to grant any exceptions to training.
- (4) The request package should contain documentation showing that all positions in the class throughout the system have been reviewed to determine the impact of the six-month probationary period.

NEW SECTION

WAC 251-06-094 PROBATIONARY PERIOD—PROCESS STEPS. The personnel officer from the institution making the request for an extended probationary period will:

(1) Complete the request package for affected class(es). The package should clearly and specifically detail the logic and justification for the extended probationary period; data (numbers of positions/institutions; documented problems with current probationary periods); should contain documentation from each institution which uses the class in question and from any inter-institutional group which is related to the class in question.

(2) Notify the exclusive representative of the class(es) affected.

(3) Forward the request package to HEPB.

AMENDATORY SECTION (Amending Order 108, filed 9/23/83, effective 10/24/83)

WAC 251-09-090 SPECIAL PAY. (1) The board or the director may approve special pay due to unique working conditions, employment problems such as recruitment and/or retention, or when special use requirements are necessary to maintain effective operation of the institution. Actions approved by the director are subject to confirmation by the board.

(2) Special pay rates approved by the board will be applied to those positions and/or classes for which there is clear evidence of need, as determined by the appropriate criteria. If pay rate anomalies occur, e.g., pay inversions with other classes in the class series or closely-related class series, consideration on a case-by-case basis will be given to applying special pay rates to those affected classes.

(3) Upon each implementation of a salary adjustment, all existing special pay rates which were approved under the recruiting/retention and effective operations criteria will expire unless the higher education personnel board approves a continuing special pay rate for each class. When removed, the class shall be compensated at the established HEPB system range.

(4) Expiration of a special pay differential shall not result in a reduction of an employee's current salary rate. Where the system range is lower than the former special pay range, employees shall be placed into the salary step in the system range which is closest to but not less than the employee's current salary. Such employees will be allowed to achieve the maximum salary step of the former special pay range.

(5) Special pay "sunsetting" may be accelerated for any class at the option of the institution.

NEW SECTION

WAC 251-09-092 SPECIAL PAY—CRITERIA. The following criteria are considered regarding the need for special pay. Any given criterion listed may not be relevant for all requests, and will be utilized only where appropriate. Additional factors which a requestor feels are applicable to a given situation may also be submitted.

(1) Recruitment and retention requests: Special pay may be requested to compensate employees at a rate higher than the system-

wide rate when recruiting efforts are not successful in attracting qualified candidates to fill vacancies for specific classes or when the institution is unable to retain qualified employees.

(a) Minimum requirement for consideration: Salary data from other HEPB-approved jurisdictions must show a minimum five percent differential over current HEPB rates.

(b) Primary data to be provided:

(i) Class title and code number for classes for which special pay is requested.

(ii) Number of positions in the class for which special pay is requested.

(iii) Length of vacancy of each position currently vacant.

(iv) Nature of recruiting activity for each position. Provide data required in section (c) of this subsection.

(c) Recruitment and recruiting results:

(i) Where the institution is advertising and the length of the advertising period.

(ii) Results: Number of applications received, the number of applicants passing each phase of the examination, the number of applicants certified and interviewed, and the number of offers made/rejected (including salary offered).

(iii) Explain the lack of recruiting activity if none has occurred.

(d) Retention statistics/information:

(i) Total institution, or other appropriate unit, turnover number and percent of total institution FTE semi-annually for the twelve months immediately prior to the date of the request; internal turnover (movement from position-to-position within an institution), and external turnover (employees leaving the institution).

(ii) Internal and external turnover data (number and percent) for classes for which special pay is requested for the twelve months immediately prior to the date of the request on a semi-annual basis; also provide, where applicable, and to degree possible: New salary, new position(s)/name of new employer, other reasons for turnover, and impact of turnover problems such as backlog of work, overtime required, use of temporary employees, and other.

(iii) Nonstatistical information such as other difficulties due to high turnover.

(e) Comparative data — Other jurisdictions: Provide information on classes in competitive/comparable jurisdictions to the degree available such as weighted average salaries (without special pay), class turnover number and percent information comparable to the information provided for the requesting institution's classes.

(f) Status report: HEPB staff will request follow-up data as necessary.

(2) Pro rata work requests. Special pay may be requested to compensate, at a rate higher than the system-wide rate, an employee who performs work of a higher paid class during a portion of the work time while the employee's assigned position is allocated to a lower class.

(a) The assignment of duties or higher-level skills must be:

(i) On a continuing, cyclic, or periodic basis and not performed on an exceptional or emergency basis or performed for training purposes; and

(ii) Made by the employing official and a matter of record; and

(iii) In an unrelated class; and

(iv) Significant (twenty percent or more), but less than half-time, and confirmed by a position audit conducted by the personnel officer or designee.

(b) Primary data to be provided:

(i) Title and code number of the class to which the incumbent is assigned;

(ii) Title and code number of the class to which the pro rata work is assigned;

(iii) Percent of time work is performed which is a part of each of the two classes; and

(iv) Position number or name of incumbent.

(3) Effective operations. Special pay may be requested to compensate employees at a rate higher than the system-wide rate for work performed which is necessary for effective institution operations. Such requests may be made for single positions allocated to a class or for all positions allocated to a class. The nature of the work and work configurations will typically: Be unique to the operation of an institution; and/or reflect local market conditions/approved institution practices; and/or will have a major impact on the teaching, research or public service mission of the institution.

(a) Minimum requirement for consideration: A minimum of five percent salary data from other HEPB-approved jurisdictions must show differential over current HEPB rates.

(b) Primary data to be provided:

(i) Class title and code numbers for which special pay is requested.

(ii) Number of positions in class(es) for which special pay is requested.

(c) Background of request:

(i) Describe configuration of work performed by employees; contrast current work configuration with different work configurations in other jurisdictions and/or in other higher education institutions; provide the length of time this work configuration has existed; compare current work configuration with work configuration in the requestor's institution before the initial request for special pay was made.

(ii) Describe why the change in work configuration occurred including the rationale for current configuration: Describe why the current configuration of work is necessary for effective operation of the institution; explain how productivity is improved by current work configuration; describe the cost savings to the institution by configuring work in this fashion.

(d) Special pay support data:

(i) Describe formula or other method used to determine the special pay level and provide the rationale for the formula/methodology used.

(ii) From other comparable jurisdictions, describe any similar work configuration, any similar formula/methodology for determining pay rates, existing pay rate packages which are similar to the current request.

(e) Status report: HEPB Staff will request follow-up data as necessary.

AMENDATORY SECTION (Amending Order 95, filed 4/26/82, effective 6/1/82)

WAC 251-14-040 ELECTION AND CERTIFICATION OF EXCLUSIVE REPRESENTATIVE. (1) The director shall certify an employee organization as exclusive representative of the employees of a bargaining unit when such organization shows proof that it represents a majority of such employees at the close of the last preceding payroll period and such proof is not contested by the appointing authority, the director, or any other interested party. Prior to certification, the director shall give ten calendar days' notice that an employee representative has petitioned to be named the exclusive representative of a bargaining unit. Such notice shall inform all other interested parties that an election may be requested as herein provided and that the proof of majority representation may be contested within ten calendar days. The ten calendar day period shall begin three days after the director's notice is mailed, and a request for an election or notice of a contest of proof of majority representation shall be deemed timely if postmarked within the ten-day period. The institution personnel officer or designee shall have responsibility for posting copies of the notice in conspicuous places in the work area of the employees included in the bargaining unit. The director shall determine whether the proof of representation is satisfactory, and if it is not satisfactory shall require that an election be held.

The director will require that an election be held when not less than thirty percent of the employees in a bargaining unit petition for an election during the ten calendar day notice period: PROVIDED, HOWEVER, That unless another employee organization shows proof of at least thirty percent representation, such an election shall be limited to the issue as to whether or not the employees desire certification of the petitioning employee organization as exclusive representative.

(2) The director shall conduct a secret vote for selection of an exclusive representative of the employees of a bargaining unit upon request from an employee organization showing satisfactory proof of at least thirty percent representation of employees on the active payroll who were employed within the bargaining unit at the close of the payroll period immediately preceding the date of request. Upon granting a request for an election, the director shall give written notice thereof and allow ten calendar days for other employee organizations desiring their names placed on the ballot to show satisfactory proof of at least ten percent representation of employees on the active payroll who were employed within the bargaining unit at the close of the payroll period immediately preceding the date of notice of election. The ten calendar day period shall begin three days after the director's notice is mailed, and a request by an employee organization to be placed on the ballot shall be deemed timely if postmarked within the ten calendar day period.

(3) The director or designee, at a pre-election conference, shall review with interested employee organizations and the appointing authority or designee the standards and procedures for the conduct of the

election (~~(; shall inform all affected employees of the conditions set forth therein, and shall distribute sample ballots:)) set forth as follows:~~

(a) Type of election – An on-site or mail ballot election may be held for exclusive representative elections.

(b) Place of election – If other than mail ballot, the election shall be held on state property unless otherwise agreed to by the petitioning employee organization and appointing authority.

(c) Date of election – The date of the election shall be established at the preelection conference. This date shall allow sufficient time to notify all affected employees of the conditions set forth herein for conduct of the election.

(d) Eligible voters – All classified employees assigned to the current classes included in the bargaining unit who are employed on the date of election shall be eligible to vote.

(e) Polling place(s) – Polling places shall be located in areas that are convenient for employees such as work report stations, cafeterias, etc. The polls shall be open sometime during each shift to allow employees to vote during their assigned work shift. The polls may be moved to different areas during a work shift.

(f) Appropriate voting facilities – Voting facilities shall be made available by the appointing authority. These facilities shall include a sufficient number of voting booths, table and chairs for election officials and adequate space to assure employees privacy when casting their vote.

(g) Election officer – The director or designee shall be responsible for the conduct of the election at each polling site.

(h) Election observers – Observers at each polling site normally shall be comprised of one employee selected by the employee organization and one employee selected by the institution.

(i) Employee listings – Per WAC 251-14-056, institutions are to make available copies of a current listing of all eligible voters indicating names, current mailing addresses, classes and work locations.

(j) Official voting list – An official voting list and a copy for each observer shall be furnished to the election officer by the institution one day prior to the election. The official voting list shall be made available at any time, during the time the polls are open, to persons with a legitimate interest to check the names of those employees still remaining to vote.

(k) Challenges (void ballots) – A challenge of the eligibility of a voter may be made before the time set for the start of the election or at such time as a potentially challenged voter appears at the voting place to vote. If a challenge is made to a voter, the election officer shall inscribe the word "challenged," together with an identifying challenge number, next to the voter's name on the original list of eligible voters. The challenged voter's ballot will be placed in an unmarked envelope and placed in a second envelope on which the name of the voter is inscribed and the reason for the challenge is stated. Challenges must include a statement of the grounds for such challenge at the time the challenge is made.

Any voter appearing to vote whose name does not appear on the list of eligible voters must vote a challenged ballot.

Determination on the merits of the challenge will be made by the director of the higher education personnel board or designee only if the challenged vote could affect the outcome of the election.

The election officer will declare void and will not count any ballot that identifies the person casting the ballot or does not clearly indicate the desire of the voter.

(l) Official ballot count:

(i) On-site election – The election officer will conduct the count of the ballots immediately upon closing the poll on the closing date of the election provided all absentee ballots have been received by the election officer at the time the poll closes. Otherwise, the ballots will be counted in the Office of the Higher Education Personnel Board, Olympia, Washington, after two working days following the closing date of the election.

(ii) Mail ballot election – The ballots will be counted in the office of the higher education personnel board at the close of the poll on the date of the election.

(m) Employee and employee organization activities – Employees in the bargaining unit involved in the election and the involved employee organization(s) may distribute informational bulletins, post election material, wear campaign buttons and express opinions on the grounds of the institution during working hours provided the operation of the institution is not disrupted. All such written information must be identified as to the source. All such activities of employee organization(s) are subject to the provisions of WAC 251-14-070(2).

(n) Management activities – Representatives of management may express opinions and distribute informational bulletins regarding representation by an employee organization. All such written information must be identified as to the source. All such activities are subject to the provisions of WAC 251-14-070(1).

(o) Notice of election – The institution will post the "Notice of Election" on appropriate bulletin boards throughout the work areas of the employees employed in the bargaining unit that are involved in the election. This notice will be prepared by the director or designee and must be posted in the work areas at least seven days prior to the date of the election.

All official written informational bulletins to employees regarding the election will be written and issued by the director of the higher education personnel board.

(4) The affected employees will be notified of the election by a notice prepared by the director or designee and posted by the institution in the work areas of the employees.

(5) The ballot shall contain the name of the requesting employee organization and the name of any other employee organization showing satisfactory proof of at least ten percent representation within the unit, and shall provide a choice for any employee within the unit to designate that he/she does not desire to be represented by an exclusive representative. (~~All employees on the active payroll and employed within the bargaining unit at the time of election are eligible to vote:))~~

(6) Eligible employees unable to vote at the time of election may vote by absentee ballot. Absentee ballots may be requested prior to date of election, but will be counted only if received by the director or designee no later than two regular working days following the closing date of election. (~~Where more than one organization is on the ballot and none receives a majority of all votes cast in such election, a run-off election shall be held. The run-off ballot shall contain the two choices which received the largest and second largest number of votes:))~~

(~~4~~) (7) Election signs and banners shall not be permitted in the area in which the balloting takes place, nor shall any person in the area discuss the advantages or disadvantages of representation by any organization whether on the ballot or otherwise, nor shall any person in that area engage in any other form of electioneering.

(~~5~~) (8) An employee organization receiving a majority of all votes cast in such an election, or run-off, shall be certified by the director as the exclusive representative of the employees in the bargaining unit. Where more than one organization is on the ballot and none receives a majority of all votes cast in such election, a run-off election shall be held. The run-off ballot shall contain the two choices which received the largest and second largest number of votes.

(~~6~~) (9) When an employee organization has been certified as the exclusive representative of the employees in a bargaining unit, it shall be entitled to act for, and to negotiate collective agreements covering all employees in the unit, and shall be responsible for representing the interests of all such employees. Individual grievances or group grievances of employees may, however, be presented by them to management and may be adjusted by management so long as the adjustment is not inconsistent with the collective agreement and the exclusive representative has had an opportunity to review such adjustments.

(~~7~~) (10) Another exclusive representative election shall not be held concerning the same bargaining unit until the lapse of at least twelve months from the date of the last previous exclusive representative election.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-14-050 PETITION FOR DECERTIFICATION OF EXCLUSIVE REPRESENTATIVE. (1) Upon petition to the director by not less than thirty percent of the employees of a bargaining unit, decertification or a new certification shall be determined by a secret vote of the employees, providing twelve months have elapsed since the last certification and ninety calendar days or less remain before the termination of any existing collective bargaining agreement covering the employees of the unit. Such an election shall be conducted in accordance with WAC 251-14-040 (2), (3), (~~and~~) (4), (5), (6), and (7). Another exclusive representative decertification election shall not be held concerning the same bargaining unit for at least twelve months from the date of the last previous exclusive representative decertification election.

(2) When the board, pursuant to WAC 251-14-030, combines existing bargaining units into one new unit, the combination shall effect an automatic decertification of the affected exclusive representatives

except in those instances where the same employee organization is certified as the exclusive representative for all of the existing bargaining units that are being combined into one new unit.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-14-052 UNION SHOP REPRESENTATIVE ELECTION. (1) The director shall order a union shop representative election to be held upon petition from an employee organization which has been certified per WAC 251-14-040 as the exclusive representative of the employees of a bargaining unit.

~~(2) ((The director shall, upon receipt of a petition for a union shop representative election, inform all affected employees of the union shop provisions contained in the state higher education personnel law, RCW 28B.16.100.~~

~~(3))~~ The director or designee, at a preelection conference, shall review with the employee organization and appointing authority or designee the standards and procedures for the conduct of the election ~~((and shall inform all affected employees of the conditions set forth therein)).~~

~~(3) The election shall be conducted in accordance with WAC 251-14-040 (3) (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), and (o), (4), (6), and (7), except the notice of election shall also inform the affected employees of the union shop provision in RCW 28B.16.100(1).~~

~~(4) The election shall be held on state property during working hours unless otherwise agreed to by all parties during the preelection conference.~~

~~(5) ((All employees on the active payroll and employed within the bargaining unit on the date of election will be eligible to vote. Eligible employees unable to vote at the time of election may vote by absentee ballot.~~

~~(6) Absentee ballots may be requested prior to date of election but will be counted only if received by the director or designee no later than two regular working days following the closing date of election:)) Employee and employee organization activities - When a union shop representative election has been petitioned for under WAC 251-14-052 and/or 251-14-054, employees in the bargaining unit involved in the election and the exclusive representative may distribute informational bulletins, post election materials, wear campaign buttons and express opinions on the grounds of the institution during working hours providing the operation of the institution is not disrupted. Literature related to the election must be identified as to the source. All such activities of the parties are subject to the provisions of WAC 251-14-070(2) and 251-14-057.~~

~~(6) Management activities - Because a union shop representative election is an issue between members of the bargaining unit, management will refrain from electioneering. However, when a union shop representative election has been petitioned for under WAC 251-14-052 and/or 251-14-054, management may answer questions from employees concerning the application of the state higher education personnel law and rules as they relate to the union shop provision. Any expression of opinion by management either for or against a condition of union shop for the unit is subject to a charge of unfair labor practice under WAC 251-14-070(1) and 251-14-057. Individual supervisors who are included in the bargaining unit are not restricted from expressing their personal opinion or views.~~

~~(7) Transportation to official places of voting shall be provided to the degree practicable as determined by preelection conference.~~

~~(8) ((Election signs and banners shall not be permitted in the area in which the balloting takes place, nor shall any person in the area discuss the advantages or disadvantages of a union shop and mandatory membership in an employee organization.~~

~~(9))~~ The director will certify the employee organization as the union shop representative if a majority of employees in the bargaining unit vote in favor of requiring membership in the employee organization to be a condition of employment.

~~((10))~~ (9) Another union shop representative election shall not be held concerning the same bargaining unit for at least twelve months from the date of the last previous union shop representative election.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-14-054 UNION SHOP REPRESENTATIVE DE-CERTIFICATION ELECTION. (1) The director shall, upon petition of thirty percent of the members of a bargaining unit, order an election to determine if a majority of employees in such bargaining unit wish to

rescind membership in the employee organization as a condition of employment, providing twelve months have lapsed since the original election which established the union shop representative. Such election shall be conducted in accordance with WAC 251-14-052 (2), (3), (4), (5), (6), and (7)~~((and (8)))~~.

(2) Another union shop representative decertification election shall not be held concerning the same bargaining unit for at least twelve months from the date of the last previous union shop decertification election.

(3) The director will issue a notice of union shop representative decertification, which will nullify the requirement of membership in an employee organization or the payment of a representation fee as a condition of employment when a majority of the employees in the bargaining unit vote to rescind membership in an employee organization as a condition of employment.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 251-14-035 ELECTION STANDARDS AND PROCEDURES.

NEW SECTION

WAC 251-18-285 CERTIFICATION—ERROR—CORRECTION. When an error is made in the certification of names for a vacancy, the director or the personnel officer may invalidate the appointment when the appointed eligible(s) would not be among those certified to the position upon correction of the error.

WSR 85-06-068

NOTICE OF PUBLIC MEETINGS STATE BOARD OF EDUCATION

[Memorandum—March 6, 1985]

The State Board of Education schedule of meeting dates and locations for the 1985 calendar year, filed with the state code reviser on December 24, 1984, (WSR 85-02-009) has been amended as follows: The location of the April 11-12, 1985, business meeting has been changed from the auditorium of Central Kitsap High School to the board meeting room of the Jenne-Wright School, 9210 Silverdale Way N.W., Silverdale, Washington.

A study session for the committee of the whole will be held Wednesday evening, April 10, 1985, beginning at 6:30 p.m. in the Bayview Inn in Bremerton. No public testimony or comment will be taken.

WSR 85-06-069

PROPOSED RULES STATE BOARD OF EDUCATION

[Filed March 6, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning State assistance in providing school plant facilities—Modernization and in lieu construction, chapter 180-33 WAC;

that the agency will at 9:00 a.m., Thursday, April 11, 1985, in the Board Meeting Room, Jenne-Wright School, 9210 Silverdale Way N.W., Silverdale, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on Friday, April 12, 1985.

The authority under which these rules are proposed is RCW 28A.47.830.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 11, 1985.

Dated: March 6, 1985

By: Monica Schmidt
Secretary

STATEMENT OF PURPOSE

Rule: Chapter 180-33 WAC, State assistance in providing school plant facilities—Modernization and in lieu construction.

Rule Section(s): WAC 180-33-015 Eligibility for state financial assistance; 180-33-042 Replacement option; and 180-33-043 Prospective application of WAC 180-33-040 to new construction in lieu of modernization.

Statutory Authority: RCW 28A.47.830.

Purpose of the Rule(s): To establish conditions for state assistance in school plant facilities.

Summary of the New Rule(s) and/or Amendments: WAC 180-33-015 is amended to clarify that a facility may be replaced; 180-33-042 codifies agency policy that new construction in lieu of modernization is a permissible alternative and announces prospective application of state assistance for such construction at modernization rate; and 180-33-043 grandfathers current projects at current rate.

Reasons Which Support the Proposed Action(s): Codifies current practice and announces prospective change.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Implementation and Enforcement: Perry Keithley, SPI, 3-6742.

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): Is necessary to interpret current rules and codify agency practice.

AMENDATORY SECTION (Amending Order 16-83, filed 10/17/83)

WAC 180-33-015 ELIGIBILITY FOR STATE FINANCIAL ASSISTANCE. (1) In order to be eligible for state financial assistance, a modernization project shall have as its principal purpose one or more of the following:

(a) Bringing a facility into compliance with current building and health codes when so required by state or local health or safety officials (~~((rather than replacing the facility))~~);

(b) Changing the instructional use or instructional purpose of a facility; or

(c) The reduction of the number of operating school facilities in a district by combining the remaining school facilities through modernization and new capital construction so as to achieve more cost effective and efficient operation in the combined school facility or facilities. In order to be eligible for state financial assistance, such a project shall result in additional space for at least 100 additional pupils and the following enrollment in any combined facility:

- (i) Elementary school facility — 500 pupils;
- (ii) Middle or junior high school facility — 700 pupils;
- (iii) Senior high school facility — 850 pupils;

PROVIDED, That modernization projects in school districts with a high school enrollment of less than 850 pupils need not comply with the enrollment figures set forth above.

(2) School districts shall certify that a proposed modernization project will extend the life of the modernized school facility by at least twenty years during which time the district shall be ineligible for state matching funds for replacement of the affected facility.

(3) School districts shall be ineligible for (a) state financial incentives as set forth in chapter 180-27 WAC, and (b) assistance where the principal purpose of a modernization project is to:

(i) Solve delayed maintenance problems;

(ii) Perform piecemeal work on one section or system of a school facility;

(iii) To modernize a senior high school facility in a district with a senior high school where there is existing space available to serve the students involved or affected in a neighboring senior high school without, in the judgment of the state board of education, an undue increase in the cost of transporting the students to and from school, decrease in educational opportunity, or proportional increase in the cost of instruction pursuant to chapter 180-25 WAC.

NEW SECTION

WAC 180-33-042 REPLACEMENT OPTION. A district with space eligible for modernization pursuant to WAC 180-33-015 and 180-33-025 may elect to replace such space through new construction in lieu of modernization. In such case, the district shall apply for a new school facility in accordance with applicable rules and regulations pertaining to new school plant facilities. Except as otherwise provided in WAC 180-33-043, districts exercising this election shall be limited in state assistance to the provision of WAC 180-33-040.

NEW SECTION

WAC 180-33-043 PROSPECTIVE APPLICATION OF WAC 180-33-040 TO NEW CONSTRUCTION IN LIEU OF MODERNIZATION. Any district with a proposed project approved by the state board of education pursuant to WAC 180-29-025 (i.e., Form C-2) prior to February 28, 1985 and which has obtained local capital funding pursuant to WAC 180-25-050(3) for projects identified within the Form C-2 by such date shall receive state assistance for such projects in accordance with the provisions otherwise applicable to new construction and, therefore, shall not be limited by the provision of WAC 180-33-040.

WSR 85-06-070

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed March 6, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning State assistance in providing school plant facilities—Preliminary provisions, chapter 180-25 WAC;

that the agency will at 9:00 a.m., Thursday, April 11, 1985, in the Board Meeting Room, Jenne-Wright School, 9210 Silverdale Way N.W., Silverdale, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on Friday, April 12, 1985.

The authority under which these rules are proposed is RCW 28A.47.830.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 11, 1985.

Dated: March 6, 1985

By: Monica Schmidt
Secretary

STATEMENT OF PURPOSE

Rule: Chapter 180-25 WAC, State assistance in providing school plant facilities—Preliminary provisions.

Rule Section(s): WAC 180-25-040 State study and survey—State Board of Education approval or denial; 180-25-045 Approval criteria for state assistance; and 180-25-055 Conditions applicable to district's authority to proceed.

Statutory Authority: RCW 28A.47.830.

Purpose of the Rule(s): To set forth eligibility for state assistance for school facilities.

Summary of the New Rule(s) and/or Amendments: WAC 180-25-040 makes explicit the need for a Form C-2 as a condition to proceed; 180-25-045 makes explicit the conditions under which the existence of un-housed students is not necessary for new construction; and 180-25-055 makes explicit that secured funding is not achieved until issuance of Form C-6.

Reasons Which Support the Proposed Action(s): This is an interpretive rule which clarifies agency policy.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Implementation and Enforcement: Perry Keithley, SPI, 3-6742.

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): Eliminates confusion regarding agency policy.

AMENDATORY SECTION (Amending Order 9-83, filed 10/17/83)

WAC 180-25-040 STATE STUDY AND SURVEY—STATE BOARD OF EDUCATION APPROVAL OR DENIAL. After review of the state study and survey, together with recommendations and comments, including the maximum area allowance eligible for state financial assistance and the estimated amount of state financial assistance, the state board of education shall in accordance with WAC 180-25-045 take one of the following actions:

(1) Deny approval of state assistance for the construction and/or modernization of school facilities; or

(2) Grant approval of state assistance for the construction and/or modernization of school facilities and state any conditions that may or may not be applicable; PROVIDED, That proposed projects listed within the state study and survey for which there is no request for authority to proceed (i.e., Form C-2) shall be deemed denied and the provisions of this chapter shall govern future requests for authority to proceed for such denied projects.

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

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

NEW SECTION

WAC 180-25-055 CONDITIONS APPLICABLE TO DISTRICT'S AUTHORITY TO PROCEED. The authorization by the state board of education pursuant to WAC 180-25-050 for the district

to proceed for particular school facilities is subject to the conditions of WAC 180-29-107. Therefore, districts receiving approval by the state board of education pursuant to WAC 180-25-050 are on notice that until final approval is granted pursuant to WAC 180-29-107 (i.e., the issuance of Form C-6 by the superintendent of public instruction) the particular school facilities do not have secured funding status.

AMENDATORY SECTION (Amending Order 9-83, filed 10/17/83)

WAC 180-25-045 APPROVAL CRITERIA FOR STATE ASSISTANCE. (~~With the exception of interdistrict cooperative skill centers and interdistrict transportation cooperatives;~~) The state board of education shall grant approval of state assistance for school facilities for a school district that demonstrates the following:

(1) The existence of un-housed students which for the purpose of this section shall mean current or projected enrolled students who are in excess of the capacity calculated for existing facilities within the district pursuant to chapter 180-27 WAC: PROVIDED, That current or projected enrolled students shall not be designated as un-housed for a high school district of application which has a student enrollment of four hundred or less in grades nine through twelve, if the students involved or affected can be served without undue inconvenience in a neighboring school, or schools of larger size and the neighboring school district has indicated a willingness to serve, and has the capacity to house the applying district high school students; and

(2) The ability of the district to provide any necessary capital funds by local effort; PROVIDED, That the existence of un-housed students provision of subsection (1) of this section shall not be applicable to interdistrict cooperative skill centers, interdistrict transportation cooperatives, and modernization and new construction authorized by chapter 180-33 WAC.

WSR 85-06-071

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed March 6, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning school district rules defining students religious rights, WAC 180-40-227;

that the agency will at 9:00 a.m., Thursday, April 11, 1985, in the Jenne-Wright School, 9210 Silverdale Way N.W., Silverdale, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 12, 1985.

The authority under which these rules are proposed is RCW 28A.04.132.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before Thursday, April 11, 1985.

Dated: March 6, 1985

By: Monica Schmidt
Secretary

STATEMENT OF PURPOSE

Rule: Chapter 180-40 WAC, Pupils.

Rule Section(s): WAC 180-40-227 School district rules defining students religious rights.

Statutory Authority: RCW 28A.04.132.

Purpose of the Rule(s): To establish timelines for adoption of local rules.

Summary of the New Rule(s) and/or Amendments: WAC 180-40-227 postpones implementation date from September 1, 1985, to December 1, 1985.

Reasons Which Support the Proposed Action(s): The United States Supreme Court is considering several cases related to the rule, and decisions may not be available until July 1, 1985. If Supreme Court departs from previous decisions, districts need additional time.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting and Implementation: Ralph E. Julnes, SPI, 3-2298; and Enforcement: Frank B. Brouillet, SPI, 3-2298.

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): Does not change agency intent for the adoption of local rules.

AMENDATORY SECTION (Amending Order 3-85, filed 1/25/85)

WAC 180-40-227 SCHOOL DISTRICT RULES DEFINING STUDENTS RELIGIOUS RIGHTS. It shall be the responsibility and duty of each school district to adopt policies of the district for implementation of students' rights to freedom of religion and to have their schools free from sectarian control or influence while they are participating in any school district conducted or sponsored activity or while they are otherwise subject to school district supervision and control. Such rules shall be adopted by ~~((September))~~ December 1, 1985 and shall be transmitted to the superintendent of public instruction by ~~((October+))~~ December 10, 1985.

WSR 85-06-072
EMERGENCY RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Order R-224, Cause No. U-85-07—Filed March 6, 1985]

In the matter of amending WAC 480-08-050 relating to attachments on utility poles.

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 immediate action is required to maintain state certification to regulate pole attachments.

This rule amendment is being promulgated pursuant to RCW 80.01.040 and 80.54.060.

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 480-08-050 affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-08-050 should be amended, to read as set forth in Appendix A shown below and made a part hereof by this reference. WAC 480-08-050 as

amended means that any complaint filed with the commission involving pole attachments will be resolved by final order no later than 360 days after filing, consistent with the requirements of the Federal Communications Act.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-08-050 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 6th day of March, 1985.

Washington Utilities and Transportation Commission
Sharon L. Nelson, Chairman
Robert W. Bratton, Commissioner
A. J. "Bud" Pardini, Commissioner

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-130, Cause No. U-79-34, filed 8/9/79)

WAC 480-08-050 PLEADINGS. (1) Pleadings enumerated. Pleadings before the commission shall be formal complaints, petitions, answers, replies, and motions.

(2) Verification. All pleadings, except motions and complaints brought upon the commission's own motion, shall be verified in the manner prescribed for verification of pleadings in the superior court of Washington.

(3) Time for motion. Any motion directed toward a complaint or petition must be filed before the answer is due, otherwise such objection must be raised in the answer. If a motion is directed toward an answer, it must be filed before the reply is due, otherwise such objection must be raised in the reply. If a motion is directed toward a reply, it must be filed within ten days after service of the reply.

(4) Time for answer or reply. An answer, if made, must be filed within twenty days, and a reply, if made, must be filed within ten days, after the service of the pleading against which it is directed, unless otherwise provided in these rules or ordered by the commission. PROVIDED, This rule shall not apply to proceedings brought on the commission's own motion for violation of the laws, rules or regulations governing public service companies. Whenever the commission believes the public interest requires expedited procedure it may shorten the time required for any answer or reply.

(5) Defective pleadings. Upon the filing of any pleading, it will be inspected by the commission and if found to be defective or insufficient, it may be returned to the party filing it for correction.

(6) *Liberal construction.* All pleadings shall be liberally construed with a view to effect justice between the parties, and the commission will, at every stage of any proceeding, disregard errors or defects in the pleadings or proceeding which do not affect the substantial rights of the parties.

(7) *Amendments.* The commission may allow amendments to the pleadings or other relevant documents at any time upon such terms as may be lawful and just, provided that such amendments do not adversely affect the interest of persons who are not parties to the proceeding.

(8) *Disposition of motions.* The commission may direct all motions to be submitted for commission decision on either written or oral argument, and may permit the filing of affidavits in support or contravention thereof. Motions filed by different parties but involving the same point of law may be set for hearing at the same time.

(9) *Consolidation of proceedings.* Two or more proceedings where the facts or principles of law are related may be consolidated and heard together.

(10) *Formal complaints.* Formal complaints are those complaints filed in accordance with RCW 80.04.110 and 81.04.110, complaints filed pursuant to (~~chapter 33, Laws of 1979~~) RCW 80.54.030, or complaints in proceedings designated by the commission as formal proceedings. Commission final orders on complaints filed pursuant to RCW 80.54.030 shall be issued within three hundred sixty days after the filing of such complaints.

(11) *Formal complaints—Contents.* Formal complaints as to any acts or omissions by any person, or for the redress of alleged grievances, must be in writing setting forth clearly and concisely the ground of complaint and a statement of the acts or things done or omitted to be done by such person. Facts constituting such acts or omissions, together with citations of the statutes or rules of the commission involved, should be stated together with the dates on which the acts or omissions occurred. The name of the person complained against must be stated in full, and the address of the complainant, together with the name and address of his attorney, if any, must appear upon the complaint.

In proceedings under RCW 80.04.110 and 81.04.110, the provisions of said statute, together with the above provisions, shall apply.

(12) *Petitions.* All pleadings praying for affirmative relief (other than complaints or answers), including requests to be permitted to intervene in proceedings, or for rehearing, shall be styled "petitions."

(13) *Petitions—Contents.* A petition shall set forth all facts upon which the request for relief is based, with the dates of all occurrences which may be essential for disposition of the matter, together with a citation of the statutes and rules and regulations of the commission upon which the petition is based.

(14) *Answer.* Except as otherwise provided in subsection (4) of this section any party against whom a complaint or petition is directed who desires to contest the same or make any representation to the commission in connection therewith except a general denial of the allegations therein contained (in which case no answer shall

be required) shall file with the commission and serve upon the complainant or petitioner an answer thereto. Answers shall be so drawn as to advise the parties and the commission fully and completely of the nature of the defense and shall admit or deny specifically and in detail all material allegations of the complaint or petition. Matters alleged by way of affirmative defense shall be separately stated and numbered. In case a party fails to answer within the time specified in subsection (4) of this section he shall be deemed to have denied generally the allegations of the complaint or petition and shall be precluded, except with the consent of opposing parties and the commission, from setting up any affirmative defense in the proceeding, and the commission will proceed with the matter solely upon the issues set forth in the complaint or petition.

(15) *Reply.* A complainant or petitioner desiring to reply to an answer shall file same with the commission, together with proof of service, within the time set forth in subsection (4) of this section. Failure to file a reply within said time shall be deemed a general denial.

(16) *Motions.* Subject to the provisions of subsection (6) of this section, the practice respecting motions including the grounds therefor, and forms thereof, shall conform insofar as possible with the practice relative thereto in the superior court of Washington.

(17) *Petitions for rule making, amendment or repeal.*

(a) Any interested person may petition the commission requesting the promulgation, amendment or repeal of any rule.

(b) Where the petition requests the promulgation of a rule, the requested or proposed rule must be set out in full. The petition must also include all the reasons for the requested rule. Where the petition requests the amendment or repeal of a rule presently in effect, the rule or portion of the rule in question must be set out as well as a suggested amended form, if any. The petition must include all reasons for the requested amendment or repeal of the rule. Any petition for promulgation, amendment, or repeal of a rule shall be accompanied by briefs of any applicable law, and shall contain an assessment of economic values affected by the proposed promulgation, amendment or repeal.

(c) All petitions shall be considered by the commission which may, in its discretion, order a hearing for the further consideration and discussion of the requested promulgation, amendment, repeal, or modification of any rule.

(d) The commission shall notify the petitioning party within a reasonable time of the disposition of the petition.

(e) In rule making proceedings initiated by interested persons on petition, as well as by the commission on its own motion, the commission will include in its order determining the proceedings its assessment of economic values affected by the rule making involved. In addition, the notice of intention to effect any rule making will contain a solicitation of data, views and arguments from interested persons on the economic values which may be affected by such rule making.

(18) *Declaratory rulings.* As prescribed by section 8, chapter 234, Laws of 1959, RCW 34.04.080, any interested person may petition the commission for a declaratory ruling. The commission shall consider the petition and within a reasonable time the commission shall:

- (a) Issue a nonbinding declaratory ruling; or
- (b) Notify the person that no declaratory ruling is to be issued; or
- (c) Set a reasonable time and place for a hearing or the submission of written evidence upon the matter, and give reasonable notification to the person of the time and place for such hearing and of the issues involved.

If a hearing is held or evidence is submitted, as provided in subdivision (c), the commission shall within a reasonable time:

- (i) Issue a binding declaratory ruling; or
- (ii) Issue a nonbinding declaratory ruling; or
- (iii) Notify the person that no declaratory ruling is to be issued.

(19) *Forms.*

(a) Any interested person petitioning the commission for a declaratory ruling pursuant to section 8, chapter 234, Laws of 1959, shall generally adhere to the following form for such purpose.

At the top of the page shall appear the wording "Before the Washington utilities and transportation 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 the 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 statement 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 commission. Petitions shall be on white paper, either 8-1/2" x 11" or 8-1/2" x 13" in size.

(b) 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 utilities and transportation 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 commission 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 commission. Petitions shall be on white paper, either 8-1/2" x 11" or 8-1/2" x 13" in size.

WSR 85-06-073
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION
 [Filed March 6, 1985]

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 attachments on utility poles, WAC 480-08-050. The proposed amendatory section is shown below as Appendix A, Cause No. U-85-07. 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);

that the agency will at 9:00 a.m., Wednesday, April 10, 1985, 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 and 80.54.060.

The specific statute these rules are intended to implement is chapter 80.54 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 5, 1985.

Dated: March 6, 1985
 By: Paul Curl
 Acting Secretary

STATEMENT OF PURPOSE

In the matter of amending WAC 480-08-050 relating to attachments on utility poles.

The rules proposed by the Washington Utilities and Transportation Commission are to be promulgated pursuant to RCW 80.01.040 and 80.54.060 which direct that the commission has authority to implement the provisions of chapter 80.54 RCW.

The rules proposed by the Washington Utilities and Transportation Commission are designed to provide a time frame in which complaints filed with the commission on utility pole attachments must be processed.

Paul Curl, Acting Secretary, Seventh Floor, Highways-Licenses Building, Olympia, Washington, telephone number (206) 753-6420, and members of his staff were responsible for the drafting of the proposed rules and will be responsible for implementation and enforcement of the proposed rules.

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

There are no comments or recommendations being submitted inasmuch as the proposal is pursuant to legislative authorization reflected in RCW 80.01.040 and 80.54.060.

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

The rule change proposed will affect no economic values.

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

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-130, Cause No. U-79-34, filed 8/9/79)

WAC 480-08-050 PLEADINGS. (1) Pleadings enumerated. Pleadings before the commission shall be formal complaints, petitions, answers, replies, and motions.

(2) Verification. All pleadings, except motions and complaints brought upon the commission's own motion, shall be verified in the manner prescribed for verification of pleadings in the superior court of Washington.

(3) Time for motion. Any motion directed toward a complaint or petition must be filed before the answer is due, otherwise such objection must be raised in the answer. If a motion is directed toward an answer, it must be filed before the reply is due, otherwise such objection must be raised in the reply. If a motion is directed toward a reply, it must be filed within ten days after service of the reply.

(4) Time for answer or reply. An answer, if made, must be filed within twenty days, and a reply, if made, must be filed within ten days, after the service of the pleading against which it is directed, unless otherwise provided in these rules or ordered by the commission: PROVIDED, This rule shall not apply to proceedings brought on the commission's own motion for violation of the laws, rules or regulations governing public service companies. Whenever the commission believes the public interest requires expedited procedure it may shorten the time required for any answer or reply.

(5) Defective pleadings. Upon the filing of any pleading, it will be inspected by the commission and if found to be defective or insufficient, it may be returned to the party filing it for correction.

(6) Liberal construction. All pleadings shall be liberally construed with a view to effect justice between the parties, and the commission

will, at every stage of any proceeding, disregard errors or defects in the pleadings or proceeding which do not affect the substantial rights of the parties.

(7) Amendments. The commission may allow amendments to the pleadings or other relevant documents at any time upon such terms as may be lawful and just, provided that such amendments do not adversely affect the interest of persons who are not parties to the proceeding.

(8) Disposition of motions. The commission may direct all motions to be submitted for commission decision on either written or oral argument, and may permit the filing of affidavits in support or contravention thereof. Motions filed by different parties but involving the same point of law may be set for hearing at the same time.

(9) Consolidation of proceedings. Two or more proceedings where the facts or principles of law are related may be consolidated and heard together.

(10) Formal complaints. Formal complaints are those complaints filed in accordance with RCW 80.04.110 and 81.04.110, complaints filed pursuant to ~~(chapter 33, Laws of 1979)~~ RCW 80.54.030, or complaints in proceedings designated by the commission as formal proceedings. Commission final orders on complaints filed pursuant to RCW 80.54.030 shall be issued within three hundred sixty days after the filing of such complaints.

(11) Formal complaints—Contents. Formal complaints as to any acts or omissions by any person, or for the redress of alleged grievances, must be in writing setting forth clearly and concisely the ground of complaint and a statement of the acts or things done or omitted to be done by such person. Facts constituting such acts or omissions, together with citations of the statutes or rules of the commission involved, should be stated together with the dates on which the acts or omissions occurred. The name of the person complained against must be stated in full, and the address of the complainant, together with the name and address of his attorney, if any, must appear upon the complaint.

In proceedings under RCW 80.04.110 and 81.04.110, the provisions of said statute, together with the above provisions, shall apply.

(12) Petitions. All pleadings praying for affirmative relief (other than complaints or answers), including requests to be permitted to intervene in proceedings, or for rehearing, shall be styled "petitions."

(13) Petitions—Contents. A petition shall set forth all facts upon which the request for relief is based, with the dates of all occurrences which may be essential for disposition of the matter, together with a citation of the statutes and rules and regulations of the commission upon which the petition is based.

(14) Answer. Except as otherwise provided in subsection (4) of this section any party against whom a complaint or petition is directed who desires to contest the same or make any representation to the commission in connection therewith except a general denial of the allegations therein contained (in which case no answer shall be required) shall file with the commission and serve upon the complainant or petitioner an answer thereto. Answers shall be so drawn as to advise the parties and the commission fully and completely of the nature of the defense and shall admit or deny specifically and in detail all material allegations of the complaint or petition. Matters alleged by way of affirmative defense shall be separately stated and numbered. In case a party fails to answer within the time specified in subsection (4) of this section he shall be deemed to have denied generally the allegations of the complaint or petition and shall be precluded, except with the consent of opposing parties and the commission, from setting up any affirmative defense in the proceeding, and the commission will proceed with the matter solely upon the issues set forth in the complaint or petition.

(15) Reply. A complainant or petitioner desiring to reply to an answer shall file same with the commission, together with proof of service, within the time set forth in subsection (4) of this section. Failure to file a reply within said time shall be deemed a general denial.

(16) Motions. Subject to the provisions of subsection (6) of this section, the practice respecting motions including the grounds therefor, and forms thereof, shall conform insofar as possible with the practice relative thereto in the superior court of Washington.

(17) Petitions for rule making, amendment or repeal.

(a) Any interested person may petition the commission requesting the promulgation, amendment or repeal of any rule.

(b) Where the petition requests the promulgation of a rule, the requested or proposed rule must be set out in full. The petition must also include all the reasons for the requested rule. Where the petition requests the amendment or repeal of a rule presently in effect, the rule or portion of the rule in question must be set out as well as a suggested

amended form, if any. The petition must include all reasons for the requested amendment or repeal of the rule. Any petition for promulgation, amendment, or repeal of a rule shall be accompanied by briefs of any applicable law, and shall contain an assessment of economic values affected by the proposed promulgation, amendment or repeal.

(c) All petitions shall be considered by the commission which may, in its discretion, order a hearing for the further consideration and discussion of the requested promulgation, amendment, repeal, or modification of any rule.

(d) The commission shall notify the petitioning party within a reasonable time of the disposition of the petition.

(e) In rule making proceedings initiated by interested persons on petition, as well as by the commission on its own motion, the commission will include in its order determining the proceedings its assessment of economic values affected by the rule making involved. In addition, the notice of intention to effect any rule making will contain a solicitation of data, views and arguments from interested persons on the economic values which may be affected by such rule making.

(18) Declaratory rulings. As prescribed by section 8, chapter 234, Laws of 1959, RCW 34.04.080, any interested person may petition the commission for a declaratory ruling. The commission shall consider the petition and within a reasonable time the commission shall:

(a) Issue a nonbinding declaratory ruling; or

(b) Notify the person that no declaratory ruling is to be issued; or

(c) Set a reasonable time and place for a hearing or the submission of written evidence upon the matter, and give reasonable notification to the person of the time and place for such hearing and of the issues involved.

If a hearing is held or evidence is submitted, as provided in subdivision (c), the commission shall within a reasonable time:

(i) Issue a binding declaratory ruling; or

(ii) Issue a nonbinding declaratory ruling; or

(iii) Notify the person that no declaratory ruling is to be issued.

(19) Forms.

(a) Any interested person petitioning the commission for a declaratory ruling pursuant to section 8, chapter 234, Laws of 1959, shall generally adhere to the following form for such purpose.

At the top of the page shall appear the wording "Before the Washington utilities and transportation 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 the 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 statement 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 commission. Petitions shall be on white paper, either 8-1/2" x 11" or 8-1/2" x 13" in size.

(b) 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 utilities and transportation 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 commission 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 commission. Petitions shall be on white paper, either 8-1/2" x 11" or 8-1/2" x 13" in size.

WSR 85-06-074

PROPOSED RULES

THE EVERGREEN STATE COLLEGE

[Filed March 6, 1985]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that The Evergreen State College intends to adopt, amend, or repeal rules concerning regular meetings, WAC 174-104-010;

that the institution will at 1:40 p.m., Wednesday, April 10, 1985, in the Board of Trustees Room, Library 3112, The Evergreen State College Campus, Olympia, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 28B.40.120(11).

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before April 2, 1985.

Dated: March 6, 1985

By: Joseph D. Olander
President

STATEMENT OF PURPOSE

Title: Regular meetings of the board of trustees.

Summary: The purpose of this revision is to change the dates of the board meeting to every other month.

Staff: Rita Grace, Administrative Assistant to the President and Recording Secretary to the Board of Trustees.

Organization: The Evergreen State College.

Necessity: No legislative or legal requirements.

AMENDATORY SECTION (Amending Order 84-1, Resolution No. 84-20, filed 6/26/84)

WAC 174-104-010 REGULAR MEETINGS. A regular meeting of the board of trustees shall be held once each month unless dispensed with by the board of trustees, on the campus of The Evergreen State College beginning at 1:30 p.m. on the second Wednesday of the following months (~~(except that)~~): February, April, June, August, October, December. When such Wednesday shall be a legal holiday, the meeting shall be held on the Thursday immediately following such second Wednesday.

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.

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16-316-215	AMD-P	85-06-052	100-100-080	NEW	85-03-011	
16-316-230	AMD-P	85-06-052	100-100-090	NEW	85-03-011	
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16-316-660	AMD-P	85-06-052	106-120-004	NEW-P	85-03-086	
16-316-724	AMD-P	85-06-052	106-120-005	NEW-P	85-03-086	
16-316-800	AMD-P	85-06-052	106-120-006	NEW-P	85-03-086	
16-316-820	AMD-P	85-06-052	106-120-007	NEW-P	85-03-086	
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16-400-020	REP-P	85-03-089	106-120-020	REP-P	85-03-086	
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16-555-050	NEW-P	85-05-038	106-120-050	REP-P	85-03-086	
16-555-060	NEW-P	85-05-038	106-120-051	REP-P	85-03-086	
16-555-070	NEW-P	85-05-038	106-120-053	REP-P	85-03-086	
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				106-120-060	REP-P	85-03-086
				106-120-061	REP-P	85-03-086
				106-120-062	REP-P	85-03-086
				106-120-064	REP-P	85-03-086
				106-120-066	REP-P	85-03-086
				106-120-131	NEW-P	85-03-086
				106-120-132	NEW-P	85-03-086
				106-120-143	NEW-P	85-03-086
				106-120-200	REP-P	85-03-086
				106-120-210	REP-P	85-03-086
				106-120-220	REP-P	85-03-086
				106-120-230	REP-P	85-03-086
				106-120-240	REP-P	85-03-086
				106-120-250	REP-P	85-03-086
				106-120-700	REP-P	85-03-086
				106-120-800	REP-P	85-03-086
				106-120-900	REP-P	85-03-086
				132B-122-010	NEW-P	85-04-051
				132E-116-001	REP	85-04-003
				132E-116-004	REP	85-04-003
				132E-116-008	REP	85-04-003
				132E-116-012	REP	85-04-003
				132E-116-016	REP	85-04-003
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				132E-116-032	REP	85-04-003
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				132E-116-048	REP	85-04-003
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				132E-116-072	REP	85-04-003
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				132E-116-080	REP	85-04-003
				132E-116-084	REP	85-04-003
				132E-116-088	REP	85-04-003
				132E-116-092	REP	85-04-003
				132E-116-096	REP	85-04-003
				132E-116-100	REP	85-04-003
				132E-116-104	REP	85-04-003
				132E-116-108	REP	85-04-003
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132R-128-060	REP-P	85-05-007	140-08-040	REP	85-03-004	173-403-070	AMD	85-06-047
132R-128-070	REP-P	85-05-007	140-08-050	REP	85-03-004	173-403-080	AMD	85-06-047
132R-128-080	REP-P	85-05-007	140-08-060	REP	85-03-004	173-405-021	AMD	85-06-048
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132R-180-050	REP-P	85-05-007	140-09-065	NEW	85-03-004	180-27-054	NEW	85-04-008
132R-180-060	REP-P	85-05-007	140-09-080	NEW	85-03-004	180-27-055	REP	85-04-008
132R-180-070	REP-P	85-05-007	140-09-090	NEW	85-03-004	180-27-056	NEW	85-04-008
132R-180-080	REP-P	85-05-007	140-09-100	NEW	85-03-004	180-27-058	NEW	85-04-008
132R-180-090	REP-P	85-05-007	140-09-110	NEW	85-03-004	180-33-015	AMD-P	85-06-069
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137-52-010	NEW-P	85-03-104	140-09-130	NEW	85-03-004	180-40-215	AMD	85-04-009
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