

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 |
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| 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 85-09-001
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR
 [EO 85-02]

EXPENDITURE REDUCTIONS

WHEREAS, the Economic and Revenue Forecast Council has adopted revised revenue forecasts for the 1983-85 Biennium that have lowered the amount of state General Fund revenue that is to be collected by the state;

WHEREAS, the state General Fund appropriation levels for the 1983-85 Biennium are higher than the revised revenue forecasts; and

WHEREAS, state General Fund expenditures must not exceed revenues;

NOW, THEREFORE, I, Booth Gardner, Governor of the state of Washington, do hereby request all agency managers to develop expenditure reduction plans for the remainder of the 1983-85 Biennium. The plans are to be applicable to all state General Fund appropriations and should be implemented in accordance with instructions to be issued by the Director of the Office of Financial Management.

Since the flexible expenditure reduction plans developed by agency managers will enable the state to generate far greater savings than a strict freeze, this Order supercedes EO-85-01, which is hereby rescinded.

IN WITNESS WHERE-
 OF, I have hereunto set my
 hand and caused the seal of
 the state of Washington to
 be affixed this 2nd day of
 April, A.D., nineteen hun-
 dred and eighty-five.

Booth Gardner

 Governor of Washington

BY THE GOVERNOR:

Ralph Munro

 Secretary of State

WSR 85-09-002
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2220—Filed April 4, 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 patient overutilization, amending WAC 388-86-008.

This action is taken pursuant pursuant to Notice Nos. WSR 85-03-080 and 85-06-059 filed with the code reviser on January 18, 1985, and March 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 under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

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

APPROVED AND ADOPTED April 3, 1985.

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

AMENDATORY SECTION (Amending Order 1865, filed 8/18/82)

WAC 388-86-008 PATIENT OVERUTILIZATION. (1) Whenever payment records and other information indicate that recipient utilization is excessive or inappropriate with reference to medical need, the department may require an individual to designate a primary physician and/or a single pharmacy for exclusive provider service in an effort to:

- (a) Protect the individual's health and safety;
- (b) Provide continuity of medical care;
- (c) Avoid duplication of service by providers;
- (d) Avoid inappropriate or unnecessary utilization of medical assistance as defined by community practices and standards;
- (e) Avoid excessive utilization of prescription medications.

Excessive utilization of prescription medications will be determined from published current medical and pharmacological references to include Physicians' Desk Reference published by Medical Economics Company, Oradell, New Jersey 07649; or Facts and Comparisons published by Facts and Comparisons, Inc., 12011 Marine Avenue, Suite 220, St. Louis, Mo 63141; or The Pharmacological Basis of Therapeutics published by Macmillan Publishing Co., 866 Third Avenue, New York, NY 10022.

(2) The individual will be given written notice of his/her excessive or inappropriate utilization and will be requested to select a single physician and/or pharmacy within thirty days. The notice will include the individual's right to request a fair hearing within ninety days if he/she disagrees with the department's action. The notice will also advise the individual that failure to cooperate in this procedure will necessitate the department designating a physician and/or pharmacy for the individual or redirecting the individual's medical coupons to the CSO until selection of a physician and/or pharmacy is made. Medical coupons issued to the individuals will be imprinted with the message "RESTRICTED" to facilitate identification by providers. This restriction will be extended to all individuals listed on the "RESTRICTED" coupons.

(3) After an individual has selected a physician and a pharmacy and the selections have been confirmed by the

department, a change of physician or pharmacy may not be requested for a minimum of one hundred eighty days with the following exceptions:

(a) If the individual moves to a new residence which would be considered outside the normal service area of the selected physician and pharmacy, he/she may request to designate different providers in the area of his/her new residence.

(b) Whenever the selected physician or pharmacy refuses to continue as a designated provider, the individual will be notified that he/she has thirty days to select a new physician or pharmacy.

(4) Medical services received by restricted individuals will be monitored and payment for services and prescriptions denied unless authorized by the selected designated physician. Providers may bill recipients for these denied services.

((4)) (5) In the event of a bona fide emergency, the individual may be seen by a physician other than the one selected. The primary physician may also refer the individual to a specialist when necessary.

(6) When the individual has been restricted under the provisions of this section for a period of two years, the department will conduct a review of that person's medical service utilization to determine whether the restriction should be terminated. The review will include contact with the primary physician for comment and recommendation. The department will then determine whether the individual shall:

(a) Remain restricted, with an annual review thereafter; or

(b) Have the restriction terminated and be subject to periodic review of medical service utilization. If utilization is subsequently determined to be excessive or inappropriate the individual may again be restricted under the provisions of this section.

WSR 85-09-003
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)

[Order 2221—Filed April 4, 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:

| | | |
|-----|-----------------|--|
| Rep | ch. 275-32 WAC | Special supervision—County juvenile probation programs. |
| Rep | ch. 275-34 WAC | Diversion. |
| New | ch. 275-35 WAC | Consolidated juvenile services program. |
| New | ch. 275-37 WAC | Division of juvenile rehabilitation—Rules, practices and procedures. |
| Amd | WAC 275-110-040 | Institutions and eligible impacted political subdivisions. |

This action is taken pursuant to Notice No. WSR 85-05-031 filed with the code reviser on February 15, 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 13.40.210 and 72.72.040 and is intended to administratively implement that statute.

This rule is promulgated pursuant to RCW 13.06.030 which directs that the Department of Social and Health Services has authority to implement the provisions of chapter 13.06 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 April 3, 1985.

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

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 275-32-005 AUTHORITY.
- WAC 275-32-010 DEFINITIONS.
- WAC 275-32-015 COUNTY'S RESOLUTION OF INTENTION TO PARTICIPATE.
- WAC 275-32-025 APPLICATION FOR PARTICIPATION.
- WAC 275-32-035 ANNOUNCEMENT OF PROGRAM APPROVAL.
- WAC 275-32-045 MODIFICATION OF APPROVED PROGRAM PLAN.
- WAC 275-32-060 ELIGIBLE PROBATIONERS FOR SPECIAL SUPERVISION.
- WAC 275-32-065 ASSIGNMENT OF FUNDS.
- WAC 275-32-075 RESTRICTIONS ON SPENDING.
- WAC 275-32-080 WORKLOADS FOR SPECIAL SUPERVISION PROGRAM.
- WAC 275-32-085 FISCAL ACCOUNTABILITY AND DEPARTMENTAL AUDIT.
- WAC 275-32-095 PROGRAM REVIEW AND MONITORING.
- WAC 275-32-105 EXCEPTIONS TO RULES.
- WAC 275-32-115 TREATMENT PLAN.
- WAC 275-32-135 STANDARD COST AND WORKLOAD STANDARDS.
- WAC 275-32-145 EARNING OF CREDITS.
- WAC 275-32-155 COUNTY PLANNING PROCESS.
- WAC 275-32-165 COUNTY'S COOPERATION WITH OTHER AGENCIES.
- WAC 275-32-175 ALTERNATE PLANS.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 275-34-010 DEFINITIONS.
- WAC 275-34-020 PLANNING—COMMITTEES—CREATION OF PLANS.
- WAC 275-34-030 PLANNING—SUBMISSION OF PLANS—TIME LIMITS.
- WAC 275-34-040 STATE FUNDING.

WAC 275-34-050 PROGRAM PLAN—REQUIRED ELEMENTS.

WAC 275-34-060 DIVERSION UNIT—SPECIFICATIONS IN PLANS.

WAC 275-34-070 APPROVAL OF PLAN BY SECRETARY.

WAC 275-34-080 MODIFICATION OF APPROVED PLAN.

WAC 275-34-090 SEPARATE ADMINISTRATION—EXCEPTIONS.

WAC 275-34-100 EXCEPTIONS TO RULES.

WAC 275-34-110 PROGRAM REVIEW AND MONITORING.

WAC 275-34-120 REFUSAL OF SERVICES.

WAC 275-34-140 SUBSTANTIAL VIOLATION.

Chapter 275-35 WAC
CONSOLIDATED JUVENILE SERVICES PROGRAMS

NEW SECTION

WAC 275-35-010 AUTHORITY. Rules and regulations relating to consolidated juvenile service programs are hereby adopted pursuant to chapter 13.06 RCW.

NEW SECTION

WAC 275-35-020 DEFINITIONS. (1) "Application" is the document requesting state funds for specific projects under the consolidated juvenile services program.

(2) "Consolidated juvenile services program" or "program" is that portion of the county's juvenile justice system providing services to a juvenile who has been adjudicated an offender or referred to a diversion unit.

(3) "Consolidated juvenile services review committee" or "review committee" means a group of individuals whose function is to provide input and review and make comments regarding the application. Said review committee shall be selected by the program administrator in consultation with the executive body and include, but not necessarily be limited to, representatives from the following: The executive's office, juvenile court judges and staff, law enforcement, prosecuting and defense attorneys, law and justice planning personnel, state-funded diversion units, educators, ethnic minorities, children services professionals, citizens, and private sector youth-serving groups.

(4) "Department" means the department of social and health services.

(5) "Director" means the director of the division of juvenile rehabilitation or his or her designee.

(6) "Division" means the division of juvenile rehabilitation.

(7) "Juvenile justice system" or "system" means the organizational structure and process existing in the county for handling juvenile offenders.

(8) "Participating county" means a county or counties making application under this chapter.

(9) "Planning body" means that individual or group of individuals responsible for the development of the application.

(10) "Program administrator" or "administrator" means the person designated to administer the consolidated juvenile services program. This will be the juvenile court administrator except in those counties choosing not to participate in CJS or in those instances where the juvenile court administrator chooses not to administer the program.

(11) "Project" is a single unit of work to be performed as part of a consolidated juvenile services program.

(12) "Project supervisor" or "supervisor" means a person designated to supervise a project or projects in the consolidated juvenile services program.

(13) "Regional administrator" means the regional administrator of one of the division's six administrative regions.

(14) "Regional plan" means the document approved by the division setting forth regional program emphasis and priorities for the ensuing funding period.

(15) "Secretary" means the secretary of the department of social and health services.

NEW SECTION

WAC 275-35-030 ESTABLISHMENT OF A CONSOLIDATED JUVENILE SERVICES PROGRAM. (1) Request to participate.

(a) A request by a county or group of counties to participate under these provisions shall include a resolution or letter of intent submitted to the division by the executive body expressing intent to participate.

(b) After official acceptance by the regional administrator, the county's application will be considered in determining the division's community program expenditure for the ensuing funding period.

(c) Other public and private sector agencies within the county shall be considered in the development of the application and may be included as subcontractors in the county's request for funding by the division.

(d) Other public and private sector agencies may apply directly to the division for program funds. In such instances said agencies shall be responsible to meet all obligations and requirements specified for participating counties under this chapter.

(2) Program planning process and approval.

(a) Based upon divisional goals, the regional administrator develops regional priorities to assist planning bodies in formulating local priorities and program strategies.

(b) Each participating county shall develop through its existing planning process a program application for the delivery of services to juvenile offenders and shall agree through submission of the application to comply with the provisions of this chapter.

(c) The application will be submitted to the review committee who will review and make comments, which shall include but not be limited to the following areas:

(i) The provision of services to identified offender groups and access to services by all offenders;

(ii) Efforts to identify and utilize existing community services;

(iii) The avoidance of service duplication;

(iv) The maintenance of existing county and private agency commitment of funds to juvenile offender programs;

(v) Appropriate linkage to and support from other elements of the county's existing juvenile justice system; and

(vi) The extent to which regional priorities have been considered.

(d) Prior to the submission of the application to the regional administrator, the comments of the review committee will be considered by the planning body who will, if needed, either modify the plan or attach to the plan the reasons for not making suggested modifications.

(e) Written guidelines and instructions for preparing the application will be provided by the division. The application shall be developed in consultation with the regional administrator to ensure the coordination of state, county, and private sector resources within regional boundaries and shall be submitted to the regional administrator for review and subsequent approval.

(f) The division may provide planning bodies and review committees with technical services in the development of the application.

(3) Definitions of juvenile offender groups. Applications submitted must address service components for at least the following groups of juvenile offenders:

(a) Divertees. Juveniles participating in diversion under chapter 13.40 RCW.

(b) Court-adjudicated offenders not committed to the department. Juveniles who have been adjudicated by the court, but not committed to the department, and fall into one of the following categories:

(i) Minor/first offenders. Juvenile offenders defined as minor/first under chapter 13.40 RCW.

(ii) Middle offenders. Juvenile offenders who:
(A) Are not minor/first offenders as defined by chapter 13.40 RCW, or

(B) Have less than one hundred ten points on the standard sentencing scale, or

(C) Have not been committed to the department through the declaration of "manifest injustice."

(iii) High risk offenders. Juvenile offenders who:
(A) Have one hundred ten points or more on the standard sentencing scale, or

(B) Have committed a current offense that is a felony and are already on community supervision as a middle or serious offender, or

(C) Have committed a current offense which is a felony against people, or

(D) Have committed a current offense which is a felony and have evidenced increasingly serious criminal behavior within the previous twelve months, or

(E) Are defined as a serious offender by chapter 13.40 RCW and are allowed to remain in the community through the declaration of "manifest injustice."

(c) Court-adjudicated offenders committed to the department. Juveniles who have been adjudicated by the court and committed to the department, and fall into one of the following categories:

(i) Juveniles residing in the community as parolees or under the community residential placement program.

(ii) Juveniles residing in a county detention facility under a community commitment program.

(iii) Juveniles residing in a division institution or group home.

(d) Interstate compact agreement offenders. Juveniles supervised on parole through the interstate compact agreement.

NEW SECTION

WAC 275-35-040 GENERAL PROVISIONS. (1) Access to services and use of existing community resources.

(a) Program administrators shall ensure all juvenile offenders have access to appropriate services, activities, and opportunities.

(b) Planning bodies shall avoid duplicating existing community services. If proposed services are similar to those already existing in the community, clear evidence must be presented in the application to demonstrate why such existing services are inappropriate or unavailable to meet identified needs or why such services cannot be provided through cooperative program planning or shared funding arrangements.

(2) All juveniles served by projects covered under this chapter shall be afforded due process in all contacts, especially those which may result in a more restrictive intervention.

(3) All projects included in the application shall comply with the provisions of this chapter, applicable divisional policies and standards, juvenile court rules, as well as other applicable standards.

NEW SECTION

WAC 275-35-050 ORGANIZATION. (1) The organizational structure of the program is the prerogative of the county or private sector agency participating under this chapter and shall not be dictated by these standards.

(2) The organizational structure shall be set forth in the application and shall reflect the program's relationship to other juvenile justice components operating within the county and region.

NEW SECTION

WAC 275-35-060 ADMINISTRATION. (1) The distribution of funds for consolidated juvenile services programs shall be contingent upon:

(a) The designation of a program administrator, and
(b) The designation of a single project supervisor for each subcontract awarded outside the prime contract.

Said administrators and supervisors are responsible for the implementation of the program and the accomplishment of stated activities, results, and impacts.

(2) Administrators or supervisors will meet at least quarterly with the regional administrator or designees to review progress toward the achievement of results and other matters related to the overall implementation and funding of projects within the consolidated juvenile services program.

(3) Administrators or supervisors shall submit activity, narrative, and other reports and data as requested relating to programs and/or projects covered under this chapter to the regional administrator and shall participate with the regional administrator in the development

of program and/or project status reports as may be required by the division.

(4) Case records and management information.

(a) Administrators and supervisors shall ensure a case record is kept for each juvenile offender in projects covered under this chapter, except diversion units will keep only such information as is necessary to monitor and evaluate the referral and disposition activities.

(b) Records other than diversion shall minimally contain:

(i) A treatment plan based upon identified needs setting forth specific objectives and methods in concise behavioral terms; and

(ii) A termination/closing report summarizing case activity.

(c) Case records shall be current and treatment plans updated at least quarterly.

(d) The provisions of chapter 13.50 RCW pertaining to the maintenance and confidentiality of social and legal information apply to all programs and projects covered under this chapter.

(e) Administrators and/or supervisors will provide necessary statistical data to maintain case files in the division's management information system.

(5) Policies and procedures.

(a) Each administrator shall maintain written policies and procedures which shall include, but not be limited to, the following:

(i) Reporting of serious criminal incidents involving juveniles participating in the program to the regional administrator.

(ii) Reporting of misconduct or malfeasance by staff of the program to the regional administrator.

(b) These policies and procedures will be reviewed at least annually by the regional administrator or designee.

(6) Change in application.

(a) Modification of a project requires the advance written approval of the regional administrator and may, at the regional administrator's discretion, require review and comment by the review committee.

(b) Changes in the budget during a funding period are accomplished by transfer, modification, or amendment.

(i) Transfers. The reallocation of funds between line items of the contract which will not exceed four thousand dollars or five percent, whichever is less, of the total budget within a fiscal year and which will not change the overall scope of the program may be accomplished by written notification to the regional administrator.

(ii) Modifications. Reallocation of funds between line items of the contract exceeding four thousand dollars or five percent, whichever is less, of the total budget within a fiscal year requires advance written approval of the regional administrator. The regional administrator may require review and comment by the review committee.

(iii) Amendments. Amendments require the involvement of the department's contracts office, shall be processed through the division's regional office, and may, at the regional administrator's discretion, require review and comment by the review committee. Amendments are necessary when:

(A) Contract amounts are increased or decreased;

(B) Major change in the application is proposed;

(C) Increased agency staffing is requested;

(D) A change exceeds ten percent of the total contract budget;

(E) A change moves moneys into a previously vacant line item.

(7) Training. Each participating county or agency providing services under this chapter shall provide relevant staff training.

(8) Assumption of division services.

(a) The assumption of division services shall be negotiated between the regional administrator and the administrator and will be reviewed by the review committee and the division's central office prior to a final decision.

(b) Where such services are assumed, the regional administrator will provide appropriate orientation and training.

(9) Review board authority in projects covered by this chapter shall rest with the administrator.

NEW SECTION

WAC 275-35-070 MONITORING OF PERFORMANCE AND EVALUATION OF PROGRAM IMPACT. (1) It shall be the responsibility of the administrator to submit activity reports, quarterly reports, corrective action plans and reports, and other such reports as specified in the division's monitoring system for the program to the regional administrator.

(2) It shall be the responsibility of the regional administrator to submit to the division's central office progress reports as specified in the division's monitoring system for the program.

(3) The regional administrator may, at any time, request a formal program/project or fiscal audit through the department and may also request other available technical services to assist in monitoring and evaluating the program/projects.

NEW SECTION

WAC 275-35-080 DISTRIBUTION OF FUNDS AND FISCAL MANAGEMENT. (1) Funding constraints.

(a) Funds for programs covered by this chapter shall be utilized for the achievement of activities, results, and impacts stated for each project.

(b) Failure on the part of any project to perform in accordance with the provisions of this chapter or to achieve established activities, results, and impacts may result in the termination or reduction of funds.

(c) The administrator shall be responsible for the management of all fiscal matters related to the program, shall comply with state and local policies and procedures and the terms and conditions of the contract, and shall provide information to the regional administrator at regular and requested intervals.

(2) Limitations of funding.

(a) Funds received by participating counties shall not be used to replace local funds for existing services.

(b) Mileage reimbursement and per diem may not exceed the current allowable state or county rate, whichever is less.

(c) Equipment purchases must be approved in advance by the regional administrator and should be processed through the regional office whenever possible and feasible.

(d) Funds for evaluation are allowable, but the design, scope, and the expected final product must be clearly specified in the application.

(e) Funds for administrative salaries, benefits, and program support may not exceed ten percent of the total contract award.

(f) Further limitations on the distribution of funds for certain expenditure categories may be set forth in the division's application and budget instructions for the program.

NEW SECTION

WAC 275-35-090 SERVICES. (1) Diversion.

(a) Diversion staff shall be limited in their actions as set forth in chapter 13.40 RCW and the applicable divisional policies and standards.

(b) Diversion staff shall ensure divertees receive penalties on a priority continuum, whereby the heaviest penalty is assessed for the most serious of the divertable offenses and the least penalty is assessed for the least serious offense.

(c) Diversion staff shall develop: A statement of work; program philosophy; written policies and procedures; and shall maintain a line of communication with appropriate community entities, such as law enforcement and community service resources.

(d) Diversion staff shall contact divertees at least monthly or shall establish and maintain some other mechanism to ensure compliance with the diversion agreement; said divertee shall be terminated upon completion of the agreement.

(2) Community supervision. The administrator shall prepare minimum standards regarding frequency of contact and length of stay on a priority continuum, whereby the more serious offenders are provided more intense services for longer periods of supervision than are the less serious offenders. Said standards shall be set forth in the application.

(3) Parole services.

(a) Parole supervision must be provided for all youth committed to the department as juvenile offenders, unless legal age limits have been reached or other post-institutional plan has been arranged through the regional administrator.

(b) Staff shall plan for and coordinate the youth's release from the institution; facilitate family, foster, or group home placement; facilitate youth's school re-entry, placement in vocational training, skills training, or employment; and develop other support programs that can reasonably be expected to be effective in achieving successful reintegration.

(c) Staff shall develop and monitor requirements for all interstate parolees.

(4) Community residential services.

(a) Community residential placement program.

(i) The community residential placement program provides placements for committed youth serving sentences at the minimum security level;

(ii) It shall provide twenty-four-hour supervision and such support services as arranging school and work programs, counseling, and other similar social services;

(iii) It shall provide a transitional program for youth between residential placement and the intended community placement in order to maximize successful reintegration; and

(iv) It shall ensure availability of medical and dental care, psychiatric and psychological consultations and testing, and such other services as may be needed to enhance reintegration.

(b) Community commitment program.

(i) The community commitment program provides placement and programming for committed youth serving sentences in county detention facilities.

(ii) It shall provide a transitional program for youth between secure detention and community supervision.

(5) Other services may be supported by the division as funds are available.

NEW SECTION

WAC 275-35-100 EXCEPTIONS TO RULES. A waiver of the specific requirements of this chapter may be requested by written application to the director in situations where the imposition of such provisions can be shown to be detrimental or impractical to overall program operations. The director will give each waiver request individual consideration and promptly advise the applicant in writing of the director's decision regarding the waiver and explain the basis for such decision.

Chapter 275-37 WAC

DIVISION OF JUVENILE REHABILITATION— RULES, PRACTICES, AND PROCEDURES

NEW SECTION

WAC 275-37-010 DEFINITIONS. (1) "Department" means the department of social and health services.

(2) "Director" means the director of the division of juvenile rehabilitation or his or her designee.

(3) "Division" means the division of juvenile rehabilitation.

(4) "Regional administrator" means the regional administrator of one of the division's six administrative regions.

(5) "Secretary" means the secretary of the department of social and health services.

(6) "Superintendent" means the superintendent of one of the division's three institutions or two forest camps.

NEW SECTION

WAC 275-37-020 RATED BED CAPACITY. The rated bed capacity of the division is that number of confinement beds on file with the office of financial management by the first day of each biennium for operation during each ensuing fiscal year.

AMENDATORY SECTION (Amending Order 1682, filed 7/20/81)

WAC 275-110-040 INSTITUTIONS AND ELIGIBLE IMPACTED POLITICAL SUBDIVISIONS. Reimbursement shall be limited to the following city, town, and county governments impacted by the offenses from inmates assigned to institutions listed in this section.

| Institution | Cities/County |
|---|-----------------------------------|
| (1) Washington state penitentiary | Walla Walla/Walla Walla |
| (2) Washington state reformatory | Monroe/Snohomish |
| (3) McNeil Island corrections center | Steilacoom/Pierce |
| (4) Washington corrections center | Shelton/Mason |
| (5) Purdy treatment center for women | Gig Harbor/Pierce |
| (6) Firland correctional center | Seattle/King |
| (7) Larch corrections center | Yacolt/Clark |
| (8) Clearwater correctional center | Forks/Clallam |
| (9) Olympic corrections center | Forks/Clallam |
| (10) Indian Ridge treatment center | Arlington/Snohomish |
| (11) Pine Lodge correctional center | Medical Lake/Spokane/Spokane |
| (12) Cedar Creek correctional center | Little Rock/Thurston |
| (13) Special offender center | Monroe/Snohomish |
| (14) Echo Glen children's center | Snoqualmie/King |
| (15) Green Hill school | Chehalis/Lewis |
| (16) Maple Lane school | Rochester/Thurston |
| (17) Mission Creek youth camp | Belfair/Mason |
| (18) Naselle youth camp | Naselle/Pacific |
| (19) Woodinville group home | Woodinville/((Snohomish)) King |
| (20) Canyon View group home | East Wenatchee/Douglas |
| (21) Sunrise group home | Ephrata/Grant |
| (22) Twin Rivers group home | Richland/Benton |
| (23) Oakridge group home | Tacoma/Pierce |
| (24) Park Creek group home | Kittitas/Kittitas |
| (25) Ridgeview group home | Yakima/Yakima |
| (26) ((Pioneer group home | Tacoma/Pierce |
| ((27))) Western state hospital | Steilacoom/Pierce |
| ((28))) ((27)) Eastern state hospital | Medical Lake/Spokane/Spokane |
| ((29))) ((28)) Child study and treatment center | Steilacoom/Pierce |

((30))) ((29)) For any institution ((which is)) not listed ((above)) in this section, reimbursement shall be limited to the political subdivisions ((in which)) where the institution is located. Such institutions include adult work release facilities and juvenile group homes housing inmates as defined in WAC 275-110-020(7).

WSR 85-09-004
ADOPTED RULES
LOTTERY COMMISSION
 [Order 72—Filed April 5, 1985]

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

- Amd WAC 315-04-010 Licensed agents.
- Amd WAC 315-04-040 General license.
- Amd WAC 315-04-060 Provisional license.
- Amd WAC 315-04-070 License fees.
- Amd WAC 315-04-110 Duplicate licenses.

- Amd WAC 315-04-125 Change of name or location.
- Amd WAC 315-04-130 Death or incapacity of licensee.
- Amd WAC 315-04-132 Change of business structure, ownership, or officers.
- Amd WAC 315-04-140 License not a vested right.
- Amd WAC 315-04-200 Denial, suspension or revocation of a license.
- Amd WAC 315-10-030 Instant games criteria.
- Amd WAC 315-10-060 Official end of game.
- Amd WAC 315-30-020 Definitions.
- Amd WAC 315-30-060 Payment of prizes by on-line agents.
- Amd WAC 315-30-080 On-line agent selection criteria.
- Amd WAC 315-30-090 On-line agent credit criteria.
- New WAC 315-06-035 Instant ticket purchase price and conditions.
- New WAC 315-11-150 Definitions for Instant Game Number 15 ("Joker's Wild").
- New WAC 315-11-151 Criteria for Instant Game Number 15.
- New WAC 315-11-152 Ticket validation requirements for Instant Game Number 15.
- Rep WAC 315-04-133 Change of ownership.
- Rep WAC 315-04-134 Change of officers.

This action is taken pursuant to Notice No. WSR 85-05-058 filed with the code reviser on February 20, 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 67.70.040 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 April 4, 1985.

By Elwin Hart
 Deputy Director

AMENDATORY SECTION (Amending Order 41, filed 12/8/83)

WAC 315-04-010 LICENSED AGENTS. The director shall license as licensed agents such persons who will best serve the public interest and convenience, promote the sale of tickets and meet the eligibility criteria for application and licensure. Said licensed agents shall be authorized to sell such tickets as in the director's opinion will promote the best interests of the commission and produce maximum revenue, but a licensed agent need not be authorized to sell tickets for all games operated by the director. ((Each licensed agent shall enter into a contract with the lottery containing such terms and conditions as the director may require prior to being authorized to sell tickets for any game operated by the director.)) A licensed agent may ((also)) be required to post a bond or cash in lieu of a bond in such terms and conditions as the director may require.

AMENDATORY SECTION (Amending Order 14, filed 2/10/83)

WAC 315-04-040 GENERAL LICENSE. The director may issue a general license to an applicant who qualifies for licensure. The general license shall authorize the licensed agent to conduct the routine sale of

tickets at the location specified on the general license. An addendum to the general or provisional license may be obtained as provided for in WAC 315-04-220, permitting the licensed agent to sell tickets in locations other than that specified on its license. The general license shall be valid ~~((for one year after the date of issuance, except as provided in WAC 315-04-100))~~ until terminated by the lottery or the licensed agent, provided, the licensed agent shall provide periodic updates of license information as required by the director.

AMENDATORY SECTION (Amending Order 68, filed 11/7/84)

WAC 315-04-060 PROVISIONAL LICENSE. (1) The director may issue a provisional license to an applicant for a general license after receipt of a person's fully completed licensed agent's application, the authorization of a complete personal background check, and completion of a preliminary background check. The provisional license shall expire at the time of issuance of the general license or ninety days from the date the provisional license is issued, whichever occurs first. The provisional license may be extended by the director for one additional ninety-day period of time.

(2) ~~((The director may issue a provisional license to an applicant for renewal of a general license when he or she determines it necessary to authorize a licensed agent to sell tickets pending approval of the application for general license renewal. The provisional license shall expire at the time of the issuance of the general license renewal or ninety days from the date the provisional license is issued, whichever occurs first.~~

(3) If the ownership of an existing licensed agent location changes, the director may issue a provisional license to the new owner. The provisional license shall expire twenty working days from the date of issuance if the director has not received the new owner's fully completed licensed agent's application and authorization of a complete personal background check. If the required materials have been timely received by the director and a preliminary background check has been completed, the provisional license shall expire at the time of issuance of the general license or ninety days from the date the provisional license is issued, whichever occurs first.

AMENDATORY SECTION (Amending Order 58, filed 6/4/84)

WAC 315-04-070 LICENSE FEES. (1) The fee for a license application shall be \$15.00.

(2) ~~((The fee for renewal of a license shall be \$15.00.~~

(3) ~~The fee for late renewal of a license shall be \$10.00 for each licensed location in addition to the renewal fee of \$15.00.~~

(4) The fee for a background check shall be \$10.00 regardless of the number of individuals listed on the license application for whom background checks are required. A background check will be required and this fee will be charged when an application for a license ~~((or renewal thereof))~~ lists an individual who does not have on file with the lottery a current ~~"(criminal history~~

~~statement" or current "renewal affidavit — criminal history))~~ personal information form."

~~((5)) (3)~~ All fees established in this section or other sections of this title are not refundable with the exception of the fees in subsection(s) (1) ~~((and (2)))~~ of this section which may be refunded if a license is not issued ~~((or renewed:~~

~~(6) The fees in subsections (1) and (2) of this section may be prorated for staggered license renewal periods as provided in WAC 315-04-100).~~

AMENDATORY SECTION (Amending Order 4, filed 10/15/82)

WAC 315-04-110 DUPLICATE LICENSES. Upon the loss, mutilation or destruction of any license issued by the director, application for a duplicate must be made on a form approved by the director. A statement signed by the licensed agent which details the circumstances under which the license was lost, mutilated, or destroyed and certifies that such license was, in fact, lost, mutilated or destroyed, shall accompany such application. ~~((The fee for the duplicate of a license shall be \$10.00.))~~ A mutilated license shall be surrendered to the director upon issuance or denial of a duplicate license. A lost license, when found, must be immediately surrendered to the director.

AMENDATORY SECTION (Amending Order 41, filed 12/8/83)

WAC 315-04-125 CHANGE OF NAME OR LOCATION. Every change of business name or change of location without a change of ownership of a licensed agent must be reported to the lottery prior to the change. The lottery shall review the change considering standard licensing criteria. Upon the lottery's approval ~~((and receipt of a \$10.00 change of name/location fee)),~~ the lottery shall issue a license in the new name or with the new location address.

AMENDATORY SECTION (Amending Order 4, filed 10/15/82)

WAC 315-04-130 DEATH OR INCAPACITY OF LICENSEE. (1) In the event of the proven incapacity, death, receivership, bankruptcy or assignment for benefit of creditors of any licensed agent, upon approval of the director, the license may be transferred to a court appointed or court confirmed guardian, executor or administrator, receiver, trustee, or assignee for the benefit of creditors, who may continue to operate the activity under the license, subject to the provisions of chapter 7, Laws of 1982 2nd ex. sess. and these rules.

(2) The person to whom a license is transferred hereunder must be otherwise qualified to hold a license.

(3) The license following transfer shall be ~~((subject to regular renewal based upon its original expiration date and shall be))~~ void upon that person ceasing to hold such a court appointed or court confirmed position.

(4) The director may condition the transfer of any license under this section upon the posting of a bond in such terms and conditions as the director may require.

~~((5) The fee for transfer of the license under this rule shall be \$10.00.))~~

AMENDATORY SECTION (Amending Order 58, filed 6/4/84)

WAC 315-04-132 CHANGE OF BUSINESS STRUCTURE, OWNERSHIP, OR OFFICERS. (1) Every change of business structure of a person to whom a license has been issued must be reported to the lottery prior to the change. A change of business structure shall mean the change from one form of business organization to another, such as from sole proprietorship to partnership or corporation.

~~((+))~~ (2) Every substantial change of ownership of a person to whom a license has been issued must be reported to the lottery prior to the change. A substantial change of ownership shall mean the transfer of ten percent or more equity.

(3) Every change of officers of a person to whom a license has been issued must be reported to the lottery not later than ten days following the effective day of the change.

~~(4) If such change involves the addition or deletion of one or more owners or officers, ((the license shall terminate and be void and tickets shall not be sold. In the event the new person wishes to become a licensed agent, that person shall submit a license application and fees which the lottery will process in accordance with these rules.~~

~~(2) If such change does not involve the addition of one or more owners or officers, the license shall not be terminated. No fee will be required; however,)) the licensed agent shall submit a license application reflecting the change(s) and any other documentation the director may require.~~

(5) If such change involves the addition of one or more owners or officers who does not have on file with the lottery a current "personal information form," each such owner or officer shall submit a "personal information form." The lottery shall assess a fee for a background check pursuant to WAC 315-04-070.

AMENDATORY SECTION (Amending Order 41, filed 12/8/83)

WAC 315-04-140 LICENSE NOT A VESTED RIGHT. (1) The possession of a license issued by the director to any person to act as a licensed agent in any capacity is a privilege personal to that person and is not a legal right.

(2) The possession of a license issued by the director to any person to act as a licensed agent in any capacity does not entitle that person to sell tickets or obtain materials for any particular game.

~~((3) Every licensed agent shall enter into a contract with the lottery containing such terms and conditions as the director may require prior to being authorized to sell tickets for any particular game. If for any reason the contract is terminated or suspended, the authorization to sell tickets shall also be terminated or suspended.))~~

AMENDATORY SECTION (Amending Order 17, filed 3/11/83)

WAC 315-04-200 DENIAL, SUSPENSION OR REVOCATION OF A LICENSE. The director may deny an application for or suspend or revoke any license issued pursuant to these rules for one or more of the following reasons:

(1) Failure to meet or maintain the eligibility criteria for license application and issuance established by chapter 7, Laws of 1982 2nd ex. sess., or these rules;

(2) Failure to account for lottery tickets received or the proceeds of the sale of tickets or to post a bond if required by the director or to comply with the instructions of the director concerning the licensed activity;

(3) Failure to pay to the lottery any obligation when due;

(4) Violating any of the provisions of chapter 7, Laws of 1982 2nd ex. sess., or these rules;

~~((4))~~ (5) Failure to file any return or report or to keep records required by the director or by these rules;

~~((5))~~ (6) Failure to pay any federal, state or local tax or indebtedness;

~~((6))~~ (7) Fraud, deceit, misrepresentation or conduct prejudicial to public confidence in the lottery;

~~((7))~~ (8) If public convenience is adequately served by other licensees;

~~((8))~~ (9) Failure to sell a sufficient number of tickets to meet administrative costs;

~~((9))~~ (10) If there is a history of thefts or other forms of losses of tickets or revenue therefrom;

~~((10))~~ (11) If there is a delay in accounting or depositing in the designated depository the revenues from the ticket sales;

~~((11))~~ (12) Has violated, failed or refused to comply with any of the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW (Gambling Act), or chapter 7, Laws of 1982 2nd ex. sess., or when a violation of any provisions of chapter 7, Laws of 1982 2nd ex. sess., has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control;

~~((12))~~ (13) Knowingly causes, aids, abets or conspires with another to cause any person to violate any of the laws of this state;

~~((13))~~ (14) Has obtained a license by fraud, misrepresentation, concealment or through inadvertence or mistake;

~~((14))~~ (15) Has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to, forgery, larceny, extortion, conspiracy to defraud, wilful failure to make required payments or reports to a governmental agency at any level, or filing false reports therewith, or of any similar offense or offenses, or of bribing or otherwise unlawfully influencing a public official or employee of any state or the United States, or of any crime, whether a felony or misdemeanor, involving any gambling activity or physical harm to individuals or involving moral turpitude;

~~((15))~~ (16) Makes a misrepresentation of, or fails to disclose, a material fact to the commission or director on

any report, record, application form or questionnaire required to be submitted to the commission or director;

~~((16))~~ (17) Denies the commission or director or their authorized representatives, including authorized local law enforcement agencies, access to any place where a licensed activity is conducted, or fails to promptly produce for inspection or audit any book, record, document or item required by law or these rules;

~~((17))~~ (18) Is subject to current prosecution or pending charges, or a conviction which is under appeal, for any of the offenses indicated under subsection ~~((14))~~ (15) of this section: PROVIDED, That at the request of an applicant for an original license, the director may defer decision upon the application during the pendency of such prosecution or appeal;

~~((18))~~ (19) Has pursued or is pursuing economic gain in an occupational manner or context which is in violation of the criminal or civil public policy of this state if such pursuit creates probable cause to believe that the participation of such person in lottery or gambling or related activities would be inimical to the proper operation of an authorized lottery or gambling or related activity in this state. For the purposes of this section, occupational manner or context shall be defined as the systematic planning, administration, management or execution of an activity for financial gain;

~~((19))~~ (20) Is a career offender or a member of a career offender cartel or an associate of a career offender or career offender cartel in such a manner which creates probable cause to believe that the association is of such a nature as to be inimical to the policy of this state or to the proper operation of the authorized lottery or gambling or related activities in this state. For the purposes of this section, career offender shall be defined as any person whose behavior is pursued in an occupational manner or context for the purpose of economic gain utilizing such methods as are deemed criminal violations of the public policy of this state. A career offender cartel shall be defined as any group of persons who operate together as career offenders;

~~((20))~~ (21) Failure to follow the instructions of the director for the conduct of any particular game or special event;

~~((21))~~ (22) Failure to follow security procedures of the director for the handling of tickets or for the conduct of any particular game or special event; or

~~((22))~~ (23) Makes a misrepresentation of fact to the purchaser, or prospective purchaser, of a ticket, or to the general public with respect to the conduct of a particular game or special event.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 315-04-133 CHANGE OF OWNERSHIP.
WAC 315-04-134 CHANGE OF OFFICERS.

AMENDATORY SECTION (Amending Order 51, filed 2/7/84)

WAC 315-10-030 INSTANT GAMES CRITERIA. (1) The price of an instant game ticket shall not be less than \$1.00 and not more than \$5.00.

(2) Winners of an instant game are determined by the matching or specified alignment of the play numbers on the tickets. The ticket bearer must notify the lottery of the win and submit the winning ticket to the lottery as specified by the director. The winning ticket must be validated by the lottery through use of the validation number and/or any other means as specified by the director.

(3) The total of all prizes available to be won in an instant game shall not be less than forty-five percent of the instant game's projected revenue.

(4) The instant game shall pay out both lower tier prizes and higher tier prizes. Lower tier prizes are of less than \$25.00. Higher tier prizes are of \$25.00 or more. The director shall determine the number of lower and higher tier prizes.

(5) The length of operation of an instant game shall not exceed fifteen weeks. The start date and closing date of the instant game shall be publicly announced. Licensed agents shall not sell any tickets prior to the start date of a game unless expressly authorized by the director. Licensed agents may continue to sell tickets for each instant game for up to fourteen days after the official end of game as authorized by WAC 315-10-060.

(6) There is no required frequency of drawing or method of selection of a winner in an instant game.

(7) At the director's discretion, an instant game may include a grand prize drawing(s). The criteria for the grand prize drawing shall be as follows:

(a) Finalists for a grand prize drawing shall be selected in an elimination drawing(s) from redeemed tickets meeting the criteria stated in specific game rules as determined by the director. Participation in the elimination drawing(s) shall be limited to such tickets which are actually received and validated by the director on or before a date to be announced by the director. The director may reserve the right to place any semi-finalist whose entry was not entered in the elimination drawing(s) and who is subsequently determined to have been entitled to such entry into an elimination drawing of a subsequent instant game, and the determination of the director shall be final.

(b) The number of prizes and the amount of each prize in the grand prize drawing(s) shall be determined by the director to correspond with the size and length of the instant game and to comply with subsection (3) of this section.

(c) The dates and times as well as the procedures for conducting the elimination drawing and grand prize drawing shall be determined by the director.

(8) Procedures for claiming instant game prizes are as follows:

(a) To claim an instant game prize of less than \$25.00, the claimant shall present the winning ticket to the licensed agent from whom the ticket was purchased.

The licensed agent shall verify the claim and, if acceptable, make payment of the amount due the claimant. In the event the licensed agent cannot verify the claim, the claimant shall fill out a claim form, as provided in WAC 315-06-120, which shall be obtained from the licensed agent and present the completed form, together with the disputed ticket to the director. If the claim is validated by the director, a check shall be forwarded to the claimant in payment of the amount due. In the event that the claim is not validated by the director, the claim shall be denied and the claimant shall be promptly notified.

(b) To claim an instant prize of \$25.00 or more, the claimant shall complete a claim form, as provided in WAC 315-06-120, which is obtained from the licensed agent or the director and mail the completed form together with the winning ticket to the director. Upon validation by the director, a check shall be forwarded to the claimant in payment of the amount due, less any applicable federal income tax withholding. In the event that the claim is not validated by the director, the claim shall be denied and the claimant shall be promptly notified.

(c) Any ticket not passing all the validation checks specified by the director is invalid and ineligible for any prize and shall not be paid. However, the director may, solely at his or her option, replace an invalid ticket with an unplayed ticket (or tickets of equivalent sales price from any other current game). In the event a defective ticket is purchased, the only responsibility or liability of the director shall be the replacement of the defective ticket with another unplayed ticket (or tickets of equivalent sale price from any other current game).

AMENDATORY SECTION (Amending Order 51, filed 2/7/84)

WAC 315-10-060 OFFICIAL END OF GAME.

(1) The director shall announce the official end of each instant game. A player may submit a low-tier winning ticket to the licensed agent from whom the ticket was purchased or the lottery and a high-tier winning ticket to the lottery for prize payment up to one hundred and eighty days after the official end of game. In order to participate in a grand prize drawing a player must redeem a ticket which qualifies for entry into that grand prize drawing within the time limits set forth in chapter 315-11 WAC governing the conduct of that specific game.

(2) A licensed agent may continue to sell tickets for each instant game up to fourteen days after the official end of that game.

(3) A licensed agent must return to the lottery unsold lottery tickets for each game within thirty days of the official end of that game in order to receive credit from the lottery as provided for in ((the)) director's instructions to licensed agents ((contract)) or the interlocal cooperative agreement between the lottery and the state liquor control board. The lottery has no obligation to grant credit for tickets returned more than thirty days after the official end of game.

AMENDATORY SECTION (Amending Order 64, filed 9/17/84)

WAC 315-30-020 DEFINITIONS. (1) On-line game. A lottery game in which a player pays a fee to a lottery agent and selects a combination of digits, numbers, or symbols; type and amount of play; and drawing date and receives a computer generated ticket with those selections printed on it. The lottery will conduct a drawing to determine the winning combination(s) in accordance with the rules of the specific game being played. Each ticket bearer whose valid ticket includes a winning combination shall be entitled to a prize if claim is submitted within the specified time period.

(2) On-line agent. A licensed agent authorized by the lottery to sell on-line tickets. On-line agents shall sell all lottery games including but not limited to instant game tickets offered by the lottery.

(3) On-line ticket. A computer-generated ticket issued by an on-line agent to a player as a receipt for the combination a player has selected. That ticket shall be the only acceptable evidence of the combination of digits, numbers, or symbols selected. On-line tickets may be purchased only from on-line agents.

(4) Ticket distribution machine (TDM). The computer hardware through which an on-line agent enters the combination selected by a player and by which on-line tickets are generated and claims are validated.

(5) Drawing. The procedure determined by the director by which the lottery selects the winning combination in accordance with the rules of the game.

(6) Certified drawing. A drawing about which the lottery and an independent certified public accountant attest that the drawing equipment functioned properly and that a random selection of a winning combination occurred.

(7) Winning combination. One or more digits, numbers, or symbols randomly selected by the lottery in a drawing which has been certified.

(8) Validation. The process of determining whether an on-line ticket presented for payment is a winning ticket.

(9) Validation number. The twelve-digit number printed on the front of each on-line ticket which is used for validation.

(10) Ticket bearer. The person who has signed the on-line ticket or who has possession of an unsigned ticket.

(11) Metropolitan area. Benton, Clark, Franklin, King, Kitsap, Pierce, Snohomish, Spokane, Thurston, Whatcom, and Yakima counties. (These geographic areas have been identified as the metropolitan statistical areas in the state of Washington by the Federal Committee on Standard Metropolitan Statistical Areas of the Office of Management and Budget.)

AMENDATORY SECTION (Amending Order 44, filed 12/8/83)

WAC 315-30-060 PAYMENT OF PRIZES BY ON-LINE AGENTS. (1) An on-line agent shall pay to the ticket bearer on-line game prizes of \$600.00 or less for any validated claims presented within thirty days of the drawing to that on-line agent regardless of where

the on-line ticket was purchased. These prizes shall be paid during all normal business hours of that on-line agent, provided, the on-line system is operational and claims can be validated. The on-line agent shall not charge the claimant any fee for payment of the prize or for cashing a business check drawn on the licensed agent's account.

(2) An on-line agent may pay prizes in cash or by business check, certified check, or money order. An on-line agent that pays a prize with a check which is dishonored may be subject to suspension or revocation of its license, pursuant to WAC 315-04-200.

AMENDATORY SECTION (Amending Order 66, filed 10/5/84)

WAC 315-30-080 ON-LINE AGENT SELECTION CRITERIA. (1) The selection and distribution of on-line agents throughout the state will be based on:

(a) The number of licensed agents in each of the regions identified in WAC 315-12-030, and then;

(b) The potential for revenue generation, demographics, and public accessibility within that region.

(2) An on-line license endorsement shall be issued only to a person who possesses a valid general license, provided, the director may issue an on-line endorsement to an agent who possesses a valid provisional license if that agent is a new owner of a previously established on-line location.

(3) In addition, the director shall consider the following factors in the selection of on-line agents.

(a) Business and security considerations which include but are not limited to: (i) Instant game accounts receivable record, (ii) criminal history of owners and officers, (iii) history of criminal activity at the business establishment, (iv) past security problems, (v) credit rating as defined in WAC 315-30-090, (vi) licensing requirements, and (vii) history of administrative or regulatory actions.

(b) Marketing considerations which include but are not limited to: (i) Customer traffic and sales volume, (ii) lottery-oriented consumers, (iii) market potential, and (iv) management commitment to lottery products.

(4) The lottery will install approximately five hundred TDMs initially with approximately fifty TDMs added each month for the first twelve months and approximately twenty-five TDMs per month thereafter. The director shall determine the total number of TDM's to be installed throughout the state. In determining the order in which TDMs will be installed within a given geographic area, the following factors will be considered:

- (a) Demonstrated high-volume instant ticket sales;
- (b) High customer traffic;
- (c) Easy in and out access;
- (d) Management commitment to lottery products; and
- (e) Store traffic patterns relative to TDM placement.

(5) The director may, after a TDM has been in operation for six months, order the removal of a TDM from an on-line agent location after considering marketing factors which include but are not limited to:

(a) Accessibility of the on-line agent's place of business to the public;

(b) Sufficiency of TDMs in the geographic area to provide public accessibility; and

(c) A nonmetropolitan area on-line agent's average on-line sales volume over four consecutive weeks; or

(d) A metropolitan area on-line agent's failure to meet the average on-line minimum sales volume requirement of two thousand five hundred dollars per week over four consecutive weeks.

(6) The director may immediately discontinue a TDM's operation, order removal of a TDM from an on-line agent location, or take any other action authorized under WAC 315-04-200 in the event that the on-line agent:

(a) Fails to comply with any rule established by the commission, any instruction issued by the director (~~(, or any terms of the licensed agent contract or on-line agent contract addendum)~~);

(b) Tamper with or attempts to tamper with the TDM or on-line system;

(c) Fails to make payment of a prize; or

(d) Makes payment with a business check and the check is dishonored for any reason.

AMENDATORY SECTION (Amending Order 51, filed 2/7/84)

WAC 315-30-090 ON-LINE AGENT CREDIT CRITERIA. (1) The director shall deny an on-line license endorsement (~~(and on-line contract addendum)~~) to any applicant whose credit is rated as poor or marginal as defined in this section.

(2) The director shall require on-line applicants whose credit is rated as minimum as defined in this section to obtain a surety bond or post cash in lieu of a bond under terms and conditions established by the director prior to issuance of the on-line license endorsement (~~(and on-line contract addendum)~~). Such surety bond must be secured from a company licensed to do business in the state of Washington. The bond or cash shall be in the amount of seven thousand five hundred dollars unless the director determines a higher amount is required.

(3) In the event the agent's credit is rated as poor or marginal subsequent to the issuance of the license endorsement (~~(and contract addendum)~~) the director may:

(a) Revoke or suspend an agent's on-line license endorsement (~~(and/or terminate an agent's on-line contract addendum)~~) and/or;

(b) Require such an agent to secure a surety bond from a company licensed to do business in the state of Washington or post cash in lieu of a bond under terms and conditions established by the director. The surety bond or cash shall be in the amount of seven thousand five hundred dollars unless the director determines, based on sales volume and financial solvency of the agent, a higher amount is required.

(4) Credit ratings are defined as follows:

(a) Business credit - includes currently reporting accounts payable and payment records up to six months prior to the lottery's credit check request. Accounts are evaluated by the percentage of the balance outstanding in each of the following categories: Zero to thirty days,

thirty-one to sixty days, sixty-one to ninety days, and ninety-one plus days.

(i) A "poor" credit rating indicates that at least half of the accounts are in the sixty-one days and over categories.

(ii) A "marginal" credit rating indicates that at least half of the accounts are in the thirty-one days and over categories.

(iii) A "minimum" credit rating indicates the information is insufficient for evaluation.

(iv) An "acceptable" credit rating indicates that the majority of current accounts are in the zero to thirty days payment category.

(b) Personal credit - includes current reporting personal accounts payable, including public financial record information up to seven years prior to the lottery's credit check request. A significant incident shall be defined as public record information which includes any lien, judgment, or bankruptcy or any similar incident which is publicly recorded and reflects on the individuals willingness and ability to pay creditors. A numerical rating of "one" represents excellent credit. A numerical rating of "nine" represents involuntary collection.

(i) A "poor" credit rating indicates at least half of the accounts are rated over "five", and/or the public record information indicates three or more significant incidents within the past three years.

(ii) A "marginal" credit rating indicates that at least half of the accounts are rated over "three", and/or the public record information indicates one or more significant incidents within the past three years.

(iii) A "minimum" credit rating indicates the information is insufficient for evaluation.

(iv) An "acceptable" credit rating indicates that the majority of the reporting accounts are rated under "three" and that there have been no significant incidents in the public record within the past three years.

NEW SECTION

WAC 315-06-035 INSTANT TICKET PURCHASE PRICE AND CONDITIONS. (1) The licensed agent's purchase price for each pack of instant tickets shall be the retail price of the pack less the value of the pack's low-tier prizes less the agent discount authorized pursuant to WAC 315-04-190. Licensed agents shall reimburse the lottery for each low-tier prize payment made by the lottery for winning tickets purchased from the licensed agent.

(2) Licensed agents shall make payment to the lottery by business check, cashier's check, certified check, or money order. The director may designate the form of payment.

(3) The director shall establish payment terms for purchase of instant tickets and shall issue instructions for such payments to licensed agents.

NEW SECTION

WAC 315-11-150 DEFINITIONS FOR INSTANT GAME NUMBER 15 ("JOKERS WILD"). (1) Play symbols: The following are the "play symbols:"

"9," "10," "J," "Q," "K," "A," and "  ." One of these play symbols appears under each of the six rub-off spots on the front of the ticket.

(2) Validation number: The unique nine-digit number on the lower right portion of the front of the ticket. The number is covered by latex which is overprinted "VOID IF REMOVED".

(3) Pack-ticket number: The ten-digit number of the form 5000001-000 printed on the front of the ticket. The first seven digits of the pack-ticket number for Instant Game Number 15 constitute the "pack number" which starts at 5000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(4) Captions: The small printed characters appearing below each play symbol which verifies and corresponds with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. For Instant Game Number 15, the captions which correspond with and verify the play symbols are:

| <u>PLAY SYMBOL</u> | <u>CAPTION</u> |
|--|----------------|
| 9 | NINE |
| 10 | TEN |
| J | JACK |
| Q | QUEN |
| K | KING |
| A | ACE |
|  | JOKR |

(5) Agent verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the licensed agent uses to verify instant winners below \$25. For Instant Game Number 15, the agent verification code is a three-letter code, with each letter appearing in a varying three of five locations beneath the removable covering and among the play symbols on the front of the ticket. The agent verification codes used by the licensed agent to verify lower tier prizes are:

| <u>VERIFICATION CODE</u> | <u>PRIZE</u> |
|--------------------------|--------------|
| TIC | FREE TICKET |
| TWO | \$2.00 |
| FIV | \$5.00 |

(6) Pack: A set of four hundred fanfolded instant game tickets separated by perforations and packaged in a plastic bag or plastic shrinkwrapping.

NEW SECTION

WAC 315-11-151 CRITERIA FOR INSTANT GAME NUMBER 15. (1) The price of each instant game ticket shall be \$1.00.

(2) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(a) The bearer of a ticket having the following play symbols in any three of the six spots beneath the removable covering on the front of the ticket shall win the following prize:

| | | |
|--|---|---------------------|
| Three 9s or two 9s and one  | - | Win one free ticket |
| Three 10s or two 10s and one  | - | Win \$2.00 |
| Three Js or two Js and one  | - | Win \$5.00 |
| Three Qs or two Qs and one  | - | Win \$50.00 |
| Three Ks or two Ks and one  | - | Win \$1,000 |
| Three As or two As and one  | - | Win \$50,000 |

Office of the Director
 Washington State Lottery
 600 Park Village Plaza
 1200 Cooper Point Road SW
 Olympia, WA

(b) In any event, only the highest instant prize amount meeting the standards of (a) of this subsection will be paid on a given ticket.

(3) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 15 set forth in WAC 315-11-152, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(5) Instant prize winning tickets shall be redeemed in the manner set out on the back of the ticket and in the player's brochure.

(6) Grand prize drawing for Instant Game Number 15: The grand prize drawing process shall be conducted as follows:

(a) There will be preliminary drawings from entries containing five valid nonwinning "JOKER'S WILD" tickets conducted at dates, times, places, and in a manner to be announced by the director.

(b) The director shall establish the procedure for the conduct of the preliminary drawings and the grand prize drawing.

(c) Fifty names will be selected in each of five preliminary drawings. In each drawing, one will be named a finalist in the grand prize drawing and forty-nine will receive a prize of \$1,000.

(d) To be eligible for entry into a preliminary drawing, an entrant must:

(i) Be eligible to win a prize pursuant to chapter 67.70 RCW and Title 315 WAC.

(ii) Collect five valid nonwinning "JOKER'S WILD" instant game tickets. A valid nonwinning ticket is a ticket which meets all the requirements of these rules and regulations but which does not otherwise qualify for any other prize established in this section.

(iii) Write or print legibly, the entrant's name and address on the back of at least one of the five tickets or on a separate sheet of paper. An entry containing more than one name and/or address shall be disqualified.

(iv) Place the five tickets in a single envelope. An envelope which contains extraneous material or which has had the exterior altered for the apparent sole purpose of making the envelope more prominent shall be disqualified.

(v) Mail the envelope with proper postage and a legible return address of the entrant to the address specified on the back of the ticket and in the player's brochure ("JOKER'S WILD" Grand Prize Drawing, Tacoma, WA 98450), or deliver it in person during normal business hours to:

(e) There is no limit to the number of entries a person may submit, but each entry must be submitted in a separate envelope and both the entry and the entrant of each must meet the qualifications set forth above.

(f) Entries received by the lottery by 9:00 a.m. local time on the day of a preliminary drawing shall be entitled to participation in that drawing; except for the final preliminary drawing for which entries must be received no later than fourteen days after the announced end of game. The director reserves the right to place an entry which was entitled to, but which was not entered into a drawing, into a subsequent preliminary drawing. The deadline for entry and the date of preliminary drawings may vary at the discretion of the director.

(g) An entry which contains one or more stolen tickets may be disqualified by the director.

(h) A nonconforming entry, at the sole discretion of the director, may be disqualified.

(i) The lottery shall not be responsible for any other material, including winning tickets, mailed or delivered to the "JOKER'S WILD" grand prize drawing. All mail not drawn will be incinerated unopened.

(7) There will be one grand prize drawing for Instant Game Number 15. It will be conducted at a time and place and pursuant to procedures to be established and announced by the director. The prizes awarded at the grand prize drawing will be: First prize, \$50,000 a year for life, with the prize payment starting at age eighteen or older, and with a minimum of \$1,000,000 guaranteed; second prize, \$50,000; third prize \$25,000; fourth and fifth prizes, \$10,000 each. In the event that an entry is not included in the preliminary grand prize drawing process and the director determines that the entry was entitled to participation in the process, the director reserves the right to place that entry into a subsequent preliminary grand prize drawing process.

(8) Notwithstanding any other provisions of these rules, the director may:

(a) Vary the length of Instant Game Number 15 and/or

(b) Vary the number of tickets sold in Instant Game Number 15 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

NEW SECTION

WAC 315-11-152 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 15. (1) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 15 all of the following validation requirements apply.

(a) Exactly one play symbol must appear under each of the six rub-off spots on the front of the ticket.

(b) Each of the six play symbols must have a caption below and each must agree with its caption.

(c) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

| | |
|-------------------------|-----------------------------|
| Play Symbol | Mead 20 Point Crew font |
| Captions | Mead 5 x 11 Matrix font |
| Pack-Ticket Number | OCR-A Size 1 Condensed font |
| Validation Number | OCR-A Size 1 Condensed font |
| Agent Verification Code | Mead 7 x 12 Matrix font |

(d) Each of the play symbols and their captions, the validation number, pack-ticket number and the agent verification code must be printed in black ink.

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-150(1) and each of the captions must be exactly one of those described in WAC 315-11-150(4).

(2) Removal of part or all of the latex overprinted "VOID IF REMOVED" covering of the validation number will not invalidate an otherwise valid ticket.

(3) Any ticket not passing all the validation requirements in WAC 315-10-070 and subsection (1) of this section is invalid and ineligible for any prize.

WSR 85-09-005
ADOPTED RULES
DEPARTMENT OF GAME
(Game Commission)
 [Order 246—Filed April 5, 1985]

Be it resolved by the State Game Commission, acting at the Thunderbird Motor Inn, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, that it does adopt the annexed rules relating to Deer Park State Game Reserve, repealing WAC 232-16-120.

This action is taken pursuant to Notice No. WSR 85-05-055 filed with the code reviser on February 20, 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 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 April 1, 1985.
 By Jack S. Wayland
 for Archie U. Mills
 Chairman, Game Commission

REPEALER

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

WAC 232-16-120 DEER PARK STATE GAME RESERVE

WSR 85-09-006
ADOPTED RULES
DEPARTMENT OF GAME
(Game Commission)
 [Order 245—Filed April 5, 1985]

Be it resolved by the State Game Commission, acting at the Thunderbird Motor Inn, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, that it does adopt the annexed rules relating to Captive propagation of raptors—Sale, records, reports and inspection, adopting WAC 232-12-129.

This action is taken pursuant to Notice No. WSR 85-05-054 filed with the code reviser on February 20, 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 77.12.030, 77.12.090, 77.12.105 and 77.32.070 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 1, 1985.
 By Jack S. Wayland
 for Archie U. Mills
 Chairman, Game Commission

NEW SECTION

WAC 232-12-129 CAPTIVE PROPAGATION OF RAPTORS—SALE, RECORDS, REPORTS AND INSPECTION. (1) Anyone holding a valid raptor propagation permit may offer for sale, sell, or trade any captive bred raptor, wearing a seamless U.S. Fish and Wildlife Service band, to anyone hold a permit authorizing possession of said raptor.

(2) Anyone holding a valid raptor propagation permit, falconry permit, or other permit authorizing possession may purchase said captive bred raptor.

(3) Sale of a captive bred raptor is unlawful if it is not accompanied by an invoice. The raptor propagator must retain a copy of the invoice for two years and must send to the Department a copy or a listing of the transfers in an annual report.

(4) Anyone holding a valid raptor propagation permit must keep record of the date each clutch is initiated, the onset of incubation and the date of hatching of each chick. The initiation of each clutch of eggs must be reported to the Department within 72 hours. These records must be up to date and the breeding facilities and records open for inspection by a Wildlife Agent at reasonable times.

(5) Anyone holding a valid raptor propagation permit must submit to the Department before January 31 of each year a report summarizing the year's activities.

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 85-09-007
ADOPTED RULES
DEPARTMENT OF GAME
(Game Commission)
[Order 244—Filed April 5, 1985]

Be it resolved by the State Game Commission, acting at the Thunderbird Motor Inn, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, that it does adopt the annexed rules relating to Lower Crab Creek Game Reserve, amending WAC 232-16-670.

This action is taken pursuant to Notice No. WSR 85-05-053 filed with the code reviser on February 20, 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 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 April 1, 1985.

By Jack S. Wayland
for Archie U. Mills
Chairman, Game Commission

AMENDATORY SECTION (Amending Order 217, filed 9/1/83)

WAC 232-16-670 LOWER CRAB CREEK GAME RESERVE. It shall be unlawful to hunt wild animals and wild birds within the following described boundary: T16N, R25E; ~~((that part of SE 1/4 Section 30 east of Midway Coulee transmission line and south of wooden pole powerline;))~~ SW 1/4 of Section 29; that part of the SE 1/4 of Section 30 east of Bonneville Power Administration transmission line; ~~((that part of Section 31 east of Midway Coulee transmission line and north of Smyrna-Beverly Road; and that part of NW 1/4 Section 32 north of Smyrna-Beverly Road. 480 acres;))~~ the NE 1/4 of Section 31; the North 1/2 of the Northwest 1/4 of Section 32.

WSR 85-09-008
ADOPTED RULES
DEPARTMENT OF GAME
(Game Commission)
[Order 243—Filed April 5, 1985]

Be it resolved by the State Game Commission, acting at the Thunderbird Motor Inn, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, that it does adopt the annexed rules relating to holding live wildlife in captivity, amending WAC 232-12-064.

This action is taken pursuant to Notice No. WSR 85-05-052 filed with the code reviser on February 20, 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 77.16.040 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 April 1, 1985.

By Jack S. Wayland
for Archie U. Mills
Chairman, Game Commission

AMENDATORY SECTION (Amending Order 224, filed 4/16/84)

WAC 232-12-064 ((~~HOLDING~~)) LIVE WILDLIFE ((~~IN CAPTIVITY~~)): ~~((It is unlawful to take from the wild, hold in captivity, or possess live wild animals, wild birds, or game fish unless such capture, holding or possession is authorized by a license or permit issued by the department, except it is lawful to keep game fish alive on stringers, in live wells or other containers while fishing;))~~ taking from the wild, importation, possession, holding in captivity.

~~((1) Application for a permit to hold live wild animals, wild birds, or game fish in captivity will be made on a form to be provided by the department;))~~

(1) It is unlawful to take live wild animals, wild birds, or game fish from the wild without a permit provided for by rule of the commission.

~~((2) The director or his designee may issue a permit if, after investigation, the applicant meets the following criteria:~~

~~(a) The holding facilities are adequate to prevent the egress of wildlife subject to the application permit.~~

~~(b) Operating conditions are clean and humane.~~

~~(c) No hazards to state wildlife exist from the holding of wildlife subject to the application permit.~~

~~(d) The permit covers the immediate premises and areas described on the permit where wildlife subject to the application will be held.~~

~~(e) Existing conditions ensure the continued health and safety of the wildlife subject to the application.~~

(f) That holding of wildlife subject to the application will not adversely affect the Department's obligation to preserve, protect and perpetuate the state's wildlife:))

~~((3) All wildlife and the area where held must be open to inspection by a wildlife agent at reasonable times:))~~

(2) It is unlawful to import into the state or to hold live wildlife which were taken, held, possessed or transported contrary to Federal or State law, local ordinance or commission rule. Live wild animals, wild birds or game fish shall not be brought into the state without first presenting veterinarian or fish pathologist certification to the Department that the wildlife is disease free and that the area from which acquired has no history of wildlife disease which may pose a risk to wildlife in this state. Proof of lawful importation must be produced for inspection on request of a department employee.

~~((4) The holders of a permit to hold live wild animals, wild birds, or game fish in captivity shall make an annual report to the director on a form to be provided by the department:))~~

(3) It is unlawful to possess or hold in captivity live wild animals, wild birds, or game fish unless lawfully acquired. Proof of lawful acquisition must be produced for inspection on request of a department employee. Such proof shall contain: (1) species; (2) age and sex of animal; (3) origin of animal; (4) name of receiving party; (5) source-name and address; (6) invoice/statement date; and (7) documentation of prior transfers.

(4) Wildlife held in captivity which becomes diseased must immediately be placed under the professional care of a licensed veterinarian or certified fish pathologist, and such incident reported immediately to the department by the owner. If diseased wildlife present a threat to the wildlife of the state, the Director may order such actions as necessary, including quarantine or destruction of stock, sterilization of enclosures and facilities, cessation of activities and disposal of the wildlife in a manner satisfactory to the department.

(5) Live wild animals, wild birds or game fish held in captivity or their progeny or parts thereof may not be sold or otherwise commercialized on except as provided by rule of the commission.

(6) No wildlife shall be released from captivity except as provided in WAC 232-12-271, except that it is lawful to return to the waters from which caught, game fish caught and subsequently kept alive on stringers, in live wells or other containers while fishing. The release of fish into any waters of the state, including private, natural or man-made ponds requires a fish planting permit.

(7) All live wildlife possessed or held in captivity, and the area where held, must be open to inspection by department personnel at reasonable times.

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 85-09-009

NOTICE OF PUBLIC MEETINGS CONVENTION AND TRADE CENTER

[Memorandum—April 3, 1985]

There have been two changes in the schedule of Convention Center board of directors' meetings. The meeting date of April 18 has been changed to April 15 at 9:30 a.m.; the meeting date of May 16 has been changed to May 14 at 9:00 a.m. The location remains the same.

WSR 85-09-010

EMERGENCY RULES

DEPARTMENT OF NATURAL RESOURCES

[Order 441—Filed April 8, 1985]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the adoption of an emergency rule postponing the "closed season" for industrial fire tool requirements and other activities on lands protected by the Department of Natural Resources to May 15, 1985, for all of Washington.

I, Brian J. Boyle, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is due to adequate amounts of rainfall, current and forecasted weather conditions, the risk to life and property from wildfire is reduced. The "closed season" in Washington is therefore postponed from April 15 to May 15, 1985.

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

This rule is promulgated pursuant to RCW 76.04.252 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 8, 1985.

By Brian J. Boyle
Commissioner of Public Lands

NEW SECTION

WAC 332-26-080 CLOSED SEASON Pursuant to RCW 76.04.252, the period May 15, 1985, to October 15, 1985, shall be known as the closed season for restrictions on forest lands protected by the Department of Natural Resources, unless different dates are designated by the Supervisor because of fire weather conditions prevailing.

WSR 85-09-011
EMERGENCY RULES
DEPARTMENT OF FISHERIES

[Order 85-26—Filed April 8, 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 regulations.

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is interim regulations needed to implement adopted permanent regulations.

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

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

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

APPROVED AND ADOPTED April 8, 1985.

By Russell W. Cahill
for William R. Wilkerson
Director

NEW SECTION

WAC 220-20-01000K GENERAL PROVISIONS—LAWFUL AND UNLAWFUL ACTS. Notwithstanding the provisions of WAC 220-20-010, effective April 15, 1985 until further notice, it shall be unlawful to club, gaff, shoot, snag, snare, dip net, harass, spear, stone or otherwise molest, injure, kill or destroy any food fish or shellfish or parts thereof, or for any person to attempt to commit such acts, or to have any fish, shellfish or parts thereof so taken in possession, except as provided for in this section:

(a) It shall be lawful to use a dip net, gaff or club in the landing of food fish taken by personal-use angling.

(b) It shall be lawful to use a dip net, gaff, or club in the landing of food fish or shellfish taken for commercial purposes, except that it is unlawful to use a fish pew, pitchfork, or any other instrument that will penetrate the body of the food fish or shellfish while sorting commercial catches during the act of discarding those fish that are not going to be retained.

(c) It shall be lawful to use a spear in underwater spear fishing as provided for in WAC 220-56-160.

(d) It shall be lawful to use a spear to take carp as provided for in WAC 220-56-280.

NEW SECTION

WAC 220-20-02100B SALE OF COMMERCIALLY CAUGHT STURGEON AND BOTTOMFISH. Notwithstanding the provisions of WAC 220-20-

021, effective April 15, 1985 until further notice, it shall be unlawful for any person while engaged in commercial fishing for sturgeon or bottomfish to:

(1) Keep in excess of three sturgeon not less than 48 inches in length nor more than 72 inches in length or more than one limit of sport caught bottomfish for personal use. Any lingcod to be retained for personal use taken east of the mouth of the Sekiu River must be greater than 22 inches in length.

(2) Sell any sturgeon or bottomfish taken under such license to anyone other than a licensed wholesale dealer within or outside the state of Washington, except that a person who is licensed as a wholesale dealer under the provisions of RCW 75.28.300 may sell to individuals or corporations other than licensed wholesale dealers.

NEW SECTION

WAC 220-44-08000A OTTER TRAWL LOGBOOK REQUIRED. It shall be unlawful for any operator of otter trawl gear to fail to possess and maintain a "Washington-Oregon-California Trawl Logbook" while fishing in Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, 63, or Puget Sound Marine Fish-Shellfish Management and Catch Reporting Area 29. The logbook must be kept aboard the vessel while it is fishing in the above areas, or while having fish aboard that were caught in the above areas. The vessel operator must submit the completed logbook for inspection immediately upon request by authorized department of fisheries representatives. For each vessel trip, the operator shall record the vessel name and registration number, crew size, fuel used, departure and return date and time, general locality fished and buyers of fish landed. For each trawl tow conducted the vessel operator shall record the month and day, duration of tow, area fished, depth fished, net type, target species, and estimated weight of each species of fish retained. The departments copies of completed log sheets must be submitted to the department for each month in which fishing activity occurs. The departments copies must be received within ten days following any calendar month in which fishing activity occurred, or within ten days following the termination of commercial fishing activity, whichever occurs first.

NEW SECTION

WAC 220-48-00500B PUGET SOUND BOTTOMFISH—GENERAL PROVISIONS. Notwithstanding the provisions of WAC 220-48-005, effective April 15, 1985, until further notice, it is unlawful to retain for commercial purposes any lingcod less than 22 inches in length taken by any commercial bottomfish gear in all state waters east of the mouth of the Sekiu River.

NEW SECTION

WAC 220-48-01100A BEAM TRAWL AND OTTER TRAWL—GEAR. Notwithstanding the provisions of WAC 220-48-001, effective April 15, 1985 until further notice, it is lawful to use or operate pelagic trawl gear having mesh size in the codend section of not less

than 3 inches while fishing for Pacific whiting during the seasons provided in WAC 220-48-017 (1) and (2).

NEW SECTION

WAC 220-48-01500P BEAM TRAWL AND BOTTOM TRAWL—SEASONS. Notwithstanding the provisions of WAC 220-48-015, effective April 15, 1985 until further notice it is unlawful to operate bottom trawl or beam trawl in waters less than 60 feet in depth in Marine Fish-Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 24D, 25A, 25B, 25C, 25D, 25E, 26A, or 26B, and it is unlawful to operate bottom trawl or beam trawl in waters less than 30 feet deep in all other waters of Puget Sound east of the mouth of the Sekiu River.

WSR 85-09-012
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 85-27—Filed April 8, 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 regulations.

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is harvestable numbers of adult herring are not present.

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

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

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

APPROVED AND ADOPTED April 8, 1985.

By Russel W. Cahill
for William R. Wilkerson
Director

NEW SECTION

WAC 220-49-02000R SEASONS—HERRING. Notwithstanding the provisions of WAC 220-49-020 and WAC 220-49-021, effective April 16, 1985, until further notice it is unlawful to take or fish for herring, candle fish, anchovy, or pilchard taken for commercial purposes from Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A or 21B.

WSR 85-09-013
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2222—Filed April 8, 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 85-05-059 filed with the code reviser on February 20, 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 April 3, 1985.

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

AMENDATORY SECTION (Amending Order 1956, filed 4/6/83)

WAC 388-54-675 WORK REGISTRATION ((REQUIREMENT)) AND JOB SEARCH. (1) Each individual between the ages of eighteen and sixty is required to register for employment ((prior to)) at certification((;)) and once every ((six)) twelve months ((after initial)) thereafter. A child reaching age eighteen during a certification period shall be registered for work during the next recertification process.

(2) The following people are exempt from work registration((, except)):

(a) A person physically or mentally unfit for employment;

(b) A parent((;)) or other member of the household((;)) having responsibility for the care of a dependent child under ((twelve)) six years of age or of an incapacitated person((;)).

If the child has his or her ((twelfth)) sixth birthday within a certification period, the individual responsible for the care of the child shall fulfill the work registration requirement ((as part of)) at the next ((scheduled)) recertification ((process)), unless the individual qualifies for another exemption.

(c) ~~((A parent, or other caretaker, of a child under eighteen years of age in a household where another able-bodied parent is registered for work or is exempt as a result of employment;~~

(d)) A person receiving unemployment compensation (UC), or a person ((who has applied)) applying for((;)) but not yet ((begun to receive)) receiving unemployment compensation((, but has registered for work as a requirement for receiving unemployment compensation));

~~((e))~~ (d) A household member subject to and participating in the work incentive program (WIN), community work and training program (CWEP), or employment and training (E&T) programs;

~~((Household members required to register for work under WIN or unemployment compensation and fail to comply with the work registration requirements of those programs, shall not be denied food stamp benefits solely for this failure. These members lose their exemption and must register for work if they fail to qualify for WIN exemption under other conditions in subsection (1) of this section.))~~

~~((f))~~ (e) A person employed(;) or self-employed(;) at least thirty hours per week, or receiving weekly earnings equal to the federal minimum wage, multiplied by thirty (hours);

~~((g))~~ (f) A student enrolled at least half time in any recognized school, training program or institution of higher education provided ~~((that))~~ those students enrolled in higher education have met the eligibility conditions in WAC 388-54-670;

~~((h))~~ (g) A regular participant in a drug addiction or alcoholic treatment and rehabilitation program;

~~((i))~~ A child having his or her eighteenth birthday within the certification period. This child shall fulfill the work registration requirement as part of the next scheduled recertification process, unless the child qualifies for another exemption;

~~((j))~~ (h) A person complying with work requirements imposed as a participant in any refugee ~~((resettlement))~~ program ~~((including but not limited to the Indochinese refugee assistance program or the E&T program, when approved by FNS. The program must demonstrate that work registration requirements are at least equivalent to food stamp requirements, activities are monitored, and that all other household members not exempt are registered for work));~~

~~((k))~~ (i) A migrant or seasonal farmworker under contract or similar agreement with an employer to begin employment within thirty days;

~~((l))~~ The department shall verify any claim for exemption it determines to be questionable.))

~~((2))~~ (3) The department shall provide work registration forms to the applicant for each household member required to register ~~((for employment))~~. Household members are registered when a completed work registration form is submitted to the department. ~~((The department shall forward the completed form to the state employment service.))~~

~~((3))~~ (4) The applicant's statement concerning the employability of each member of the household shall be accepted unless the information is questionable. The department shall verify any claim for exemption it determines questionable.

(5) Persons required to register for work are subject to job search. Persons subject to job search are required to:

(a) Contact as required by the job service center (JSC) up to twenty-four prospective employers during an eight-week or two four-week period or periods of mandatory job search each time they are entered into

the food stamp program or each twelve months, whichever occurs sooner;

(b) Report at a prescheduled time to the JSC on the result of all job contacts twice during the eight-week period;

(c) Comply with JSC follow-up interviews.

~~((4))~~ (6) Each member required to register for employment shall also be required to:

(a) Report for an interview to the ~~((office where he or she is registered upon reasonable request))~~ JSC;

(b) Respond to a request from the ~~((employment service office))~~ JSC requiring supplemental information regarding employment status or availability for work;

(c) Report to an employer to whom ~~((he or she has been))~~ referred by ~~((such office))~~ the JSC, if the potential employment is suitable;

(d) Accept a bona fide offer of suitable employment to which ~~((he or she is))~~ referred by ~~((such office))~~ the JSC;

(e) Continue suitable employment to which ~~((the registrant was))~~ referred ~~((by such office until the employment is no longer considered suitable, the registrant becomes exempt, or is terminated from employment due to circumstances beyond the registrant's control))~~. Suitability of employment shall be determined by the JSC.

~~((5))~~ (7) If ~~((the department finds))~~ a household member ~~((refused))~~ refuses or ~~((failed))~~ fails to comply with the work registration or job search requirements without good cause, the household shall be ineligible for participation in the program, until the member ~~((complies))~~ moves from the household, becomes exempt, or, for two months, whichever is earlier. Any new household containing this member shall be disqualified.

~~((6))~~ In determining whether good cause existed for failure to comply, facts and circumstances shall be considered including information submitted by the employment office, the household member, and the employer. "Good cause" includes circumstances beyond the member's control, such as but not limited to, illness, illness of another household member sufficiently serious to require the presence of the household member, unavailability of transportation, and unanticipated emergency. Problems caused by inability of the work registrant to speak or write English could constitute good cause or the lack of adequate child care for children having reached age six but are under age twelve.

(7) Employment will be considered unsuitable if:

(a) The wages offered are less than the highest amount of the standard following:

(i) The applicable state or federal minimum wage;

(ii) Eighty percent of the federal minimum wage.

(b) The employment offered is on a piece-rate basis and the average hourly yield the employee can reasonably be expected to earn is less than the hourly wages specified in subsection (7)(a) of this section;

(c) The registrant, as a condition of employment or continuing employment, is required to join, resign from or refrain from joining any legitimate labor organization; or

(d) The work offered is at a site subject to a strike or a lockout at the time of the offer, unless the strike has

~~been enjoined under Section 208 of the Labor-Management Relations Act (commonly known as the Taft-Hartley Act) or unless an injunction has been issued under Section 10 of the Railway Labor Act.))~~

~~(a) The JSC shall determine whether good cause existed for failure to comply. Facts and circumstances considered include information from the household member, employer, and the JSC. Good cause includes circumstances beyond the member's control, such as but not limited to, illness, illness of another household member requiring the presence of the member, a household emergency, unavailability of transportation, or the lack of adequate child care for children having reached age six but under age twelve.~~

~~(b) A household member exempt from work registration because he or she was registered for work under WIN, E&T, CWEP, or UC and failing to comply with a WIN, E&T, CWEP, or UC requirement comparable to a food stamp work registration or job search requirement shall be treated as though the member had failed to comply with the corresponding food stamp requirements.~~

~~(c) When the CSO learns a household member has refused or failed without good cause to comply with such a requirement, the CSO shall determine whether the requirement was comparable. The WIN, E&T, CWEP, or UC requirement shall not be considered comparable if it places responsibilities on the household exceeding those imposed by the food stamp work registration requirements.~~

~~(d) When the CSO determines the requirement is comparable, the entire household shall be disqualified. A household shall not be disqualified from participation if the noncomplying member meets one of the work registration exemptions. Household members failing to comply with a noncomparable WIN, CWEP, E&T, or UC requirement shall lose their exemption and must register for work.~~

~~(8) ((Employment shall be considered suitable unless the household member can demonstrate or the department otherwise becomes aware that:~~

~~(a) The degree of risk to the registrant's health and safety is unreasonable.~~

~~(b) The registrant is not physically or mentally fit to perform the employment offered, as documented by medical evidence or reliable information obtained from other sources.~~

~~(c) The employment offered is outside the registrant's major field of experience unless, after a period of thirty days following registration, job opportunities in his or her major field have not been offered.~~

~~(d) The distance from the member's home to the place of employment is unreasonable considering the expected wages and the time and cost of commuting.~~

~~(e) If daily commuting time, not including the transporting of a child to and from a child care facility, exceeds two hours or if the place of employment is too far to walk to and neither private nor public transportation is available to the client.~~

~~(f) The working hours or nature of the employment interferes with the member's religious observances, convictions or beliefs.~~

~~(g) In the case of students, the employment is offered during class hours or is more than twenty hours a week.~~

~~(9) Households with striking members shall be ineligible to participate in the food stamp program unless the household was eligible for benefits the day prior to the strike and is otherwise eligible at the time of application. Such a household shall not receive an increased allotment as the result of a decrease in the income of the striking member or members of the household.~~

~~A striker shall be anyone involved in a strike or concerted stoppage of work by employees (including a stoppage by reason of the expiration of a collective-bargaining agreement) and any concerted slowdown or other concerted interruption of operations by employees. Any employee affected by a lockout, however, shall not be deemed to be a striker. Further, an individual who goes on strike who is exempt from work registration the day prior to the strike, other than those exempt solely on the grounds they are employed, shall not be deemed to be a striker.~~

~~(a) Prestrike eligibility shall be determined by considering the day prior to the strike as the day of application and assuming the strike did not occur.~~

~~(b) Eligibility at the time of application shall be determined by comparing the striking member's income before the strike to the striker's current income and adding the higher of the two to the current income of nonstriking members during the month of application.~~

~~(c) To determine benefits, deductions shall be calculated for the month of application as for any other household.~~

~~(d) Whether the striker's prestrike earnings are used or his or her current income is used, the earnings deduction shall be allowed if appropriate. Strikers whose households are eligible shall be subject to the work registration requirements unless exempt)) Each household has a right to a fair hearing to appeal a denial, reduction, or termination of benefits due to a determination of nonexempt status or failure to comply with work registration and job search requirements for determination of noncompliance with a comparable WIN, CWEP, E&T, or UC work requirement.~~

~~Within ten days of receipt of notice of failure to comply, provide the household with notice of adverse action. The notice shall contain the proposed period of disqualification and shall specify the household may reapply at the end of the disqualification period.~~

~~((10)) (9) At the end of the two-month disqualification period, a household may apply to reestablish eligibility. Eligibility may be reestablished during the disqualification period if the reason for disqualification is corrected.~~

~~((11)) (10) A registrant moving out of the jurisdiction of the ((department of employment security (DES))) JSC office with which he or she is registered must reregister at his or her new location.~~

~~((12)) (11) Persons losing exemption status due to any change of circumstance:~~

~~(a) Subject to reporting requirements shall register for work; the work registration report form shall be completed and returned within ten calendar days of the date the department hands or mails the form to the household~~

member reporting the change. Failure to complete and return the form within that period shall result in termination of the household;

(b) Not subject to reporting requirements shall register for employment at the household's next recertification.

~~((13))~~ (12) The household shall be held liable for any overissuances ~~((which result))~~ resulting from erroneous information given by the household member or the household's authorized representative.

AMENDATORY SECTION (Amending Order 1558, filed 10/20/80)

WAC 388-54-677 ~~((WORK REGISTRATION))~~ VOLUNTARY QUIT. No applicant or recipient household whose primary wage earner voluntarily quit ~~((his/her))~~ his or her most recent job without good cause shall be eligible for participation in the program ~~((as specified below:)).~~ Consequences of the primary wage earner quitting his or her job without good cause shall be explained at the time of application. Benefits shall not be delayed beyond normal processing time pending the outcome of voluntary quit determination.

(1) ~~((When a household files an application, the department shall determine:~~

~~((a))~~ Voluntary quit applies if any currently unemployed household member ~~((who is))~~ required to register for full-time work has quit ~~((his/her))~~ his or her most recent job without good cause within the last sixty days~~(:)~~ and the employment involved twenty hours or more weekly or provided weekly earnings equal to federal minimum wage multiplied by twenty.

~~((a))~~ An employee of the federal, state, or local government participating in a strike against such government and dismissed from that job because of participation in a strike, shall be considered to have voluntarily quit a job without good cause.

~~((b))~~ Changes in employment status ~~((that result))~~ resulting from reducing hours of employment, while working for the same employer, terminating a self-employment enterprise, or resigning from a job at the demand of the employer will not be considered as a voluntary quit for purpose of this subsection.

~~((b))~~ (2) ~~((f))~~ Voluntary quit applies to ~~((that member is))~~ the household's primary wage earner. The primary wage earner shall be that household member age eighteen or over ~~((who was))~~ acquiring the greatest amount of earned financial support for the household at the time of the quit~~(:)~~.

~~((c))~~ (3) The CSO determines if the voluntary quit was ~~((with or))~~ without good cause. See WAC 388-54-675(7)(a) for explanation of good cause. Good cause for leaving employment shall also include:

~~((a))~~ Discrimination by an employer based on age, race, sex, color, handicap, religious beliefs, national origin or political beliefs;

~~((b))~~ Work demands or conditions rendering continued employment unreasonable, such as working without being paid on schedule;

~~((c))~~ Acceptance by the primary wage earner of employment, or enrollment of at least half time in any recognized school, training program, or institution of higher

education including fulfillment of the provisions in WAC 388-54-670(2), requiring the primary wage earner to leave employment;

~~((d))~~ Acceptance by any other household member of employment or enrollment at least half time in any recognized school, training program or institution of higher education in another county or similar political subdivision requiring the household to move thereby requiring the primary wage earner to leave employment;

~~((e))~~ Resignations by persons under the age of sixty recognized by the employer as retirement;

~~((f))~~ Employment becoming unsuitable by not meeting the criteria specified in WAC 388-54-675(7) after the acceptance of such employment;

~~((g))~~ Acceptance of a bona fide offer of employment of more than twenty hours a week or where the weekly earnings are equivalent to the federal minimum wage multiplied by twenty hours which, because of circumstances beyond the control of the primary wage earner, subsequently either does not materialize or results in employment of less than twenty hours a week or weekly earnings of less than the federal minimum wage multiplied by twenty hours; and

~~((h))~~ Leaving a job in connection with patterns of employment where workers frequently move from one employer to another such as migrant farm labor or construction work. There may be some circumstances where households will apply for food stamp benefits between jobs particularly in cases where work may not yet be available at the new job site. Even though employment at the new site has not actually begun, the quitting of the previous employment shall be considered as with good cause if part of the pattern of that type of employment.

~~((2))~~ (4) If the quit is without good cause, the household's application ~~((for participation))~~ shall be denied for a period of ~~((two months))~~ ninety days beginning with the ~~((month of quit))~~ day of application:

~~((a))~~ The household shall be advised of the reason for the denial ~~((and of its))~~, period of disqualification, rights to reapply ~~((and/or))~~, and right to request a fair hearing~~(:)~~.

(5) If the quit without good cause occurs in a participating household, provide notice of adverse action to the household within ten days of the determination of voluntary quit. A participating household shall be disqualified for three months. Those households leaving the program before the sanction can be imposed shall receive the sanction when the household reapplies. The adverse action notice shall be the same as for an applicant household. If a participating household requests a fair hearing to appeal the sanction and the CSO is upheld, the sanction will begin the first of the month after the hearing decision is rendered.

~~((b))~~ (6) If an application for participation in the food stamp program is filed in the ~~((second))~~ third month of disqualification, the department shall use the same application for the denial of benefits in the remaining month of disqualification and certification for any subsequent ~~((month(s))~~ month or months if all other eligibility criteria are met.

~~((3) Persons are exempt from voluntary quit provisions in the following circumstances:~~

~~(a) Primary wage earners in households certified for the program at the time of the quit; and~~

~~(b) Persons exempt from the full-time work registration provisions;~~

~~(4) Good cause for leaving employment includes the good cause provisions found in WAC 388-54-675(5) and resigning from a job that does not meet the suitability criteria specified in WAC 388-54-675(7). Good cause for leaving employment shall also include:~~

~~(a) Discrimination by an employer based on age, race, sex, color, handicap, religious beliefs, national origin or political beliefs;~~

~~(b) Work demands or conditions that render continued employment unreasonable, such as working without being paid on schedule;~~

~~(c) Acceptance by the primary wage earner of employment, or enrollment of at least half-time in any recognized school, training program or institution of higher education including fulfillment of the provisions in WAC 388-54-670(2), that requires the primary wage earner to leave employment;~~

~~(d) Acceptance by any other household member of employment or enrollment at least half-time in any recognized school, training program or institution of higher education in another county or similar political subdivision which requires the household to move thereby requiring the primary wage earner to leave employment;~~

~~(e) Resignations by persons under the age of sixty which are recognized by the employer as retirement;~~

~~(f) Employment which becomes unsuitable by not meeting the criteria specified in WAC 388-54-675(7) after the acceptance of such employment;~~

~~(g) Acceptance of a bona fide offer of employment of more than twenty hours a week or in which the weekly earnings are equivalent to the federal minimum wage multiplied by twenty hours which, because of circumstances beyond the control of the primary wage earner, subsequently either does not materialize or results in employment of less than twenty hours a week or weekly earnings of less than the federal minimum wage multiplied by twenty hours; and~~

~~(h) Leaving a job in connection with patterns of employment in which workers frequently move from one employer to another such as migrant farm labor or construction work. There may be some circumstances where households will apply for food stamp benefits between jobs particularly in cases where work may not yet be available at the new job site. Even though employment at the new site has not actually begun, the quitting of the previous employment shall be considered as with good cause if part of the pattern of that type of employment.~~

~~(5)) (7) The department shall request verification of the household's statements only to the extent ((that)) the information given by the household is questionable:~~

~~(a) The primary responsibility for providing verification rests with the household;~~

~~(b) If it is difficult or impossible for the household to obtain documentary evidence in a timely manner, the~~

department shall offer assistance to the household to obtain the needed verification;

(c) Acceptable sources of verification include but are not limited to the previous employer, employee association, union representatives and grievance committees or organizations;

~~(d) ((Whenever documentary evidence cannot be obtained, the department shall substitute a collateral contact;~~

~~(e)) The department is responsible for obtaining verification from acceptable collateral contacts provided by the household;~~

~~((f)) (e) If the household and department are unable to obtain requested verification ((from these or other sources)) because the cause for the quit resulted from circumstances that for good reason cannot be verified((; such as a resignation from employment due to discrimination practices or unreasonable demands by an employer, or because the employer cannot be located)), the household will not be denied access to the program.~~

NEW SECTION

WAC 388-54-679 STRIKERS. (1) A striker shall be anyone involved in a strike or concerted stoppage of work by employees (including a stoppage by reason of the expiration of a collective-bargaining agreement) and any concerted slowdown or other concerted interruption of operations by employees. Any employee affected by a lockout shall not be deemed to be a striker. An individual going on strike who is exempt from work registration the day prior to the strike, other than those exempt solely on the grounds they are employed, shall not be deemed to be a striker. Examples of nonstrikers are:

(a) Employees whose workplace is closed by an employer in order to resist demands of employees (e.g., a lockout).

(b) Employees unable to work as a result of striking employees (e.g., truck drivers not working because striking newspaper pressmen prevent newspapers from being printed); and

(c) Employees not part of the bargaining unit on strike not wanting to cross a picket line due to fear of personal injury or death.

(2) Households with striking members shall be ineligible to participate in the food stamp program unless the household was eligible for benefits the day prior to the strike and is otherwise eligible at the time of application. However, such a household shall not receive an increased allotment as the result of a decrease in the income of the striking member or members of the household.

(3) Prestrike eligibility shall be determined by considering the day prior to the strike as the day of application and assuming the strike did not occur.

(4) Eligibility at the time of application shall be determined by comparing the striking member's income before the strike to the striker's current income and adding the higher of the two to the current income of nonstriking members during the month of application.

To determine benefits, deductions shall be calculated for the month of application as for any other household.

Whether the striker's prestrike earnings are used or his or her current income is used, the earnings deduction shall be allowed if appropriate. Strikers whose households are eligible shall be subject to the work registration requirements unless exempt.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-54-678 JOB SEARCH REQUIREMENT.

WSR 85-09-014
ADOPTED RULES
DEPARTMENT OF GAME
(Game Commission)
[Order 247—Filed April 9, 1985]

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

- Amd WAC 232-12-017 Deleterious exotic wildlife.
- Amd WAC 232-12-091 Commercial buying and processing of anadromous game fish or roe.

This action is taken pursuant to Notice No. WSR 85-05-049 filed with the code reviser on February 20, 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 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 April 1, 1985.

By Jack S. Wayland
for Archie U. Mills
Chairman, Game Commission

AMENDATORY SECTION (Amending Order 165 [174], filed 6/1/81 [10/22/81])

WAC 232-12-017 DELETERIOUS EXOTIC WILDLIFE. Deleterious exotic wildlife includes:

- (1) Walking catfish, *Clarias batrachus*
- (2) Mongoose, all forms of the genus *Herpestes*
- (3) Grass carp, *Ctenopharyngodon idella*
- (4) African clawed frog, *Xenopus laevis*
- (5) Wild boar, *Sus scrofa* and hybrids involving the species *Sus scrofa*
- (6) Collared peccary (javelina), *Dicotyles tajacu*

It is unlawful to import or possess live specimens of deleterious exotic wildlife except for purposes of scientific research as authorized by the director.

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

AMENDATORY SECTION (Amending Order 165, filed 6/1/81)

WAC 232-12-091 COMMERCIAL BUYING AND PROCESSING OF ANADROMOUS GAME FISH OR ROE. (1) It is unlawful to buy, sell or possess with intent to sell anadromous game fish or roe, without having in possession a valid department fish buyer's ((permit)) license and comply with the following provisions:

(a) A department fish buyer's ((permit)) license is valid for a year ((~~May 1 to April 30~~)) January 1 to December 31.

(b) Fish buyer's ((permits)) licenses must be obtained by applying to the Department of Game, 600 North Capitol Way, Olympia, Washington 98504.

(c) The fish buyer's ((permit)) license, or a copy, must be in possession of a person buying anadromous game fish or roe.

(d) Fish buyer's ((permits)) licenses are not transferable.

(e) Fish buyer's ((permits)) licenses authorize a person to buy only anadromous game fish or roe taken by treaty Indians possessing valid federal or tribal fishing identification cards during lawful open seasons.

(2) It is unlawful for a person possessing or buying anadromous game fish or roe from a treaty Indian to not comply with the following:

(a) Fill out a department steelhead receiving ticket including name of seller, tribal affiliation, treaty fishing identification card number, numbers of fish or skeins of roe, marine area or river where caught, and signature of the person directly receiving the fish.

(b) Transmit the fish tickets daily to the department.

(c) Retain a copy of the steelhead receiving ticket with the anadromous game fish or roe as long as the fish are in possession.

(3) Transactions involving the possession or sale of treaty caught anadromous game fish between two or more licensed buyers, the recipients of said fish must possess a copy of the original fish receiving ticket and sales invoice.

(4) This section does not apply to a person who buys lawfully caught treaty Indian anadromous game fish for personal consumption.

WSR 85-09-015
EMERGENCY RULES
MARINE EMPLOYEES' COMMISSION
[Order 85-1—Filed April 9, 1985]

Be it resolved by the Marine Employees' Commission, acting at Hearing Room "C", House Office Building, Olympia, Washington, that it does adopt the annexed rules relating to:

- Amd WAC 316-02-100 Service of process—Computation of time.
- Amd WAC 316-02-103 Service of process—Additional time after service by mail.

| | | |
|-----|----------------|---|
| Rep | WAC 316-02-130 | Service of process—Method of service. |
| New | WAC 316-02-135 | Service of process—Method and completion of service on parties. |
| Rep | WAC 316-02-140 | Service of process—Completion of service on parties. |

We, the Marine Employees' 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 discovery of a conflict between RCW 47.64.260 and WAC 316-02-100, 316-02-103, 316-02-130 and 316-02-140. The foregoing actions rectify that conflict and conform the rules to the statute.

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

This rule is promulgated pursuant to RCW 47.64.260 and is intended to administratively implement that statute.

This rule is promulgated under the general rule-making authority of the Marine Employees' Commission as authorized in chapter 47.64 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 at Olympia, Washington, March 22, 1985.

By David P. Haworth
Chairman

AMENDED SECTION

WAC 316-02-100 SERVICE OF PROCESS – COMPUTATION OF TIME. Unless otherwise provided in chapter 47.64 RCW, ((tm)) in computing any period of time prescribed by notice, the prescribed period of time shall commence on the date of receipt of such notice. In computing any other period of time ((or)) allowed by chapter 47.64 RCW or other ((any)) applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included, unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation.

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.

AMENDED SECTION

WAC 316-02-103 SERVICE OF PROCESS – ADDITIONAL TIME AFTER SERVICE BY MAIL.

Unless a party is required to do some act upon a date specified in a notice or other paper served upon him, whenever a party has the right or is required to do some act within a prescribed period after service of a notice or other paper upon him, and the notice or paper is served on him by mail ((or by telegraph)), 3 days shall be added to the prescribed period.

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 316-02-135 SERVICE OF PROCESS – METHOD AND COMPLETION OF SERVICE ON PARTIES. Unless otherwise provided in chapter 47.64 RCW, any notice or other paper required under this chapter shall be in writing. Service thereof is sufficient if mailed by restricted certified mail, return receipt requested, addressed to the last known addresses of the parties. Refusal of restricted certified mail by any party shall be considered service. Any party may at any time execute and deliver an acceptance of service in lieu of mailed notice.

REPEALED SECTION

WAC 316-02-130 SERVICE OF PROCESS – METHOD OF SERVICE.

REPEALED SECTION

WAC 316-02-140 SERVICE OF PROCESS – COMPLETION OF SERVICE ON PARTIES.

WSR 85-09-016

PROPOSED RULES

DEPARTMENT OF FISHERIES

[Filed April 9, 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 March 12, 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 No. WSR 85-03-110 filed with the code reviser's office on January 23, 1985.

Dated: March 8, 1985

By: Russell W. Cahill
for William R. Wilkerson
Director

WSR 85-09-017
ADOPTED RULES
DEPARTMENT OF FISHERIES
 [Order 85-20—Filed April 9, 1985]

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

This action is taken pursuant to Notice No. WSR 85-03-110 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 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 12, 1985.

By Russell W. Cahill
 for William R. Wilkerson
 Director

AMENDATORY SECTION (Amending Order 84-214, filed 12/7/84)

WAC 220-12-020 SHELLFISH—CLASSIFICATION. The following species are classified as shellfish under RCW 75.08.080 and are subject to the provisions of this title:

| | |
|---------------------------------|---|
| Abalone | <i>Haliotis refescens</i> |
| Red abalone | <i>Haliotis kamschatkana</i> |
| Kamschatka | |
| Clams | |
| Bent nose clam | <i>Macoma secta</i> |
| All other macoma clams | <i>Macoma spp.</i> |
| Butter clam | <i>Saxidomus giganteus</i> |
| Common cockle | <i>Clinocardium nuttalli</i> |
| Geoduck | <i>Panope generosa</i> |
| Horse clam | <i>Schizothaerus nuttalli</i> , <i>Schizothaerus capax</i> |
| Mud or soft shell clam | <i>Mya arenaria</i> |
| Manila clam | <i>Venerupis japonica</i> |
| Piddock | <i>Zirfaea pilsbryi</i> |
| Razor clam | <i>Siliqua patula</i> |
| Rock or native little neck clam | <i>Protothaca staminea</i> |
| Mussel | |
| Blue mussel | <i>Mytilus edulis</i> |
| California mussel | <i>Mytilus californianus</i> |
| Crab | |
| Dungeness or Pacific | <i>Cancer magister</i> |
| Red Crab | <i>Cancer productus</i> |
| Tanner Crab | <i>Chionoecetes tanneri</i> |
| Crawfish | |
| Crawfish | <i>Astacus leniusculus</i> |
| Crawfish | <i>Astacus trowbridgii</i> |
| Crawfish | <i>Astacus klamathensis</i> |
| Octopus | <i>Octopus hongkongensis</i> |
| Squid | |
| Pacific Coast squid | <i>Loligo opalescens</i> |
| Squid | <i>Onychoteuthis borealijaponica</i> |
| Squid | <i>Ommastrephes bartramai</i> |
| All other squid | (Decapoda) |
| Oysters | |
| Eastern oyster | <i>Crassostrea virginica</i> |

| | |
|--------------------------|--|
| Olympia or native oyster | <i>Ostrea lurida</i> |
| Pacific oyster | <i>Crassostrea gigas</i> |
| Kumamoto oyster | <i>Crassostrea gigas kumamoto</i> |
| European oyster | <i>Ostrea edulis</i> |
| All other oysters | (Ostreidae) |
| Scallops | |
| Pacific pink scallop | <i>Chlamys hastata hericia</i> |
| Sea scallop | <i>Pecten caurinus</i> |
| Rock scallop | <i>Hinnites multirugosus</i> |
| Hinds' scallop | <i>Chlamys hindsii</i> |
| Shrimp | |
| Dock shrimp | <i>Pandalus danae</i> |
| Coonstripe shrimp | <i>Pandalus goniurus</i> |
| Coonstripe shrimp | <i>Pandalus hypsinotus</i> |
| Ocean Pink shrimp | <i>Pandalus jordani</i> |
| Pink shrimp | <i>Pandalus borealis</i> |
| Sidestripe shrimp | <i>Pandalopsis dispar</i> |
| Spot shrimp | <i>Pandalus platyceros</i> |
| Sea cucumber | <i>Stichopus californicus</i> |
| | <i>Cucumaria miniata</i> |
| Sea urchin | |
| Green urchin | <i>Strongylocentrotus droebachiensis</i> |
| Red urchin | <i>Strongylocentrotus franciscanus</i> |
| Purple urchin | <i>Strongylocentrotus purpuratus</i> |

AMENDATORY SECTION (Amending Order 83-200, filed 11/30/83, effective 1/1/84)

WAC 220-16-340 GENERAL DEFINITIONS—BOTTOMFISH. The term "bottomfish," unless otherwise provided, is defined as including Pacific cod, Pacific tomcod, Pacific hake, walleye pollock all species of dabs, sole and flounders (except Pacific halibut), lingcod and all other species of greenling, ratfish, sablefish, cabezon, buffalo sculpin, great sculpin, red Irish lord, brown Irish lord, Pacific staghorn sculpin, wolf-eel, giant wry mouth, plainfin midshipman, spiny dogfish, six gill shark, soupfin shark and all other species of shark, and all species of skate, rockfish, rattails and surfperches except shiner perch.

AMENDATORY SECTION (Amending Order 84-24, filed 3/27/84)

WAC 220-20-010 GENERAL PROVISIONS—LAWFUL AND UNLAWFUL ACTS—SALMON, OTHER FOOD FISH AND SHELLFISH. (1) It shall be unlawful to take, fish for, possess or transport for any purpose food fish, shellfish or parts thereof, in or from any of the waters or land over which the state of Washington has jurisdiction, or from the waters of the Pacific Ocean, except at the times, places and in the manners and for the species, quantities, sizes or sexes provided for in the regulations of the department of fisheries.

(2) It shall be unlawful for any person to have in possession or under control or custody any food fish or shellfish within the land or water boundaries of the state of Washington, except in those areas which are open to commercial fishing or wherein the possession, control or custody of salmon or other food fish or shellfish for commercial purposes is made lawful under a statute of the state of Washington or the rules and regulations of the director of fisheries, unless otherwise provided.

(3) It shall be lawful to fish for, possess, process and otherwise deal in food fish and fish offal or scrap for any purpose, provided; that it shall be unlawful to use any of

the following listed species for purposes other than human consumption or fishing bait:

| | |
|--|----------------------------|
| Pacific halibut | (Hippoglossus stenolepis) |
| Pacific herring | (Clupea harengus pallasii) |
| (except as prescribed in WAC 220-49-020) | |
| Salmon | |
| Chinook | (Oncorhynchus tshawytscha) |
| Coho | (Oncorhynchus kisutch) |
| Chum | (Oncorhynchus keta) |
| Pink | (Oncorhynchus gorbuscha) |
| Sockeye | (Oncorhynchus nerka) |
| Masu | (Oncorhynchus masu) |

(4) It shall be unlawful for any person (~~while commercially fishing in an area~~) to fish for (~~or possess~~) food fish or shellfish while in possession in the field of food fish or shellfish that are in violation of the harvest regulations for the area being fished. This regulation does not apply to vessels in transit.

(5) It shall be unlawful for the owner or operator of any commercial food fish or shellfish gear to leave such gear unattended in waters of the state or offshore waters unless said gear is marked with a buoy to which shall be affixed in a visible and legible manner the department of fisheries approved and registered buoy brand provided that:

(a) Buoys affixed to unattended gear must be visible on the surface of the water except during strong tidal flow or extreme weather conditions.

(b) When two or more shellfish pots are attached to a common ground line the number of pots so attached must be clearly labeled on the required buoy.

(c) It shall be unlawful at any time to leave a gill net unattended in the commercial salmon fishery.

(6) It shall be unlawful to place any commercial food fish or shellfish gear in any waters closed to commercial fishing, provided; that this provision shall not apply to reef nets or brush weirs or to gear being tested under supervision of the department of fisheries, provided further that it shall be unlawful to take, fish for or possess food fish with any type of commercial fishing gear in the waters of Carr Inlet north of north latitude 47° 20' from August 15 through November 30 except as provided in chapter 220-47 WAC.

(7) It shall be unlawful for the owner or operator of any fishing gear to refuse to submit such gear to inspection in any manner specified by authorized representatives of the department of fisheries.

(8) It shall be unlawful for any person taking or possessing food fish or shellfish taken from any of the waters or beaches of the Columbia River, the state of Washington or the Pacific Ocean for any purpose to fail to submit such food fish or shellfish for inspection by authorized representatives of the department of fisheries.

(9) It shall be unlawful for any person licensed under the fisheries code of Washington to fail to make any report or return required of him by the department of fisheries relative to the taking, selling, possessing, transporting, processing, freezing and storing of food fish or shellfish whether taken within the jurisdiction of the

state of Washington or beyond or on Indian reservations or usual and accustomed Indian fishing grounds.

(10) It shall be unlawful to take, fish for or possess or to injure, kill or molest fish in any fishway, fish ladder, fish screen, holding pond, rearing pond, or other fish protective device, or to interfere in any manner with the proper operation of such fish protective devices.

(11) It shall be unlawful to club, gaff, shoot, snag, snare, dip net, harass, spear, stone or otherwise molest, injure, kill or destroy any food fish or shellfish or parts thereof, or for any person to attempt to commit such acts, or to have any fish, shellfish or parts thereof so taken in possession: PROVIDED, That it shall be lawful to use a dip net, gaff or club in the landing of food fish taken by personal-use angling.

(12) It shall be unlawful to take or possess for any purpose any food fish or shellfish smaller than the lawful minimum size limits. Any such fish either snagged, hooked, netted or gilled must be immediately returned to the water with the least possible injury to the fish or shellfish and it shall be unlawful to allow undersized salmon entangled in commercial nets to pass through a power block or onto a power reel or drum.

(13) It shall be unlawful to possess aboard any vessel engaged in commercial fishing or having commercially caught fish aboard, any food fish or shellfish in such condition that its species, length, weight or sex cannot be determined if a species, length, weight, or sex limit is prescribed for said species.

(14) It shall be unlawful in any area to use, operate or carry aboard a commercial fishing vessel a licensed net or combination of such nets, whether fished singly or separately, in excess of the maximum lawful size or length prescribed for a single net in that area, except as otherwise provided for in the rules and regulations of the department of fisheries.

(15) It shall be unlawful for any permit holder to fail to comply with all provisions of any special permit or letter of approval issued to him under the authority of the director of fisheries, or to perform any act not specifically authorized in said document or in the regulations of the director of fisheries.

(16) It shall be unlawful to use, place or cause to be placed in the waters or on the beaches or tidelands of the state any substance or chemical used for control of predators or pests affecting food fish or shellfish or other aquatic marine organisms, without first having obtained a special permit to do so from the director of fisheries.

(17) It shall be unlawful to test commercial fishing gear except as follows:

(a) Bellingham Bay - inside and northerly of a line from Governor's Point to the south tip of Eliza Island to Point Frances in waters 10 fathoms and deeper.

(b) Boundary Bay - north of a line from Birch Point to Point Roberts and south of the international boundary in waters 10 fathoms and deeper during times not under IPSFC control.

(c) San Juan Channel - within a 1 mile radius of Point Caution during times not under IPSFC control.

(d) Port Angeles - inside and westerly of a line projected from the east tip of Ediz Hook through buoy C "1" to the mainland.

(e) Port Gardner – within a 2 mile radius of the entrance to Everett breakwater in waters 10 fathoms and deeper.

(f) Central Puget Sound – between lines from Meadow Point to Point Monroe and Skiff Point to West Point in waters 50 fathoms and deeper.

(g) East Pass – between lines from Point Robinson true east to the mainland and from Dash Point to Point Piner in waters 50 fathoms and deeper.

(h) Port Townsend – westerly of a line from the Coast Guard station in Port Townsend to Walan Point to Kala Point in waters 10 fathoms and deeper.

(i) All tows or sets are limited to 20 minutes exclusive of setting and retrieving time.

(j) All testing is to be accomplished between 8:00 a.m. and 4:00 p.m.

(k) Codends of trawl nets must be left open, all hooks of set line gear must be unbaited, and no lures or baited hooks shall be used with jig or troll gear.

(l) Any and all incidentally caught fish and shellfish must be returned to the waters immediately, and no fish or shellfish are to be retained aboard the vessel at any time during a gear test operation.

(m) It shall be unlawful for any person conducting such gear testing operations to fail to notify the fisheries patrol office in Olympia prior to testing.

(18) It is unlawful for any person or corporation licensed by the department of fisheries to fail to comply with the directions of authorized department personnel related to the collection of sampling data or material from food fish or shellfish. It is also unlawful for any such person or corporation to fail to relinquish to the department, upon request, any part of a salmon or other food fish containing coded-wire tags, including but not limited to, the snouts of those salmon that are marked by having clipped adipose fins.

AMENDATORY SECTION (Amending Order 82-61, filed 6/9/82)

WAC 220-56-100 DEFINITIONS—PERSONAL USE. (1) "Personal-use possession" and "daily bag limits" are defined as the numbers or pounds of food fish or shellfish which may be taken in a single day or held in possession at one time, unless otherwise provided.

(2) A "single hook" is defined as a hook having a single point or barb; a "double hook" as a hook having two points or barbs on a common shank; and a "treble hook" as a hook having three points or barbs on a common shank.

(3) A "lure" is defined as any object made of animal, vegetable or mineral materials which has attached thereto one or more hooks and is used as bait while angling for food fish.

(4) The term "processed fish" is defined as salmon or other food fish which has been processed by heat for human consumption as kippered, smoked, or canned fish and is exclusive of iced, frozen, or salted fish.

(5) The term "fresh fish" is defined as salmon or other food fish which has not been processed by heat for human consumption and is inclusive of iced, frozen, or salted fish except that fresh fish as provided in WAC 220-56-180 shall not include frozen.

(6) "Hook and line" or "angling" shall be identical in meaning and, except as provided in WAC 220-56-115, shall be defined as the use of not more than one line with one lure in the act of fishing for personal use and not for sale or barter, to be attached to a pole held in hand while landing fish, or the use of a hand-operated line without rod or reel, to which may be attached not more than one lure. When fishing for bottomfish, "angling" and "jigging" shall be identical in meaning.

(7) The term "snag or snagging" is defined as any method of taking or attempting to take food fish with one or more hooks in such a manner that the fish does not take the hook or hooks voluntarily in its mouth.

(8) The term "underwater spearfishing" is defined as any method of taking or attempting to take food fish by using any object or objects to impale or hook fish while the fisherman is swimming or floating in the water.

(9) The term "bow and arrow fishing" is defined as any method of taking, or attempting to take, food fish by the use of an arrow equipped with a barbed head and a line attached, and propelled by a bow, as in the sport of archery, while the fisherman is above the surface of the water.

(10) The term "natural bait," unless otherwise provided, is defined as a lure consisting of an animal or part of an animal with one single hook.

(11) The term "freshwater area" means, for purposes of this chapter:

(a) Within any freshwater river, lake, stream, or pond.

(b) On the bank or within 10 yards of any freshwater river, lake, stream, or pond.

(c) On or within any boat launch, ramp, or parking facility associated with any freshwater river, lake, stream, or pond.

AMENDATORY SECTION (Amending Order 84-22, filed 4/11/84)

WAC 220-56-105 RIVER MOUTH DEFINITIONS. When pertaining to food fish angling, unless otherwise defined, any reference to the mouths of rivers or streams shall be construed to include those waters of any river or stream including sloughs and tributaries upstream and inside of a line projected between the outermost uplands at the mouth. The term "outermost upland" shall be construed to mean those lands not covered by water during an ordinary high tide. The following river mouths are hereby otherwise defined:

Abernathy Creek – Highway 4 Bridge.

Bear River – Highway 101 Bridge.

Bone River – Highway 101 Bridge.

Chehalis River – U.P. Railway Bridge in Aberdeen.

Chinook River – The tide gates at the Highway 101 Bridge.

Cowlitz River – A line projected across the river between two fishing boundary markers set on each bank of the river approximately one-half mile downstream from the lower-most railroad bridge crossing the Cowlitz River.

Duwamish River – First Avenue South Bridge.
 Elk River – Highway 105 Bridge.
 Entiat River – Highway 97 Bridge.
 Germany Creek – Highway 4 Bridge.
 Hoquiam River – Highway 101 Bridge.
 Humptulips River – Mouth of Jessie Slough.
 Johns River – Highway 105 Bridge.
 Lake Washington Ship Canal – Line 400 feet below the fish ladder at the Chittenden Locks.
 Lewis River – A straight line running from a marker on Austin Point south across the Lewis River to a marker on the opposite shore.
 Methow River – Highway 97 Bridge.
 Mill Creek – Highway 4 Bridge.
 Naselle River – Highway 101 Bridge.
 North Nemah River – Line from markers approximately one-half mile below the Highway 101 Bridge.
 Niawiakum River – Highway 101 Bridge.
 North River – Highway 105 Bridge.
 Palix River – Highway 101 Bridge.
 Puyallup River – 11th Street Bridge.
 Samish River – The Samish Island Bridge (Bayview-Edison Road).
 Sammamish River – Kenmore Highway Bridge.
 Skagit River (~~((North Fork))~~) – A line projected from the ~~((white monument on the easterly end of Ika Island to the))~~ terminus of the jetty with McGlenn Island to the white monument on the easterly end of Ika Island, then to a white monument on the westerly end of Craft Island, then to a white monument near the corner of the levee on the westerly side of Dry Slough, and then to a white monument on the easterly side of Tom Moore Slough.
~~((Skagit River (South Fork) – A line projected from the flashing red four-second navigational light true north to its intersection with the old jetty shown on U.S.C.G.S. chart No. 6450:))~~
 Skamokawa Creek – Highway 4 Bridge.
 Snohomish River – Burlington Northern Railway Bridges crossing main river and sloughs.
 South Nemah River – Lynn Point 117 degrees true to the opposite shore.
 Tucannon River – State Highway 261 Bridge.
 Washougal River – A straight line from the Crown Zellerbach pumphouse southeasterly across the Washougal River to the east end of the Highway 14 Bridge near the upper end of Lady Island.
 White Salmon River – Highway 14 Bridge.
 Little White Salmon River – At boundary markers on river bank downstream from the federal salmon hatchery.
 Willapa River – Highway 101 Bridge.
 Yakima River – Highway 240 Bridge.

AMENDATORY SECTION (Amending Order 84-22, filed 4/11/84)

WAC 220-56-115 ANGLING—LAWFUL AND UNLAWFUL ACTS. (1) It is unlawful for any person to use more than one line with one lure at any one time while angling for food fish for personal use except:

(a) It is lawful to use two natural baits per line while angling in freshwater.

(b) It is lawful to use two lures per line while angling in marine waters for food fish other than salmon.

(c) A second line using baitfish jigger gear is lawful while angling in the Strait of Juan de Fuca east of the mouth of the Sekiu river, Georgia Strait, the San Juan Islands, and Puget Sound.

(d) It is lawful for each angler to use one line with two lures or two lines with one lure per line while fishing ~~((for salmon))~~ in all of Punch Card Area 12~~((;))~~ and that portion of Punch Card Area 8 lying southeasterly of a line between East Point on Whidbey Island and the flashing light north of Lowell Point on Camano Island~~((; and that portion of Area 9 including waters of Possession Sound lying northerly of a line running 90 degrees true east from Possession Point))~~.

(2) It shall be unlawful for any person to take, fish for or possess food fish for personal use by any means other than angling with a line attached to a pole held in hand while landing the fish or with a hand-operated line without rod or reel not utilizing power to retract the line in either case, except as provided in subsections (3) and (4) of this section.

(3) It shall be lawful, while angling for food fish in saltwater from shore, piers, jetties or docks, for an individual to:

(a) Leave the pole in a pole holder while playing or landing the fish. The pole holder may be affixed to a bench, pier railing, wheelchair or other solid object.

(b) Use a power-operated reel attached to a pole. All other provisions of this section shall apply.

(4) It shall be unlawful to take, fish for or possess salmon taken for personal use with hand lines (lines not attached to a handheld pole) in those waters west of the mouth of the Sekiu River, Pacific Ocean, Washington waters at the mouth of the Columbia River west of a line projected true north and south through Buoy 10, Grays Harbor, and Willapa Bay.

(5) It shall be unlawful for any person while angling for food fish to fail to keep his angling gear under his direct and immediate physical control.

AMENDATORY SECTION (Amending Order 83-16, filed 3/17/83)

WAC 220-56-116 SALMON—LAWFUL GEAR. It is unlawful to use barbed ~~((fishing))~~ hooks while angling for salmon in all ~~((contiguous))~~ marine waters ~~((easterly))~~ of ~~((a line projected true north from the mouth of the Sekiu River))~~ Puget Sound, the Pacific Ocean, Grays Harbor, Willapa Bay, and waters at the mouth of the Columbia River westerly of a line drawn true north-south through Buoy 10. ~~((f))~~ Barbless hooks are hooks on which the barb has been filed off, removed, pinched down, or deleted when manufactured.~~((;))~~

NEW SECTION

WAC 220-56-126 UNLAWFUL PROVISIONS—DUWAMISH WATERWAY. During the period September 1 through October 15, in those waters of the Duwamish Waterway downstream from the First Avenue South Bridge to an east-west line through SW Hanford Street on Harbor Island and parallel to SW Spokane Street where it crosses Harbor Island:

(1) It is unlawful to take, fish for or possess salmon using any gear other than that specified in WAC 220-56-205 (freshwater salmon angling gear).

(2) It is unlawful to take, fish for or possess food fish or shellfish from one hour after official sunset to one hour before official sunrise.

(3) It is unlawful to use baitfish jigger gear.

AMENDATORY SECTION (Amending Order 82-19, filed 3/18/82)

WAC 220-56-128 PERSONAL-USE FISHERY—AREAS AND SEASONS. (1) It is unlawful to take, fish for or possess ((salmon, bottomfish and other)) food fish taken for personal use in those waters lying within one mile below any fish rack, fishway, dam or other artificial or natural obstruction, either temporary or permanent, unless otherwise provided.

(2) It is lawful, unless otherwise provided, to take, fish for or possess ((salmon, bottomfish, or other)) food fish in waters outside of or downstream from the following described lines and as provided in WAC 220-56-105:

(a) Hood Canal: A radius of one hundred feet from the confluence of Finch Creek with tidewater adjacent to the Hood Canal Salmon Hatchery.

(b) Sinclair Inlet: A line fifty yards from the pierhead line of the Puget Sound Naval Shipyard at Bremerton.

(c) Budd Inlet: The Fourth Avenue Bridge at Olympia.

(d) Shilshole Bay: For salmon, the line shall be the Burlington Northern Railroad Bridge. For bottomfish or other food fish, the line shall be 400 feet below the fish ladder at the Chittenden Locks from October 1 through May 31; and below the Burlington Northern Railroad Bridge all year.

(e) Chinook River: The tide gate at the Highway 101 Bridge.

(3) It is unlawful to take, fish for, or possess food fish for personal use in those waters of the Columbia River between the Vernita Bridge and the Hanford power line crossing (wooden towers at ((524)) S24, T13N, R27E) from October 16 through ((May 31)) June 30.

(4) It is unlawful to take, fish for or possess food fish for personal use in those Columbia River waters between the upstream line of Bonneville Dam to a point 600 feet below the fish ladder at the new Bonneville Dam Powerhouse.

NEW SECTION

WAC 220-56-156 LANDING CANADIAN ORIGIN FOOD FISH AND SHELLFISH. It is unlawful to land in any Washington state port shellfish or food fish other than halibut taken for personal use from Canadian waters unless the person landing the shellfish or

food fish possesses a Canadian sport fishing license and catch record, if one is required, valid for the period when the shellfish or food fish were taken, and provides official documentation of previous landing in Canada in the form of an E 99 written report or the PAC 99 number issued by Canadian customs. Without official documentation of previous landing in Canada, all personal use shellfish or food fish other than halibut taken from Canadian waters must conform to applicable harvest regulations for the area where first landed in Washington.

AMENDATORY SECTION (Amending Order 84-22, filed 4/11/84)

WAC 220-56-180 BAG LIMIT CODES. (1) Code A: In waters having this code designation, the bag limit in any one day is six salmon not less than 10 inches in length, not more than two of these six salmon may be any combination of the following:

Chinook over 24 inches in length

Coho over 20 inches in length

Pink, chum or sockeye over 10 inches in length.

((The possession limit at any one time shall not exceed the equivalent of two daily bag limits of fresh salmon. Additional salmon may be possessed in a frozen or processed form:))

(2) Code C: In waters having this code designation, the bag limit in any one day is six chinook and coho salmon in the aggregate not less than 10 inches in length or more than the following:

24 inches in length for chinook; 20 inches in length for coho.

((The possession limit at any one time shall not exceed the equivalent of two daily bag limits of fresh salmon. Additional salmon may be possessed in a frozen or processed form:))

(3) Code F: In waters having this code designation, the bag limit in any one day is two salmon provided that:

(a) Chinook salmon must be not less than 24 inches in length, coho salmon must be not less than 16 inches, but there is no minimum size on other salmon.

(b) During the period April 15 through June 15 in waters of the Strait of Juan de Fuca between the mouth of the Sekiu River and a line from the most westerly point on Cape Flattery to the Tatoosh Island Light then to Bonilla Point on Vancouver Island, it is unlawful to take and retain chinook salmon greater than 30 inches in length.

((c) The possession limit at any one time shall not exceed the equivalent of two daily bag limits of fresh salmon. Additional salmon may be possessed in a frozen or processed form:))

(4) Code H: In waters having this code designation, the bag limit in any one day is three salmon provided that:

(a) Chinook salmon must be not less than 22 inches in length, but there is no minimum size for other salmon.

(b) During the period April 15 through June 15 in Punch Card Areas 5, 6, and 7, it is unlawful to retain or possess chinook salmon greater than 30 inches in length.

(c) In contiguous marine waters of Puget Sound east of the mouth of the Sekiu River, no more than two of the three salmon daily bag limit may be chinook, except:

(i) During the period March 15 through ~~((July 15))~~ the Friday preceding Memorial Day, it is unlawful to retain or possess chinook salmon taken for personal use while fishing in Punch Card Areas 9, 10, 11, or 13.

(ii) ~~((During the period April 1 through June 30, it is unlawful to retain or possess chinook salmon taken for personal use while fishing in Punch Card Area 9, except for those waters of Possession Sound lying northerly of a line running 90 degrees true east from Possession Point.~~

(iii)) During the period ~~((July 16))~~ the Saturday preceding Memorial Day through July 31, it is unlawful to retain and possess chinook salmon taken for personal use while fishing in waters of Carr Inlet northerly of a line running westerly 273 degrees true from the northernmost point of land on the south side at the entrance of Horsehead Bay to a marker on the Longbranch Peninsula.

~~((iv))~~ (iii) The daily bag limit in Punch Card Area 12 is three salmon of any species.

~~((d) The possession limit at any one time shall not exceed the equivalent of two daily bag limits of fresh salmon. Additional salmon may be possessed in a frozen or processed form.))~~

(5) Code I: In waters having this code designation, the bag limit in any one day is eight salmon, not less than 6 inches in length or an aggregate daily catch of eight salmon and other salmonid fish. The aggregate catch may not contain more than 3 fish over 14 inches nor more than 2 fish over 20 inches. ~~((The possession limit is the same as the daily catch limit.))~~ Salmon angling catch record card is not required, but a gamefish license is required to take, fish for or possess gamefish.

(6) The possession limit in all waters regulated under Bag Limits A, C, F, H, and special bag limits shall not exceed the equivalent of two daily bag limits of fresh salmon, and additional salmon may be possessed in frozen or processed form. The possession limit in waters regulated under Bag Limit I is the same as the daily bag limit, and additional salmon may not be possessed in any form.

AMENDATORY SECTION (Amending Order 80-12, filed 2/27/80, effective 4/1/80)

WAC 220-56-185 MARINE AREA CODES. The term "marine area code numbers" is defined as the catch area for the salmon catch record card. The following is a list of the catch areas:

(1) Area 1 (Ilwaco): West of the Megler-Astoria Bridge - north to Leadbetter Point.

(2) Area 2 (Westport-Ocean Shores): From Leadbetter Point north to the Queets River.

(3) Area 3 (La Push): From the Queets River north to Cape Alava.

(4) Area 4 (Neah Bay): From Cape Alava north and inside Juan de Fuca Strait to the Sekiu River.

(5) Area 5 (Sekiu and Pillar Point): From mouth of Sekiu River east to Low Point, mouth of the Lyre River.

(6) Area 6 (East Juan de Fuca Strait): From Low Point east to the Partridge Point-Point Wilson line north to the line from Trial Island (near Victoria, B.C.) - Navigation Buoy BW "R" - Smith Island ~~((=Point~~

~~Colville-Langley Point and west of))~~ - the most north-easterly of the Lawson Reef lighted buoys (RBI QK FI Bell) - Northwest Island - the Initiative 77 ~~((time fronting Deception Pass))~~ marker on Fidalgo Island.

(7) Area 7 (San Juan Islands): All marine waters north of the ~~((Trial Island))~~ line described under Area 6 to the United States-Canadian boundary.

(8) Area 8 (Deception Pass, Hope and Camano Islands): ~~((The 77))~~ A line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island east through Deception Pass, including all waters east of Whidbey Island to ~~((Mukilteo-Columbia Beach))~~ the Possession Point - Shipwreck Line.

(9) Area 9 (Admiralty Inlet): All waters inside and south of the Partridge Point-Point Wilson Line and ~~((the Mukilteo-Columbia Beach))~~ a line ~~((to the site))~~ projected from the southerly tip of Possession Point 110 degrees true to a shipwreck on the opposite shore and northerly of the Hood Canal Bridge and the Apple Cove Point-Edwards Point Line.

(10) Area 10 (Seattle-Bremerton): From the Apple Cove Point-Edwards Point Line to a line projected true east-west through the ~~((north))~~ northern tip of Vashon Island ~~((east-west))~~.

(11) Area 11 (Tacoma-Vashon Island): From the ~~((north))~~ northern tip of Vashon Island to the Tacoma Narrows Bridge.

(12) Area 12 (Hood Canal): All contiguous waters south of the ~~((site of the))~~ Hood Canal Bridge.

(13) Area 13 (South Puget Sound): All contiguous waters south of the Tacoma Narrows Bridge.

AMENDATORY SECTION (Amending Order 84-22, filed 4/11/84)

WAC 220-56-190 SALTWATER SEASONS AND BAG LIMITS-SALMON. It shall be unlawful to take, fish for or possess salmon taken by angling for personal use except from the following areas, during the seasons, in the quantities, sizes and for the species designated in this section and as defined in the bag limit codes in WAC 220-56-180:

(1) Puget Sound contiguous marine waters east of the mouth of the Sekiu River - bag limit H - open the entire year, except as provided in WAC 220-56-120, 220-56-128, 220-56-130, and 220-56-195.

(2) Strait of Juan de Fuca from the mouth of the Sekiu River to a line projected from the most westerly point on Cape Flattery to the Tatoosh Island Light then to Bonilla Point on Vancouver Island - open entire year, unless the season in the Pacific Ocean closes a week or more before Puget Sound coho salmon management needs prevail (the Sunday nearest September 2); in which case, this area will be closed concurrently with the ocean from the time of the ocean closure until the Puget Sound coho management period (the Sunday nearest September 2). Bag and size limits shall conform with Pacific Ocean regulations during those times when salmon angling is permitted in adjacent coastal ocean waters. During those periods when the ocean salmon angling season is closed and the area described in this subsection is open to salmon angling, the bag limit shall conform with regulations of adjacent waters of the Strait of Juan

de Fuca (Area 5—Sekiu), but minimum size limits shall remain unchanged from those which were in effect when the ocean season was last open.

(3) Pacific Ocean coastal waters: All waters west of a line from Tatoosh Island Light to Bonilla Point, Pacific Ocean, and Washington waters at the mouth of the Columbia River west of a line projected true north and south through Buoy 10 – bag limit F – open on the Saturday preceding Memorial Day through Labor Day.

(4) Grays Harbor (waters east of a line from the outermost end of the north jetty to the outermost exposed end of the south jetty including the waters of the Westport Boat Basin) – (a) ~~((bag limit F=))~~ Open to salmon angling coincidentally with the season, bag limit, size, and gear restrictions in adjacent waters of the Pacific Ocean, but not to extend beyond August 15, unless otherwise provided, (b) all Westport Boat Basin waters and adjacent waters of Grays Harbor when fishing from the Westport Marina Fishing Boardwalk only – special bag limit – six salmon per day not less than 10 inches in length, not more than two of which may be any combination of the following: Pink, sockeye or chum salmon over 10 inches in length or coho salmon over 20 inches in length. All chinook salmon over 24 inches in length must be released. Open to personal use salmon fishing October 1 through November 30. ((The possession limit at any one time shall not exceed the equivalent of two daily bag limits of fresh salmon. Additional salmon may be possessed in a frozen or processed form.))

(5) Willapa Harbor (waters east of a line from Leadbetter Point to Cape Shoalwater Light and downstream from river mouths as defined in WAC 220-56-105) – (a) ~~((bag limit F – open November 1 through August 31))~~ Open to salmon angling coincidentally with the season, bag limit, size, and gear restrictions in adjacent waters of the Pacific Ocean, (b) special bag limit – six salmon not less than 10 inches in length not more than two of which may be any combination of the following: Chinook over 24 inches in length; coho over 20 inches in length; pink, chum, or sockeye over 10 inches in length – open September 1 through ((October 31)) November 30.

AMENDATORY SECTION (Amending Order 83-16, filed 3/17/83)

WAC 220-56-195 CLOSED AREAS—SALT-WATER SALMON ANGLING. The following areas shall be closed to salmon angling during the times indicated:

(1) Skagit Bay: Those waters lying easterly of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, northerly of a line projected from Polnell Point to Rocky Point, northerly of the state Highway 532 Bridge between Camano Island and the mainland and south of the Burlington Northern Railroad Bridge at the north end of Swinomish Slough shall be closed to salmon angling April 15 through June 30.

(2) Bellingham Bay: Those waters of Portage Bay and Bellingham Bay north of a line from Point Francis to Post Point shall be closed to salmon angling April 15 through ~~((June 30))~~ July 15.

(3) Carr Inlet: Those waters of Carr Inlet within 1,000 feet of the outer oyster stakes at the mouth of Minter Creek are closed to salmon angling March 15 through August 31.

(4) Quilcene Bay: Those waters west and north of a line projected true north from Point Whitney to the Bolton Peninsula are closed to salmon angling April 15 through June 30.

NEW SECTION

WAC 220-56-197 CLOSED AREAS—COHO SALMON ANGLING. It is unlawful to take or possess coho salmon taken for personal use during the period September 1 through October 31 from those waters of Skagit Bay lying easterly of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, northerly of a line projected from Polnell Point to Rocky Point, northerly of the State Highway 532 Bridge between Camano Island and the mainland, and south of the Burlington Northern Railroad Bridge at the north end of Swinomish Slough.

NEW SECTION

WAC 220-56-199 CLOSED AREAS—CHINOOK SALMON ANGLING. It is unlawful to take or possess chinook salmon during the period June 16 through August 31 in those waters of Port Susan lying northerly of a line projected from Camano Head to Hermosa Point.

AMENDATORY SECTION (Amending Order 84-22, filed 4/11/84)

WAC 220-56-235 POSSESSION LIMITS—BOTTOMFISH. It is unlawful, unless otherwise provided, for any one person to take in any one day more than the following quantities of bottomfish for personal use. The possession limit at any one time shall not exceed the equivalent of two daily bag limits of fresh bottomfish. Additional bottomfish may be possessed in a frozen or processed form.

(1) Coastal (Punch Card Areas 1 through 4):

(a) Lingcod:

(i) 3 fish in Punch Card Areas 1 through 3 and Area 4 west of a line projected from the most westerly point on Cape Flattery to the Tatoosh Island light, thence to Bonilla Point;

(ii) 2 fish in Punch Card Area 4 east of a line projected from the most westerly point on Cape Flattery to the Tatoosh Island Light, thence to Bonilla Point.

(b) Rockfish – 15 fish.

(c) All other species – no limit.

(2) Puget Sound:

(a) East of the mouth of the Sekiu River and west and north of a line from Point Partridge to Point Wilson and west of ~~((the 77 line))~~ a line between west point on Whidbey Island and Reservation Head on Fidalgo Island. (Punch Card Areas 5 through 7) – 15 fish in the aggregate of all species of bottomfish, no more than 2 of which may be lingcod and no more than 10 of which may be rockfish. It is unlawful to possess lingcod less than 22 inches in length taken by angling. The daily bag

limit taken by spear fishing may include no more than one lingcod in the 15 fish aggregate, with no size restriction.

(b) All contiguous marine waters east and south of a line from Point Partridge to Point Wilson and east of ~~((the 77))~~ a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island (Punch Card Areas 8 through 13) - 15 fish in the aggregate of all species of bottomfish, no more than 1 of which may be lingcod, and no more than 5 of which may be rockfish. It is unlawful to possess lingcod less than 22 inches in length taken by angling. There is no size restriction on the one lingcod allowed in the daily bag limit if taken by spear fishing.

AMENDATORY SECTION (Amending Order 84-22, filed 4/11/84)

WAC 220-56-240 POSSESSION LIMITS—OTHER FOOD FISH. It shall be lawful, unless otherwise provided, for any one person to take in any one day or possess at any one time in the state of Washington the following quantities and sizes of food fish for personal use:

(1) Sturgeon: (a) 3 fish not less than 36 inches nor more than 72 inches in length state-wide, except as provided for in (b) of this subsection.

(b) Columbia River and mainstem impoundments upstream from a line perpendicular to the river flow where the river ceases to be the Oregon/Washington boundary approximately 17.3 miles above McNary Dam to the United States/Canada border and those waters of the Snake River from its mouth upstream to the powerline crossing below Highway 12 Bridge at Clarkston - 2 fish not less than 48 inches nor more than 72 inches in length.

(2) Smelt: 20 pounds.

(3) Herring: 20 pounds fresh. Additional herring may be possessed in a frozen or processed form.

(4) All other food fish: No limit.

AMENDATORY SECTION (Amending Order 84-22, filed 4/11/84)

WAC 220-56-320 SHELLFISH GEAR—UNLAWFUL ACTS. (1) It is unlawful for the owner or operator of any personal use shellfish gear to leave such gear unattended in the waters of the state unless said gear is marked with a buoy to which shall be affixed in a permanent visible and legible manner the first and last name and permanent mailing address of the operator, and in the case of Hood Canal shrimp gear, the name and address must appear exactly as it occurs on the shrimp license. It is unlawful for more than one person's name and address to appear on the same marker buoy. Unattended shellfish gear left in the waters of Puget Sound must have the line attaching the buoy to the pot weighted sufficiently to prevent the line from floating on the water's surface. The following additional requirements apply to buoys attached to unattended shellfish pots in Puget Sound waters:

(a) All buoys must consist of durable material and remain floating on the water's surface when at least 5

pounds of weight are attached. It is unlawful to use bleach, antifreeze or detergent bottles, paint cans or any other container.

(b) All buoys attached to shrimp gear must be yellow or fluorescent yellow in color. Flags and staff, if attached, may be any color.

(c) All buoys attached to crab gear must be half fluorescent red in color and half white in color. Flags and staff, if attached, may be any color.

(d) The number of pots attached to each buoy must be marked on the buoy in a manner that is visible and legible at all times.

(2) It is unlawful for any person using shellfish traps for personal use shellfishing to allow said traps to become uncovered by water.

(3) It is unlawful to take, fish for or possess crab taken with shellfish pot gear that are equipped with tunnel triggers or other devices which prevent free exit of crabs under the legal limit unless such gear is equipped with not less than one escape ring not less than 4-1/8 inches inside diameter located in the upper half of the crab pot.

(4) It is unlawful to take, fish for or possess shrimp taken for personal use with shellfish pot gear in the waters of Hood Canal southerly of the site of the Hood Canal Floating Bridge unless such gear meets the following requirements:

(a) The entire top, bottom, and sides of the shellfish pots must be constructed of mesh material and except for the entrance tunnels have the minimum mesh opening size defined below.

(b) The minimum mesh opening size for Hood Canal shrimp pots is defined as a mesh that a 7/8-inch square peg will pass through each mesh without changing the shape of the mesh opening.

(c) All entrance tunnels must open into the pot from the side.

(d) Effective January 1, 1985, the sum of the maximum widths of all entrance tunnels must not exceed 1/2 the perimeter of the bottom of the pot.

(5) It is unlawful to salvage or attempt to salvage shellfish pot gear from Hood Canal that has been lost without first obtaining a permit authorizing such activity issued by the director, and it is unlawful to fail to comply with all provisions of such permit.

AMENDATORY SECTION (Amending Order 84-22, filed 4/11/84)

WAC 220-56-330 CRAB—AREAS AND SEASONS. (1) It is unlawful to ~~((take,))~~ fish for or possess crab taken for personal use with shellfish pot gear or to have in the water, set or fish any shellfish pot gear ~~((for crab in Puget Sound from April 16 through May 25))~~ except during the open gear season. The open gear season for crab may open by emergency regulation prior to July 15, but in any case will open July 15, and will close April 15.

(2) Except as provided in subsection (1) of this section, it is lawful to fish for and possess male Dungeness crabs taken for personal use the entire year in state waters.

(3) Except as provided in subsection (1) of this section, it is lawful to fish for and possess red rock crabs of either sex taken for personal use the entire year in state waters.

AMENDATORY SECTION (Amending Order 80-12, filed 2/27/80, effective 4/1/80)

WAC 220-56-400 ABALONE. (1) It is unlawful to remove undersized abalone from the water, and any undersized abalone must be replaced immediately with the shell outward to the site from which it was removed.

(2) The first five legal size abalone taken must be retained, and it is unlawful to detach abalones once the personal possession limit has been taken.

(3) It ~~((shall be))~~ is unlawful to possess in the field any abalone taken for personal use which has the shell removed.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-56-198 DUWAMISH WATERWAY—UNLAWFUL PROVISIONS.

WAC 220-56-201 MARKING SPORT-CAUGHT SALMON.

AMENDATORY SECTION (Amending Order 84-22, filed 4/11/84)

WAC 220-57-130 BOGACHIEL RIVER. (1) ~~((Bag limit A – July 1 through October 31: Downstream from the Highway 101 Bridge to the mouth of the Calawah River. All coho salmon greater than 20 inches in length must be immediately released:~~

~~((3))~~ Bag limit ~~((A))~~ C – July 1 through August 31: Downstream from the ~~((mouth of the Calawah River))~~ Highway 101 Bridge. All coho salmon greater than 20 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 ~~((mouth of the Calawah River))~~ Highway 101 Bridge. All coho salmon greater than 20 inches in length must be released immediately.

AMENDATORY SECTION (Amending Order 84-22, filed 4/11/84)

WAC 220-57-160 COLUMBIA RIVER. (1) Bag limit C – June 1 through December 31: Downstream from Chief Joseph Dam to the Richland – Pasco Highway 12 Bridge except those waters between the Vernita Bridge and the old Hanford townsite wooden powerline towers are open only during the period July 1 through October 15, and except for the special season and bag limited provided for in subsection (2) of this section. The following are closed waters:

(a) Chief Joseph Dam – waters between the upstream line of Chief Joseph Dam to a line perpendicular to the thread of the stream from a point 400 feet downstream from the west end of the tailrace deck.

(b) Wells Dam – waters between the upstream line of Wells Dam and a point 400 feet below the spawning channel discharge stream.

(c) Rocky Reach, Rock Island and Wanapum Dams – waters between the upstream lines of these dams and points 400 feet downstream.

(d) Priest Rapids Dam – waters between the upstream line of Priest Rapids Dam and a point 400 feet downstream.

(e) Jackson (Moran) Creek – waters within 500 feet of the mouth.

(2) Bag limit A – April 1 through July 31: East bank only in that portion of the Columbia River from WDF boundary marker located approximately 1/2 mile upstream from Spring Creek (Ringold hatchery rearing pond outlet) downstream to a WDF boundary marker located approximately 1/4 mile downstream of Ringold wasteway outlet.

(3) Waters downstream from the Richland-Pasco Highway 12 Bridge to Hood River Bridge: Closed entire year. The following waters are closed to fishing for food fish at all times:

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

(b) John Day Dam – waters between the upstream line of John Day Dam and markers approximately 3,000 feet downstream, except that fishing is permitted from the Washington shore to within 400 feet of the fishway entrance.

(c) The Dalles Dam – waters between the upstream line of the Dalles Dam and the upstream side of the Interstate 197 Bridge, except that fishing is permitted from the Washington shore to within 400 feet of the fishway entrance.

(4) Bag limit A – September 1 through March 15: That portion downstream from Hood River Bridge to the Interstate 5 Bridge at Vancouver, except waters of Camas Slough are open under this bag limit from August 1 through March 15 between the upper Highway 14 Bridge on Lady Island to a line projected true north from the lower end of Lady Island and hook regulations and shad and sturgeon seasonal restrictions in Camas Slough are identical with regulations and restrictions in adjacent mainstem Columbia River waters. The following are closed waters:

(a) Spring Creek – waters within 1/4 mile of the U.S. Fish and Wildlife Service Hatchery grounds between posted boundary markers located 1/4 mile on either side of the fish ladder entrance.

(b) Bonneville Dam – waters between the upstream line of Bonneville Dam and a point 600 feet below the fish ladder at the new Bonneville Dam powerhouse.

(5) Special bag limit ((E)) – six chinook, coho, and sockeye salmon in the aggregate not less than 10 inches in length or more than the following: 24 inches in length for chinook; 20 inches in length for coho; no maximum length restriction for sockeye – June 1 through July 25: Waters downstream from the Interstate 5 Bridge to the Megler-Astoria Bridge.

(6) Bag limit A – August 16 through March 31: Waters downstream from the Interstate 5 bridge to the Megler–Astoria Bridge. During the month of September, it is unlawful to ~~((take;))~~ fish for~~((;))~~ or possess salmon taken for personal use in ~~((that portion))~~ those waters of the Columbia River ~~((north of))~~ extending to midstream between a line projected perpendicular to the stream flow from Abernathy Point Light to a line projected perpendicular to the stream flow from a boundary marker east of the mouth of Abernathy Creek.

(7) Bag limit A – August 16 through March 31: Waters downstream from the Megler–Astoria Bridge to a line projected true north and south through buoy 10, except that during the period August 16 through September 30 when size and bag limit regulations shall conform with the most recent ocean fishing regulations for adjacent waters of punch card area 1.

AMENDATORY SECTION (Amending Order 84-22, filed 4/11/84)

WAC 220-57-175 COWLITZ RIVER. (1) Special bag limit – April 1 through July 31: Downstream from a marker 400 feet below the Cowlitz Salmon Hatchery Barrier Dam on the north side of the river and downstream from the base of the barrier dam on the south side of the river to the mouth. Bag limit is six salmon per day not less than 10 inches in length, only three of which may exceed 24 inches in length.

(2) That portion of the Cowlitz River downstream from the mouth of Mill Creek is open to salmon angling 24 hours per day during the period April 1 to July 31.

(3) Bag limit A – August 1 through March 31: Downstream from markers 400 feet below the barrier dam except, during the period October 1 through December 31, chinook salmon over 28 inches in length taken upstream of the Interstate 5 Bridge must be released.

(4) Salmon angling from boats is prohibited the entire year in designated open waters between the barrier dam and a line from the mouth of Mill Creek to a boundary marker on the opposite shore.

(5) Bag limit A – Open the entire year: From the confluence of the Muddy Fork and Ohanapcosh rivers downstream to Riffe (Davisson) Lake.

AMENDATORY SECTION (Amending Order 83-16, filed 3/17/83)

WAC 220-57-215 DUNGENESS RIVER. Bag limit A – October ~~((15))~~ 1 through December 31: Downstream from ~~((the siphon hole intake, consisting of a metal pipe with concrete headlands, located approximately 1/2 mile upstream of the Dungeness River))~~ markers at Duncan Road, the former Taylor Bridge site, approximately one mile below the state salmon hatchery rack. Chinook salmon over 28 inches must be released. Closed to the taking of pink salmon in odd-numbered years.

AMENDATORY SECTION (Amending Order 82-19, filed 3/18/82)

WAC 220-57-310 KALAMA RIVER. (1) Bag limit A – Saturday preceding Memorial Day through November 30: From Summers Creek upstream to the 6420 Road (approximately one mile above the gate at the end of the county road) is open to the taking of salmon with lawful fly fishing tackle only. Legal flies are limited to single-hook artificial flies measuring not more than 1/2 inches between shank and point.

(2) Bag limit A – Saturday preceding Memorial Day through November 30: Downstream from the mouth of Summers Creek to the markers at the Kalama Falls (Upper) Salmon Hatchery.

(3) Bag limit A – open the entire year: Downstream from a point 1,000 feet below the fishway at the upper salmon hatchery, with the following ~~((exception))~~ special gear restrictions: During the period September 1 through October 31, that portion of the Kalama River from markers at the Lower Kalama Hatchery pumphouse (intake) downstream to the natural gas pipeline crossing at Mahaffey's Campground will be open for fly fishing only and lawful salmon angling gear in those waters upstream from the fly fishing area to a point 1,000 feet below the fishway at the upper salmon hatchery and downstream from the fly fishing area to the Interstate 5 Bridge is limited to bait or lures with one single point hook only, measuring not more than 1/2 inch from point to shank.

October 1 through December 31: Chinook salmon over 28 inches caught in the area downstream from a point 1,000 feet below the fishway at the upper salmon hatchery to the natural gas pipeline must be released.

(4) During the time the department of fisheries temporary rack is installed just below the Modrow Bridge, that portion of the river from a point 200 feet above the temporary rack downstream to a set of markers 1,500 feet below the temporary rack is closed to salmon angling.

AMENDATORY SECTION (Amending Order 84-22, filed 4/11/84)

WAC 220-57-335 NASELLE RIVER. (1) Bag limit A – July 1 through ~~((January 31))~~ September 30: Downstream from ~~((the Big Hill Bridge))~~ a point 400 feet below the entrance to the Naselle Salmon Hatchery Attraction Channel to Highway 101 Bridge~~((-A#))~~ except only one chinook salmon greater than ~~((28))~~ 24 inches in length ~~((must be released immediately))~~ may be retained as part of the daily bag limit.

(2) Special bag limit – six salmon per day not less than 10 inches in length, not more than four of which may be adult salmon, defined as chinook salmon greater than 24 inches in length, coho salmon greater than 20 inches in length and chum salmon greater than 10 inches in length. Not more than two of the salmon in the daily bag limit may be chum salmon, and all chinook salmon over 28 inches in length must be released immediately – October 1 through January 31: Downstream from the Big Hill Bridge to the Highway 101 Bridge.

(3) Waters within 400 feet both upstream and downstream from the entrance to the Naselle Salmon Hatchery Attraction Channel are closed to salmon angling at all times.

AMENDATORY SECTION (Amending Order 83-16, filed 3/17/83)

WAC 220-57-350 NOOKSACK RIVER. (1) Bag limit A - (~~July 15~~) August 1 through December 31: Downstream from the confluence of north and south forks to Lummi Indian Reservation boundary.

(2) Bag limit C - September 1 through October 31: (North fork) downstream from Maple Creek to mouth of north fork.

(3) The entire Nooksack River is closed to the taking of pink salmon in odd-numbered years.

AMENDATORY SECTION (Amending Order 80-12, filed 2/27/80, effective 4/1/80)

WAC 220-57-400 SALMON RIVER (JEFFERSON COUNTY). Bag limit (~~(€)~~) A - (~~(October 1)~~) September 15 through October 31: Downstream from the Q (~~(+800)~~) 1000 Road Bridge(;;) including waters within Olympic National Park outside the boundaries of the Quinault Indian Reservation (~~and Olympic National Park~~). Chinook salmon greater than 24 inches in length must be released immediately.

AMENDATORY SECTION (Amending Order 82-19, filed 3/18/82)

WAC 220-57-425 SKAGIT RIVER. (1) Bag limit (~~(A)~~) C - July 1 through December 31: Downstream from the mouth of the Cascade River to Gilligan Creek. (~~(Chinook salmon over 24 inches in length must be released.))~~)

(2) Special bag limit - Downstream from Gilligan Creek bag limit (~~(A)~~) C from July 1 through December 31 EXCEPT the six salmon daily bag limit may include no more than one chinook salmon greater than 24 inches in length.

(3) The entire Skagit River is closed to the taking of pink salmon in odd-numbered years.

AMENDATORY SECTION (Amending Order 82-61, filed 6/9/82)

WAC 220-57-465 STILLAGUAMISH RIVER. Bag limit A - (~~(July 1)~~) October 1 through January 31: Downstream from confluence of north and south forks. Closed to the taking of pink salmon in odd-numbered years. Chinook salmon greater than 24 inches in length must be released immediately.

AMENDATORY SECTION (Amending Order 83-16, filed 3/17/83)

WAC 220-57-495 WASHOUGAL RIVER. (1) Bag limit A - January 1 through October 15: Downstream from the former steel bridge site at the Washougal Mercantile. From October 1 through October 15 chinook salmon over 28 inches must be released. From September 1 through October 15, lawful salmon

angling gear shall be restricted to bait or lures with one single point hook only, measuring no more than 1/2 inch from point to shank.

(2) Bag limit A - October 16 through December 31: Downstream from bridge at Salmon Falls to mouth. Chinook salmon over 28 inches must be released. From October 16 to October 31, lawful salmon angling gear shall be restricted to bait or lures with one single point hook only, measuring no more than 1/2 inch from point to shank.

(3) "Washougal River - Special fishing area": Waters from markers 50 feet upstream from the fisheries department salmon hatchery rack, upstream to the barrier dam are open to salmon fishing from September 18 through December 31. This special fishery shall be limited to persons who are 65 years of age or older. Persons wishing to participate in this fishery must have proof of their age in their possession while fishing. Daily bag limit: Six salmon 10 inches or more in length. Possession limit: Two daily bag limits in any form. The first six salmon caught, regardless of where they are hooked (inside or outside their mouth), must be retained. In this special fishing area, legal fishing gear shall be limited to one hand-held rod to which may be attached not more than one hook (or one lure with one hook attached). This one hook shall not have more than three points, and the maximum distance between shank and points is not to exceed 1/2 inch.

NEW SECTION

WAC 220-57-502 WHATCOM CREEK. Bag limit C - August 1 through December 31: Downstream from the footbridge below Dupont Street in Bellingham.

AMENDATORY SECTION (Amending Order 82-19, filed 3/18/82)

WAC 220-57-505 WHITE SALMON RIVER. Bag limit A - (~~(September 1)~~) January 1 through December 31: Downstream from a set of markers approximately 1/2 mile north of Highway 14 Bridge. (Little) White Salmon River (Drano Lake): Bag limit A - September 1 through December 31: Downstream from markers on point of land downstream and across from federal salmon hatchery.

AMENDATORY SECTION (Amending Order 84-22, filed 4/11/84)

WAC 220-57-510 WILLAPA RIVER. (1) (~~(Bag limit A)~~) Special bag limit - six salmon per day not less than 10 inches in length not more than four of which may be adult salmon, defined as chinook salmon greater than 24 inches in length, coho salmon greater than 20 inches in length, or chum salmon greater than 10 inches in length, except no more than two of the six salmon may be adult chinook and chum salmon in any combination, and after October 14, all chinook salmon greater than 28 inches in length must be released immediately - July 1 through January 31: Downstream from Highway 6 Bridge, approximately 2 miles below the mouth of Trap Creek, to the Highway 101 Bridge. (~~(Chinook~~

~~salmon greater than 28 inches in length must be released immediately.)~~

(2) Bag limit A - October 15 through January 31: Downstream from mouth of Fork Creek to the Highway 6 Bridge approximately 2 miles below the mouth of Trap Creek. Chinook salmon greater than 28 inches in length must be released immediately.

AMENDATORY SECTION (Amending Order 84-22, filed 4/11/84)

WAC 220-57A-010 ARMSTRONG LAKE (SNOHOMISH COUNTY). (~~Bag limit I - April 15 through September 3.~~) Closed to salmon angling the entire year.

AMENDATORY SECTION (Amending Order 83-16, filed 3/17/83)

WAC 220-57A-012 BAKER LAKE (WHATCOM COUNTY). Bag limit I - April ((+7)) 21 through October 31.

AMENDATORY SECTION (Amending Order 84-22, filed 4/11/84)

WAC 220-57A-037 CLEAR LAKE (PIERCE COUNTY). Bag limit I - April ((+5)) 21 through July 4 and September 1 through October 31.

AMENDATORY SECTION (Amending Order 84-22, filed 4/11/84)

WAC 220-57A-040 CUSHMAN LAKE (MASSON COUNTY). Bag limit I - April ((+5)) 21 through October 31.

AMENDATORY SECTION (Amending Order 84-22, filed 4/11/84)

WAC 220-57A-080 GOODWIN LAKE (SNOHOMISH COUNTY). Bag limit I - April ((+5)) 21 through October 31.

AMENDATORY SECTION (Amending Order 84-22, filed 4/11/84)

WAC 220-57A-112 MCMURRAY LAKE (SKAGIT COUNTY). Bag limit I - April ((+5)) 21 through September ((3)) 2.

AMENDATORY SECTION (Amending Order 84-22, filed 4/11/84)

WAC 220-57A-152 SHANNON RESERVOIR (SKAGIT COUNTY). Bag limit I - April ((+5)) 21 through October 31.

AMENDATORY SECTION (Amending Order 84-22, filed 4/11/84)

WAC 220-57A-185 WILDERNESS LAKE (KING COUNTY). Bag limit I - April ((+5)) 21 through September ((3)) 2.

AMENDATORY SECTION (Amending Order 84-22, filed 4/11/84)

WAC 220-57A-190 WYNOOCHEE RESERVOIR (GRAYS HARBOR COUNTY). Bag limit I - April ((+5)) 21 through October 31.

WSR 85-09-018

**NOTICE OF PUBLIC MEETINGS
BOARD FOR
VOLUNTEER FIREMEN**
[Memorandum—April 5, 1985]

The Board for Volunteer Firemen will next meet on April 20, 1985, at 10:00 a.m. in the Temple of Justice, Olympia, Washington.

WSR 85-09-019

**ADOPTED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION**
[Order 85-2—Filed April 10, 1985]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Finance—Emergency school closure, chapter 392-129 WAC.

This action is taken pursuant to Notice No. WSR 85-05-012 filed with the code reviser on February 13, 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 28A.41-.170 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 9, 1984 [1985].

By Frank B. Brouillet
Superintendent of Public Instruction

NEW SECTION

WAC 392-129-030 APPLICATION OF CHAPTER TO HALF DAY KINDERGARTEN PROGRAMS. The following shall apply to the cancellation of either the morning or afternoon kindergarten program in a school district due to an unforeseen emergency:

(1) In the event a district has both a morning and afternoon kindergarten program scheduled on a school day and the district cancels the morning program and commences the afternoon kindergarten program, the district need not make up such school day, program hour offering, teacher contact hours, and course mix percentages required by law for the morning kindergarten program.

(2) In the event a district has both a morning and afternoon kindergarten program scheduled on a school day

and the district commences the school day with the morning kindergarten program, the district may cancel the afternoon kindergarten program without making up such school day, program hour offering, teacher contact hours, and course mix and percentages required by law for the afternoon program.

WSR 85-09-020
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 85-28—Filed April 10, 1985]

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

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is this regulation is needed to provide maximum recreational opportunity for the coastal sport salmon fishery.

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

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

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

APPROVED AND ADOPTED April 9, 1985.

By Russell W. Cahill
for William R. Wilkerson
Director

NEW SECTION

WAC 220-56-19000N SALTWATER SEASONS AND BAG LIMITS—SALMON. *Notwithstanding the provisions of WAC 220-56-190, effective 12:01 a.m. April 13, 1985 until further notice it is unlawful to fish for or possess salmon taken for personal use from the waters of the Strait of Juan de Fuca west of a line drawn true north from the mouth of the Sekiu River.*

WSR 85-09-021
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE CENTER
[Memorandum—April 8, 1985]

There has been a change in the time of the board of directors meeting scheduled for April 18. The meeting will now take place at 11:30 a.m.

WSR 85-09-022
NOTICE OF PUBLIC MEETINGS
COMMISSION FOR
VOCATIONAL EDUCATION
[Memorandum—April 8, 1985]

The Washington State Commission for Vocational Education took formal action at its March 28, 1985, meeting to change its previously scheduled June 27, 1985, meeting to Friday, June 7, 1985.

WSR 85-09-023
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Order 2223—Filed April 10, 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 ownership of income, new WAC 388-95-335.

I, David A. Hogan, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these rules are necessary to implement a court order in the case of Purser v. Rahm, Case No. 83-2-00952-6.

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

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

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

APPROVED AND ADOPTED April 9, 1985.

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

NEW SECTION

WAC 388-95-335 OWNERSHIP OF INCOME.
(1) *Community property law as defined in RCW 26.16-.030 shall be followed in determining ownership of income for purposes of Medicaid eligibility.*

(2) *All income received after marriage by either husband or wife or both is presumed to be community income.*

(3) *The total of the community income, received by the husband and the wife, shall be divided by two with one-half of the total assigned to each individual, as their income.*

WSR 85-09-024
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2224—Filed April 10, 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 ownership of income, new WAC 388-95-335.

This action is taken pursuant to Notice No. WSR 85-03-038 filed with the code reviser on January 10, 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 April 9, 1985.

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

NEW SECTION

WAC 388-95-335 OWNERSHIP OF INCOME.

(1) Community property law as defined in RCW 26.16-.030 shall be followed in determining ownership of income for purposes of Medicaid eligibility.

(2) All income received after marriage by either husband or wife or both is presumed to be community income.

(3) The total of the community income, received by the husband and the wife, shall be divided by two with one-half of the total assigned to each individual, as their income.

WSR 85-09-025
ADOPTED RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Order R-226, Cause No. U-85-07—Filed April 10, 1985]

In the matter of amending WAC 480-08-050 relating to attachments on utility poles.

This action is taken pursuant to Notice No. WSR 85-06-073 filed with the code reviser on March 6, 1985. This rule change hereinafter adopted shall take effect pursuant to RCW 34.04.040(2).

This rule-making proceeding is brought on pursuant to RCW 80.01.040 and is intended administratively to implement these statutes.

This rule-making proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 34.08 RCW),

the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

Pursuant to Notice No. WSR 85-06-073 the above matter was scheduled for consideration at 9:00 a.m., Wednesday, April 10, 1985, in the Commission's Hearing Room, Sixth Floor, Highways-Licenses Building, Olympia, Washington, before Chairman Sharon L. Nelson and Commissioner Richard D. Casad.

Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments to the commission in writing prior to April 5, 1985. Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments orally at 9:00 a.m., Wednesday, April 10, 1985, in the Commission's Hearing Room, Sixth Floor, Highways-Licenses Building, Olympia, Washington.

At the April 10, 1985, meeting the commission considered the rule change proposal. No written or oral comments were received.

The rule change 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 by this reference made a part hereof. WAC 480-08-050 as amended will set a time limit for commission decisions in individual complaint cases involving pole attachments, in order to conform to 47 U.S.C. § 224(c), and will allow the commission to remain certified by the FCC to regulate such matters.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-08-050 as set forth in Appendix A, be amended as a rule of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.040(2).

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

DATED at Olympia, Washington, this 10th day of April, 1985.

Washington Utilities and Transportation Commission
 Sharon L. Nelson, Chairman
 Richard D. Casad, 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 85-09-026
WITHDRAWAL OF PROPOSED RULES
LIQUOR CONTROL BOARD

[Filed April 12, 1985]

The board's notice of intention to adopt, amend or repeal rules filed February 20, 1985, and bearing Notice No. WSR 85-05-042 is hereby withdrawn.

It is the board's intention to file a new notice of intention to adopt, amend or repeal WAC 314-16-190 and 314-16-197.

L. H. Pedersen
Chairman

WSR 85-09-027

ADOPTED RULES

1989 CENTENNIAL COMMISSION

[Resolution No. 85-1—Filed April 12, 1985]

Be it resolved by the Washington Centennial Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to agency administration.

This action is taken pursuant to Notice No. WSR 85-04-063 filed with the code reviser on 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 chapter 27.60 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 March 21, 1985.

By Ralph Munro
Co-chairman

RULES

1989 Washington Centennial Commission

AMENDATORY SECTION (Amending Resolution No. 84-2, filed 1/4/85)

WAC 100-100-070 OUTSIDE RESOURCES. (1) The commission encourages the use of other state agencies, employees, and outside groups to implement and support the 1989 centennial.

(2) The commission may, from time to time, provide nonfinancial, organizational support and assistance to individuals and groups in the formative stages in order to facilitate the creation of the organizations with structure and characteristics suited to the operation of one or more activities in celebration of the centennial.

(3) The commission may contract with other agencies, persons, and groups in appropriate manner, to accomplish commission activities, in accordance with state law.

(4) The Commission requires compliance with local, state, and federal civil rights and anti-discrimination laws and regulations, and open access for all persons regardless of race, religion, ethnic background, or physical handicap, as a condition of sponsorship, recognition, endorsement or support of any activity proposing to celebrate the state centennial.

(5) Publications—Selection of Authors. In the event that the commission elects to sponsor the preparation of any book-length manuscript intended for trade or commercial publication, a sub-committee of no less than five persons will be appointed by the chairman, upon the advice and including the chairman of the publications committee (if any), to identify by such means as they shall determine a list of appropriate potential authors or groups of authors (which list shall not include any member of the sub-committee, the commission or its

staff). Proposals will then be solicited from the persons or groups on this list. With the advice of the sub-committee, the director will develop the necessary agreement or agreements to govern the preparation of a manuscript, subject to budget and any other provisions adopted by the commission.

NEW SECTION

WAC 100-100-075 RECOGNITION. The commission anticipates that a wide variety of activities will be proposed in connection with the anniversary of Washington statehood which will seek to involve the residents of more than one county and which will require no financial assistance or other support from the commission. In order to encourage such activities, and to facilitate appropriate communications among sponsors, any non-profit activity will be considered for the list of recognized centennial activities upon application to the chairman. In making application, sponsors will provide a brief written description of the proposed activity, including the name, address and telephone number of a person who may be contacted for further information and a declaration of the non-profit nature of both the sponsor and the activity. In reviewing proposed projects, the chairman may call upon the assistance of a statewide advisory committee, who will determine whether or not a given project meets criteria of suitability, value, consistency with the commission's goals, and non-profit and/or non-commercial status. The list of recognized centennial activities will be published from time to time by the commission in its newsletter or other convenient form.

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

WSR 85-09-028

PROPOSED RULES

DEPARTMENT OF PERSONNEL

(Personnel Board)

[Filed April 12, 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 Employee appointment status—Downward reallocation, amending WAC 356-10-040;

that the agency will at 10:00, Thursday, May 9, 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 May 7, 1985.

This notice is connected to and continues the matter in Notice No. WSR 85-06-036 filed with the code reviser's office on March 4, 1985.

Dated: April 11, 1985
By: Leonard Nord
Secretary

WSR 85-09-029
RESCINDING PREVIOUS ORDER
DEPARTMENT OF PERSONNEL
(Personnel Board)
[Order 220—Filed April 12, 1985]

Be it resolved by the State Personnel Board, acting at the Department of Personnel, 600 South Franklin, Olympia, WA 98504, that it does adopt the annexed rules relating to rescinding emergency administrative order No. 214.

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 we hereby rescind emergency order No. 214 filed under WSR 85-04-032, WAC 356-15-060, shift differential provisions and compensation, due to lack of funding.

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 April 11, 1985.

By Leonard Nord
Secretary

WSR 85-09-030
ADOPTED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
[Order 221—Filed April 12, 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:

| | | |
|-----|----------------|---|
| 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. |

This action is taken pursuant to Notice No. WSR 85-06-036 filed with the code reviser on March 4, 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 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 April 11, 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.

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) Fulltime 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))~~ ~~((credited shall be))~~ at the respective ratio of payroll hours 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 85-09-031
EMERGENCY RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)

[Order 222—Filed April 12, 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 Sick leave—Workmen's compensation—Adjustment, amending WAC 356-18-080.

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 due to the scope of this change, the State Personnel Board adopted this rule change to take effect immediately.

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 April 11, 1985.

By Leonard Nord
Secretary

AMENDATORY SECTION (Amending Order 120, filed 5/12/78)

~~WAC 356-18-080 ((SICK)) LEAVE—((WORKMEN'S)) WORKER'S COMPENSATION((=ADJUSTMENT)). ((1) The employee shall file an application for workmen's compensation in accordance with state law for a period of absence from work due to injury or occupational disease resulting from state employment.~~

~~(2) An employee may elect to receive only time loss compensation rather than utilize any available sick leave credits. The employing agency shall make such option known to the employee.~~

~~(3) Should an employee elect to receive both time loss compensation and paid sick leave, sick leave credits may be used only to the following extent:~~

~~(a) Total number of hours which would have been charged to sick leave, minus number of hours at regular salary for which payment was made by the workmen's compensation fund.~~

~~(4) If an employee has no sick leave accumulated, the words vacation leave may be substituted for sick leave above.~~

~~(5) Should any employee apply for time loss compensation and the claim is then or later denied, sick leave and vacation leave may be used for the absence in accordance with other provisions of this rule.~~

~~(6) Until eligibility for workmen's compensation is determined by the department of labor and industries, the agency may pay full sick leave, provided that the employee shall return any subsequent overpayment to the agency.) (1) Employees who suffer a work related injury or illness (occupational disease) shall file an application for worker's compensation in accordance with chapter 51.28 RCW.~~

~~(2) Employees who suffer a work related injury or illness and are unable to work due to such injury or illness may elect to receive time loss compensation exclusively,~~

leave payment exclusively or a combination of time loss compensation and paid leave. The employing agency shall make such options known to the employee.

(3) Employees who elect to use sick leave during a period in which they receive worker's time loss compensation under the industrial insurance provisions for a work related illness or injury shall receive full sick leave pay, less any industrial insurance payments for time loss during the sick leave period.

(a) Until eligibility for worker's compensation is determined by the department of labor and industries, the employee may elect to use accrued sick leave, provided that the employee shall return any subsequent overpayment to the agency.

(b) Sick leave hours charged to an employee who receives worker's compensation as a result of the time loss shall be proportionate to that portion of the employee's salary paid by the agency during the claim period.

(4) When an employee elects to receive pay for vacation leave, compensatory time off or exchange time and also receives worker's compensation for time loss, the employee is entitled to both payments without any deductions for the time loss payment.

(5) When an employee receives pay for a holiday and also receives worker's compensation for time loss, the employee is entitled to both payments without any deductions for the time loss payment.

WSR 85-09-032

PROPOSED RULES

DEPARTMENT OF FISHERIES

[Filed April 15, 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 May 21, 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 May 21, 1985.

Dated: April 12, 1985

By: William R. Wilkerson
Director

STATEMENT OF PURPOSE

Title: WAC 220-56-360 Razor clams—Areas and seasons.

Description of Purpose: Modify rule defining razor clam closure.

Statutory Authority: RCW 75.08.080.

Summary and Reasons Supporting Proposed Action: The present rule is unclear in intent to close razor clam digging until population levels have rebuilt.

Agency Personnel Responsible for Drafting: Evan S. Jacoby, 115 General Administration Building, Olympia, Washington, 754-2429; Implementation: Ronald E. Westley, 115 General Administration Building, Olympia, Washington, 753-6772; and Enforcement: James W. McKillip, 115 General Administration Building, Olympia, Washington, 753-6585.

This rule is proposed by the Department of Fisheries.

Comments: No public hearing is scheduled.

This proposal is not the result of federal law or court order.

Small Business Economic Impact Statement: No effect, this rule regards the sport harvest of razor clams only.

AMENDATORY SECTION (Amending Order 83-16, filed 3/17/83)

WAC 220-56-360 RAZOR CLAMS—AREAS AND SEASONS. It is unlawful to take, dig for or possess razor clams taken for personal use from any beaches in Razor Clam Areas 1, 2, and 3(~~except that from February 15, 1983 through March 15, 1983, it is lawful to dig for and possess razor clams 24 hours per day, and from March 16, 1983 through June 15, 1983 it is lawful to dig for razor clams from 12 midnight to 12 noon daily and it is lawful to possess clams taken during this time period~~). It is unlawful to dig for razor clams at any time in the Long Beach Razor Clam Sanctuary as defined in WAC 220-56-372.

WSR 85-09-033

PROPOSED RULES

DEPARTMENT OF FISHERIES

[Filed April 15, 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 fish reporting rules;

that the agency will at 10:00 a.m., Friday, May 3, 1985, in the Large Conference Room, General Administration Building, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 10, 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 May 3, 1985.

This notice is connected to and continues the matter in Notice No. WSR 85-07-064 filed with the code reviser's office on March 20, 1985.

Dated: April 12, 1985

By: Gary C. Alexander
for William R. Wilkerson
Director

WSR 85-09-034
PROPOSED RULES
DEPARTMENT OF FISHERIES
 [Filed April 15, 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 fish reporting rules; that the agency will at 10:00 a.m., Friday, May 3, 1985, in the Large Conference Room, General Administration Building, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 10, 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 May 3, 1985.

This notice is connected to and continues the matter in Notice No. WSR 85-07-065 filed with the code reviser's office on March 20, 1985.

Dated: April 12, 1985
 By: William R. Wilkerson
 Director

WSR 85-09-035
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 85-29—Filed April 15, 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 regulations.

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is this rule conforms Washington state regulations with those of the Pacific Fisheries Management Council for protection of groundfish stocks.

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

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

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

APPROVED AND ADOPTED April 12, 1985.

By Gary C. Alexander
 for William R. Wilkerson
 Director

NEW SECTION

WAC 220-44-05000N COASTAL BOTTOM-FISH CATCH LIMITS. Notwithstanding the provisions of WAC 220-44-050, effective 12:01 a.m. April 28, 1985, it is unlawful to possess, transport through the waters of the state, or land in any Washington state port bottomfish taken for commercial purposes from Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the species indicated:

(1) Widow rockfish (*Sebastes entomelas*) – 30,000 pounds per calendar week defined as Sunday through the following Saturday. It is unlawful for any vessel to make more than one landing in excess of 3,000 pounds of widow rockfish in any calendar week.

(2) Shortbelly rockfish (*Sebastes jordani*) and Idiot Rockfish (*Sebastes spp.*) – no maximum poundage per vessel trip, no minimum size.

(3) Pacific ocean perch (*Sebastes alutus*) – 20 percent of total weight of fish on board but not to exceed 5,000 pounds of Pacific ocean perch per vessel trip.

(4) All other species of rockfish (*Sebastes spp.*) – 15,000 pounds of all other species combined per vessel trip per calendar week, defined as Sunday through the following Saturday, of which no more than 5,000 pounds may be yellowtail rockfish (*Sebastes flavidus*) except that a fisherman having made a declaration of intent, may make either one landing of no more than 30,000 pounds of all other species combined per vessel trip bi-weekly, defined as Sunday through the second Saturday following of which no more than 10,000 pounds may be yellowtail rockfish or two landings of not more than 7,500 pounds of all other species in any one calendar week of which not more than 3,000 pounds in any one landing may be yellowtail rockfish. The declaration of intent to fish other than once weekly must be mailed or delivered to the Department of Fisheries, 115 General Administration Building, Olympia, WA 98504, and must be postmarked at least seven days prior to the beginning of such fishing. The declaration of intent must contain the name and address of the fisherman, the name and registration number of the vessel, the date on which such fishing for other species of rockfish will commence, and must be signed and dated by the fisherman. The fisherman may return to the one vessel trip per calendar week fishing at the beginning of any month by filing a declaration of intent to stop fishing other than once weekly on other species of rockfish with the department in the above manner. The declaration to stop such fishing for other species of rockfish and begin one vessel trip per calendar week fishing must be made at least seven days prior to the beginning of the month in which the one vessel trip per calendar week fishing will resume. It is unlawful for any vessel to make more than one landing in excess of 3,000 pounds of other rockfish species in

any calendar week, if no declaration to land other species of rockfish twice weekly has been made.

(5) Sablefish – minimum size 22 inches in length, unless dressed in which case minimum size 16 inches in length from the anterior insertion of the first dorsal fin to the tip of the tail, except that an incidental catch less than the minimum size of 5,000 pounds is allowed; no vessel trip restrictions.

(6) It is unlawful during unloading of the catch and prior to its being weighed or leaving the unloading facility to intermix with any other species a species or category of bottomfish having a vessel trip limit.

(7) For purposes of this section, a vessel trip is defined as having occurred upon the initiation of transfer of catch from the fishing vessel, and all fish aboard the vessel are considered part of the vessel trip limit at the initiation of transfer of catch.

WSR 85-09-036
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 85-30—Filed April 15, 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 regulations.

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is this regulation is needed to provide an accurate count of bottomfish harvested.

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

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

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

APPROVED AND ADOPTED April 12, 1985.

By William R. Wilkerson
Director

NEW SECTION

WAC 220-20-02100C SALE OF COMMERCIALLY CAUGHT STURGEON AND BOTTOMFISH. Notwithstanding the provisions of WAC 220-20-021, effective April 15, 1985 until further notice, it shall be unlawful for any person while engaged in commercial fishing for sturgeon or bottomfish to:

(1) Keep in excess of three sturgeon not less than 48 inches in length nor more than 72 inches in length or more than the equivalent of one limit of sport caught bottomfish for personal use. Any lingcod to be retained

for personal use taken east of the mouth of the Sekiu River must be greater than 22 inches in length.

(2) Sell any sturgeon or bottomfish taken under such license to anyone other than a licensed wholesale dealer within or outside the state of Washington, except that a person who is licensed as a wholesale dealer under the provisions of RCW 75.28.300 may sell to individuals or corporations other than licensed wholesale dealers.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-20-02100B SALE OF COMMERCIALLY CAUGHT STURGEON AND BOTTOMFISH. (85-26)

WSR 85-09-037
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Order 2226—Filed April 15, 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 Limited casualty program—Medically indigent—Effective dates, new WAC 388-100-001.

I, David A. Hogan, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the department is required by the Budget and Accounting Act, chapter 43.88 RCW, to operate within available appropriations. Due to revised revenue forecasts for the state, Governor Gardner issued Executive Order EO-85-02 on April 2, 1985, directing the department to develop an expenditure reduction plan.

In considering various departmental expenditure reductions, priority was given to reductions which would have the least impact on clients being served.

One of the expenditure reductions selected is termination of the LCP-MI program effective from May 1, 1985, through June 30, 1985, for all new applications and reapplications.

Individuals certified for this program prior to May 1, 1985, will not be terminated. The medically indigent program is not required by either federal or state statutes.

A total of \$3.9 million in savings is anticipated from this expenditure reduction.

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

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

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

APPROVED AND ADOPTED April 15, 1985.

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

NEW SECTION

WAC 388-100-001 EFFECTIVE DATES. Regulations contained in chapter 388-100 WAC, WAC 388-100-005 through 388-100-035, shall be limited to individuals whose applications for medical care are received by the department during the period beginning June 1, 1981, and ending April 30, 1985 and who have met the certification requirements of WAC 388-100-025(1) on or before April 30, 1985. Applications or reapplications, for medical care under this chapter, received on or after May 1, 1985 shall be denied.

WSR 85-09-038
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 85-31—Filed April 15, 1985]

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

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is this rule is necessary for the conservation of coastal shellfish stocks, and to prevent conflict with the stated use of shellfish reserves.

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

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

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

APPROVED AND ADOPTED April 12, 1985.

By Gary C. Alexander
for William R. Wilkerson
Director

NEW SECTION

WAC 220-56-31000F SHELLFISH—POSSESSION LIMITS. Notwithstanding the provisions of WAC 220-56-310, effective immediately until further notice:

(1) It is lawful to take in any one day or possess for personal use at any one time 40 hardshell clams, borers, or cockles in the aggregate or seven pounds in the shell, taken from the waters of Grays Harbor.

(2) It is lawful to take in any one day or possess for personal use at any one time 40 hardshell clams, borers, or cockles in the aggregate or seven pounds in the shell, taken from the waters of Puget Sound south and west of the Tacoma Narrows Bridge, except from state oyster reserves.

(3) It is lawful to take in any one day or possess for personal use at any one time five pounds in the shell, in the aggregate, of hardshell clams or borers taken from the waters of Willapa Harbor, except from state oyster reserves.

WSR 85-09-039
EMERGENCY RULES
DEPARTMENT OF
SERVICES FOR THE BLIND
[Order 85-03—Filed April 15, 1985]

I, Paul Dziejdzic, director of the Department of Services for the Blind, do promulgate and adopt at 921 Lakeridge Drive, Olympia, WA 98504, the annexed rules relating to prevention of blindness, repealing chapter 67-45 WAC.

I, Paul Dziejdzic, 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 funding for this program is no longer available.

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

This rule is promulgated under the general rule-making authority of the Department of 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 April 15, 1985.

By Paul Dziejdzic
Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 67-45-010 PURPOSE AND DEFINITION.
- WAC 67-45-020 SERVICES TO BE PROVIDED.
- WAC 67-45-030 REFERRAL FOR SERVICES.
- WAC 67-45-040 ELIGIBILITY.
- WAC 67-45-045 ORDER OF SELECTION.
- WAC 67-45-050 PROVISION OF SERVICES.
- WAC 67-45-060 TERMINATION OF SERVICES.

WAC 67-45-070 ADMINISTRATIVE REVIEW.
WAC 67-45-075 FAIR HEARING.

WSR 85-09-040
ADOPTED RULES
GAMBLING COMMISSION
[Order 149—Filed April 15, 1985]

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

- Amd WAC 230-20-010 Disclosure of prizes and rules. Removes raffle ticket requirements from rule.
- Amd WAC 230-20-325 Manner of conducting a raffle. Changes title of rule, consolidates raffle requirements and authorizes in-house raffles with alternate sales method when approved.
- Amd WAC 230-20-605 Types of amusement games authorized. This authorizes 4 new games to be added to the authorized amusement games.
- New WAC 230-46-010 Purpose. Interprets RCW 9.46.020(14) to ensure uniformity and fairness to all sponsors of promotions.
- New WAC 230-46-020 Definitions. Defines "lottery," "promotional contests," "retail outlet" and "on behalf of in-state retail outlet" for the purpose of this rule.
- New WAC 230-46-030 Promotional contests—Legality. Permits promotional contests that do not constitute a lottery in the state of Washington.
- New WAC 230-46-040 Promotional contests limited to seven days unless optional methods of entry are included. Clarifies the application of the seven day limitation when multiple methods of entry into a promotional contest are available to the contestant.
- New WAC 230-46-050 Promotional contests—Admission fee limitation. Provides for equal opportunity for contestants to enter promotions at a trade show with an admission fee.
- New WAC 230-46-060 Valuable consideration—Lotteries prohibited. Prohibits any scheme for distribution of money or property by chance that includes valuable consideration in its method of entry.

This action is taken pursuant to Notice No. WSR 85-06-003 filed with the code reviser on February 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 pursuant to RCW 9.46.070 (3), (8) and (11) and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 12, 1985.

By Ronald O. Bailey
Deputy Director

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 at least 6 inches to the right or left of 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 85-09-041

PROPOSED RULES

GAMBLING COMMISSION

[Filed April 15, 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 section WAC 230-04-201, alternate amendatory section WAC 230-04-201, amendatory section WAC 230-08-025, new sections WAC 230-08-028, 230-08-035, 230-20-064, 230-30-040, and repealing WAC 230-20-063;

that the agency will at 10:00 a.m., Thursday, June 13, 1985, in the Tye Motor Inn, Olympia, Washington, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 9.46.070 (5), (6), (8), (10), (11) and (14).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 13, 1985.

Dated: April 15, 1985

By: Ronald O. Bailey
Deputy Director

STATEMENT OF PURPOSE

Title: WAC 230-04-201 Fees; 230-08-025 Accounting records to be maintained by distributors and manufacturers; 230-08-028 Manufacturers and distributors monthly reporting and payment of punchboard and pull tab user fee; 230-08-035 Yearly physical inventory and sales cutoff to be conducted by distributors; 230-20-063 Limits on bingo gross receipts and prize payouts and requirement for net income; 230-20-064 Maximum receipts, prizes, and expenses for bingo games; and 230-30-040 Punchboard and pull tab user fee.

Description of Purpose: Amends rules to establish a user fee; collection and submission of the user fee; accounting records for manufacturers and distributors; yearly inventory for distributors; and establishes maximum receipts, prizes and expenses for bingo games.

Statutory Authority: RCW 9.46.070 (5), (6), (8), (10), (11) and (14).

Summary of Proposed Rules and Reasons Supporting Action: WAC 230-04-201 reduces punchboard and pull tab operators license fees, establishes user fee rates, adds mah-jongg to the list of games that can be played under a class B card room; 230-08-025 requires the accounting for the user fee; 230-08-028 requires the user fee to be submitted monthly with a report provided by the commission; 230-08-035 requires distributors to inventory all gambling equipment yearly; 230-20-063 repealed; 230-20-064 establishes the payout and net income percentages for bingo games; and 230-30-040 establishes a user fee to be paid by operators when purchasing punchboards and pull tabs.

Agency Personnel Responsible for Drafting, Implementing and Enforcing the Rules: Keith Kisor, Director, 234-0865 scan, 753-0865 comm, and Ronald O. Bailey, Deputy Director, 234-1075 scan, 753-1075 comm, Jefferson Building, 1110 South Jefferson, Olympia, WA 98504.

Proponents and Opponents: Gambling Commission staff proposes 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 139 [142], filed 12/12/83 [1/9/85])

WAC 230-04-201 FEES. Tables 1 and 2 contain the fees that shall be paid to the commission for gambling licenses, permits, user fees, miscellaneous changes, and special investigative and inspection services.

Table 1. (For bona fide nonprofit/charitable organizations)

| LICENSE TYPE | DEFINITION | FEE |
|-------------------------------|---|-------------------|
| 1. AMUSEMENT GAMES | (Fee based on annual net receipts) | |
| Class A | \$500 or less | \$ 35 |
| Class B | \$501 - 1,000 | 50 |
| Class C | \$1,001 - 5,000 | 75 |
| Class D | \$5,001 - 15,000 | 250 |
| Class E | over \$15,000 | 350 |
| 2. BINGO | (Fee based on annual gross receipts) | |
| Class A | Up to \$10,000 | \$ 50 |
| Class B | \$ 10,001 to 50,000 | 150 |
| Class C | \$ 50,001 to 100,000 | 500 |
| Class D | \$ 100,001 to 300,000 | 800 |
| Class E | \$ 300,001 to 500,000 | 1,500 |
| Class F | \$ 500,001 to 1,000,000 | 3,000 |
| Class G | \$1,000,001 to 1,500,000 | 4,000 |
| Class H | \$1,500,001 to 2,000,000 | 5,000 |
| Class I | \$2,000,001 to 2,500,000 | 6,000 |
| Class J | \$2,500,001 to 3,000,000 | 7,000 |
| Class K | \$3,000,001 to 3,500,000 | 8,000 |
| 3. BINGO GAME MANAGER | Original Renewal | \$ 150 75 |
| 4. CARD GAMES | | |
| Class A | General (fee to play charged) | \$ 500 |
| Class B | Limited card games - to hearts, rummy, mah-jongg, pitch, pinochle, coon-can and/or cribbage - (fee to play charged) | 150 |
| Class C | Tournament only - no more than ten consec. days per tournament | 50 |
| Class D | General (no fee to play charged) | 50 |
| Class R | Primarily for recreation (WAC 230-04-199) | 25 |
| 5. CHANGES NAME LOCATION FRE | (See WAC 230-04-310) (See WAC 230-04-320) (Reno Nite date(s)/time(s)) (See WAC 230-04-325) | \$ 25 25 25 |
| LICENSE CLASS ((CLASS)) | (See WAC 230-04-260) New class fee, less previous fee paid, plus | 25 |
| DUPLICATE LICENSE REPLACEMENT | (See WAC 230-04-290) | 25 |

| IDENTIFICATION STAMPS (STAMPS) | | (See WAC 230-30-016) | 25 |
|-----------------------------------|--|--|---|
| 6. | FUND RAISING EVENT Class A Class B Class C | One event not more than 24 consec. hrs. One event not more than 72 consec. hrs. Additional participant in joint event (not lead organization) | \$ 300 500 150 |
| 7. | PERMITS Class A (Class B) | Agricultural Fair/Special Property Bingo One location and event only (See WAC 230-04-191) Annual permit for specified different events and locations (See WAC 230-04-193) | \$ 25 (150) |
| 8. | PUNCHBOARDS/ PULL TABS (Class A Class B Class C Class D Class E Class F | ((Fee based on annual gross receipts)) Up to \$50,000 \$50,001 to 100,000 \$100,001 to 200,000 \$200,001 to 300,000 \$300,001 to 500,000 Over \$500,000 | \$ 275 450 950 1,350 1,750 2,150 3,000) |
| 9. | RAFFLES Class C Class D Class E Class F | (Fee based on annual net receipts) \$500 or less \$501 - 5,000 \$5,001 - 15,000 Over \$15,000 | \$ 50 100 400 600 |
| 10. | SEPARATE PREMISES BINGO RAFFLES | Occasion (see WAC 230-04-300) (See WAC 230-04-197) | \$ 25 25 |
| 11. | SPECIAL FEES INVESTIGATIONS IDENTIFICATION AND INSPECTION STAMP PB/PT USER FEE (See WAC 230-30-040 and 230-08-028) Chances Per Board/Series | (See WAC 230-04-240) (See WAC 230-30-015 and 230-30-030) | As required As required |
| | 0 - 500 501 - 1,500 1,501 - 2,500 2,501 - Over | | User Fee \$.25 1.00 2.00 3.00 |

Table 2. (For commercial stimulant/profit seeking organizations)

| LICENSE TYPE | DEFINITION | FEE |
|---|--|-----------------------------|
| 1. CARD GAMES Class B | (Fee to play charged) limited card games - to hearts, rummy, pitch, pinochle, mah-jongg, coon-can and/or cribbage | \$ 150 |
| Class C | Tournament only, no more than ten consec. days per tournament | 150 |
| Class D | General (no fee to play charged) | 50 |
| Class E | General (fee to play charged) | |
| E-1 | One table only | 350 |
| E-2 | Up to two tables | 600 |
| E-3 | Up to three tables | 1,000 |
| E-4 | Up to four tables | 2,000 |
| E-5 | Up to five tables | 3,000 |
| 2. CHANGES NAME LOCATION BUSINESS CLASSIFICATION LICENSE CLASS (CLASS) DUPLICATE | (See WAC 230-04-310) (See WAC 230-04-320) (Same owners - see WAC 230-04-340(3)) (See WAC 230-04-260) New class fee, less previous fee paid, plus | \$ 25 25 50 25 |

| | | | |
|-----|--|--|--|
| | LICENSE OWNERSHIP OF STOCK REPLACEMENT IDENTIFICATION STAMPS ((STAMPS)) | (See WAC 230-04-290) (See WAC 230-04-340(1)) | 25 50 |
| | LICENSE TRANSFERS ((TRANSFERS)) | (See WAC 230-04-125, 230-04-340 and 230-04-350) | 50 |
| 3. | DISTRIBUTOR | Original Renewal | 2,500 1,250 |
| 4. | DISTRIBUTOR'S REPRESENT(=)ATIVE | Original Renewal | 200 100 |
| 5. | MANUFACTURER | Original Renewal | 3,000 1,500 |
| 6. | MANUFACTURER'S REPRESENT(=)ATIVE | Original Renewal | 200 100 |
| 7. | PERMITS Class A Class B | Agricultural Fair/Special Property Bingo One location and event only (See WAC 230-04-191) Annual permit for specified different events and locations (See WAC 230-04-193) | \$ 25 150 |
| 8. | PUBLIC CARD ROOM EMPLOYEE | Original Renewal | 150 75 |
| 9. | PUNCHBOARDS/ PULL TABS ((Class A Class B Class C Class D Class E Class F | (((Fee based on annual gross receipts))) Up to \$50,000 \$50,001 to 100,000 \$100,001 to 200,000 \$200,001 to 300,000 \$300,001 to 500,000 Over \$500,000 | \$ 275 450 950 1,350 1,750 2,150 3,000)) |
| 10. | SPECIAL FEES INVESTIGATIONS IDENTIFICATION AND INSPECTION STAMP PB/PT USER FEE (See WAC 230-30-040 and 230-08-028) <u>Chances Per Board/Series</u> | (See WAC 230-04-240) (See WAC 230-30-015 and 230-30-030) | As required As required User Fee |
| | 0 - 500 | | \$.25 |
| | 501 - 1,500 | | 1.00 |
| | 1,501 - 2,500 | | 2.00 |
| | 2,501 - Over | | 3.00 |
| 11. | SPECIAL LOCATION AMUSEMENT GAMES Class A Class B Class C Class D Class E | (Fee based on annual net receipts) One event per year lasting no longer than 12 consecutive days \$25,000 or less \$25,001 - \$100,000 \$100,001 - \$500,000 Over \$500,000 | \$ 500 500 1,500 3,000 5,000 |

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

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

AMENDATORY SECTION (Amending Order 139 [142], filed 12/12/83 [1/9/85])

WAC 230-04-201 FEES. Tables 1 and 2 contain the fees that shall be paid to the commission for gambling licenses, permits, user fees, miscellaneous changes, and special investigative and inspection services.

Table 1. (For bona fide nonprofit/charitable organizations)

| LICENSE TYPE | DEFINITION | FEE |
|--------------|--|--|
| 1. | AMUSEMENT GAMES (Fee based on annual net receipts) | |
| Class A | \$500 or less | \$ ((35)) |
| Class B | \$501 - 1,000 | 40 ((50)) |
| Class C | \$1,001 - 5,000 | 60 ((75)) |
| Class D | \$5,001 - 15,000 | 85 ((250)) |
| Class E | over \$15,000 | 280 ((350)) 400 |
| 2. | BINGO (Fee based on annual gross receipts) | |
| Class A | Up to \$10,000 | \$ 50 |
| Class B | \$ 10,001 to 50,000 | 150 |
| Class C | \$ 50,001 to 100,000 | ((500)) |
| Class D | \$ 100,001 to 300,000 | 570 ((800)) |
| Class E | \$ 300,001 to 500,000 | 910 ((1,500)) |
| Class F | \$ 500,001 to 1,000,000 | 1,700 ((3,000)) |
| Class G | \$1,000,001 to 1,500,000 | 3,400 ((4,000)) |
| Class H | \$1,500,001 to 2,000,000 | 4,530 ((5,000)) |
| Class I | \$2,000,001 to 2,500,000 | 5,670 ((6,000)) |
| Class J | \$2,500,001 to 3,000,000 | 6,800 ((7,000)) |
| Class K | \$3,000,001 to 3,500,000 | 7,930 ((8,000)) 9,060 |
| 3. | BINGO GAME MANAGER Original Renewal | \$ ((150)) 170 ((75)) 85 |
| 4. | CARD GAMES Class A Class B Class C Class D Class R General (fee to play charged) Limited card games - to hearts, rummy, mah-jongg, pitch, pinochle, coon-can and/or cribbage - (fee to play charged) Tournament only - no more than ten consec. days per tournament General (no fee to play charged) Primarily for recreation (WAC 230-04-199) | \$ ((500)) 570 ((150)) ((50)) 60 ((50)) 60 ((25)) 30 |
| 5. | CHANGES NAME LOCATION FRE LICENSE CLASS (CLASS) (See WAC 230-04-310) (See WAC 230-04-320) (Reno Nite date(s)/time(s)) (See WAC 230-04-325) (See WAC 230-04-260) New class fee, less previous fee paid, plus | \$ ((25)) 30 ((25)) 30 ((25)) 30 ((25)) |

| | | | |
|-----|---|--|-------------------------------|
| | DUPLICATE LICENSE | (See WAC 230-04-290) | 30 ((25)) 30 |
| | REPLACEMENT IDENTIFICATION STAMPS ((STAMPS)) | (See WAC 230-30-016) | ((25)) 30 |
| 6. | FUND RAISING EVENT | | |
| | Class A | One event not more than 24 consec. hrs. | \$ ((300)) 340 |
| | Class B | One event not more than 72 consec. hrs. | ((500)) 570 |
| | Class C | Additional participant in joint event (not lead organization) | ((150)) 170 |
| 7. | PERMITS Class A | Agricultural Fair/Special Property Bingo One location and event only (See WAC 230-04-191) | \$ ((25)) 30 |
| | ((Class B | Annual permit for specified different events and locations (See WAC 230-04-193) | 150)) |
| 8. | PUNCHBOARDS/ PULL TABS | ((Fee based on annual gross receipts)) | \$ 310 |
| | ((Class A | Up to \$50,000 | 450 |
| | Class B | \$50,001 to 100,000 | 950 |
| | Class C | \$100,001 to 200,000 | 1,350 |
| | Class D | \$200,001 to 300,000 | 1,750 |
| | Class E | \$300,001 to 500,000 | 2,150 |
| | Class F | Over \$500,000 | 3,000)) |
| 9. | RAFFLES Class C | (Fee based on annual net receipts) \$500 or less | \$ ((50)) 60 |
| | Class D | \$501 - 5,000 | ((100)) 110 |
| | Class E | \$5,001 - 15,000 | ((400)) 450 |
| | Class F | Over \$15,000 | ((600)) 680 |
| 10. | SEPARATE PREMISES BINGO | Occasion (see WAC 230-04-300) | \$ ((25)) 30 |
| | RAFFLES | (See WAC 230-04-197) | ((25)) 30 |
| 11. | SPECIAL FEES INVESTIGATIONS IDENTIFICATION AND INSPECTION STAMP | (See WAC 230-04-240) | As required |
| | PB/PT USER FEE (See WAC 230-30-040 and 230-08-028) | (See WAC 230-30-015 and 230-30-030) | As required |
| | <u>Chances Per Board/Series</u> | | <u>User Fee</u> |
| | 0 - 500 | | \$.30 |
| | 501 - 1,500 | | 1.15 |
| | 1,501 - 2,500 | | 2.30 |
| | 2,501 - Over | | 3.40 |

Table 2. (For commercial stimulant/profit seeking organizations)

| LICENSE TYPE | DEFINITION | FEE |
|-----------------------|---|------------------------------|
| 1. CARD GAMES Class B | (Fee to play charged) limited card games - to hearts, rummy, pitch, pinochle, mah-jongg, coon-can and/or cribbage | \$ ((150)) 170 |
| Class C | Tournament only, no more than ten consec. days per tournament | ((150)) 170 |

| | | | |
|---------|--|---|---|
| Class D | General (no fee to play charged) | | ((50)) |
| Class E | General (fee to play charged) | | <u>60</u> |
| E-1 | One table only | | ((350)) |
| E-2 | Up to two tables | | <u>400</u> ((600)) |
| E-3 | Up to three tables | | <u>680</u> ((1,000)) |
| E-4 | Up to four tables | | <u>1,130</u> ((2,000)) |
| E-5 | Up to five tables | | <u>2,270</u> ((3,000)) <u>3,400</u> |
| <hr/> | | | |
| 2. | CHANGES NAME | (See WAC 230-04-310) | \$ ((25)) |
| | LOCATION | (See WAC 230-04-320) | <u>30</u> ((25)) |
| | BUSINESS CLASSIFICATION | (Same owners - see WAC 230-04-340(3)) | <u>30</u> ((50)) |
| | LICENSE CLASS ((CLASS)) | (See WAC 230-04-260) New class fee, less previous fee paid, plus | <u>60</u> ((25)) |
| | DUPLICATE LICENSE | (See WAC 230-04-290) | <u>30</u> ((25)) |
| | OWNERSHIP OF STOCK REPLACEMENT IDENTIFICATION STAMPS | (See WAC 230-04-340(1)) | <u>30</u> <u>60</u> ((25)) |
| | ((STAMPS)) | | <u>30</u> |
| | LICENSE TRANSFERS ((TRANSFERS)) | (See WAC 230-04-125, 230-04-340 and 230-04-350) | ((50)) <u>60</u> |
| <hr/> | | | |
| 3. | DISTRIBUTOR | Original Renewal | 2,500 1,250 |
| <hr/> | | | |
| 4. | DISTRIBUTOR'S REPRESENTATIVE | Original Renewal | 200 100 |
| <hr/> | | | |
| 5. | MANUFACTURER | Original Renewal | ((3,000)) <u>3,400</u> ((1,500)) <u>1,700</u> |
| <hr/> | | | |
| 6. | MANUFACTURER'S REPRESENTATIVE | Original Renewal | ((200)) <u>230</u> ((100)) <u>110</u> |
| <hr/> | | | |
| 7. | PERMITS Class A | Agricultural Fair/Special Property Bingo One location and event only (See WAC 230-04-191) | \$ ((25)) <u>30</u> |
| | Class B | Annual permit for specified different events and locations (See WAC 230-04-193) | ((150)) <u>170</u> |
| <hr/> | | | |
| 8. | PUBLIC CARD ROOM EMPLOYEE | Original Renewal | ((150)) <u>170</u> ((75)) <u>85</u> |
| <hr/> | | | |
| 9. | PUNCHBOARDS/ PULL TABS ((Class A Class B Class C Class D Class E | ((Fee based on annual gross receipts)) Up to \$50,000 \$50,001 to 100,000 \$100,001 to 200,000 \$200,001 to 300,000 \$300,001 to 500,000 | \$ <u>310</u> <u>450</u> <u>950</u> <u>1,350</u> <u>1,750</u> <u>2,150</u> |

| Class-F | Over \$500,000 | 3,000)) |
|---|--|-------------|
| 10. SPECIAL FEES | (See WAC 230-04-240) | As required |
| INVESTIGATIONS | | |
| IDENTIFICATION AND INSPECTION STAMP | (See WAC 230-30-015 and 230-30-030) | As required |
| <u>PB/PT USER FEE (See WAC 230-30-040 and 230-08-028)</u> | | User Fee |
| <u>Chances Per Board/Series</u> | | \$.30 |
| 0 - 500 | | 1.15 |
| 501 - 1,500 | | 2.30 |
| 1,501 - 2,500 | | 3.40 |
| 2,501 - Over | | |
| 11. SPECIAL LOCATION AMUSEMENT GAMES | (Fee based on annual net receipts) | |
| Class A | One event per year lasting no longer than ((+2)) 17 consecutive days | \$ ((500)) |
| Class B | \$25,000 or less | 570 |
| Class C | \$25,001 - \$100,000 | ((500)) |
| Class D | \$100,001 - \$500,000 | 570 |
| Class E | Over \$500,000 | ((1,500)) |
| | | 1,700 |
| | | ((3,000)) |
| | | 3,400 |
| | | ((5,000)) |
| | | 5,670 |

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.

AMENDATORY SECTION (Amending Order 132, filed 4/21/83)

WAC 230-08-025 ACCOUNTING RECORDS TO BE MAINTAINED BY DISTRIBUTORS AND MANUFACTURERS. Every licensed distributor and manufacturer shall keep and maintain a complete set of records which include all details of all activities of the licensee related to the conduct of the licensed activity. These records shall be recorded using the double entry accounting system prepared in accordance with generally accepted accounting principles, or other comprehensive basis of accounting, and on the same basis as the licensee's federal income tax return, and shall include but not necessarily be limited to the following records by month:

~~(1. Sales invoices - every licensee shall use, for the purpose of recording sales of any and all types of goods and services, a general sales invoice which meets the following criteria and sets out the following information:~~

- ~~a. Prenumbered consecutively using a number not less than four digits;~~
- ~~b. The date of sale. For distributors only, if the date of delivery is different, then also the delivery date;~~
- ~~c. The customer name and adequate business address;~~
- ~~d. A full description of each item sold including any state identification stamp number;~~
- ~~e. The quantity and sales price of each individual item including individual items of merchandise to be used as prizes on punchboards and pull tabs;~~
- ~~f. The gross amount of each sale to each customer;~~
- ~~g. The sales invoice shall be prepared in at least three parts and distributed and maintained as follows:~~
 - ~~(1) One shall be issued to the customer;~~
 - ~~(2) One shall be retained in an invoice file by customer name;~~
 - ~~(3) One shall be retained in an invoice file by invoice number or in an alternative manner that accounts for each invoice numerically. This provision may be waived if the licensee receives written commission approval;~~

~~h. Credit memos for returned items shall be prepared in the same detail as items a through g above;~~

~~2. Sales journal - the sales journal shall contain at least, but not be limited to, the following by month:~~

- ~~a. The date of the sale;~~
- ~~b. The invoice number of the sale;~~
- ~~c. The customer name or person remitting a payment;~~
- ~~d. Sales shall be categorized at least by the following:)~~

~~(1) Sales Invoices - Invoices, in a format prescribed by the commission, shall be used to record each separate sale of goods or services. The following shall apply to invoices:~~

- ~~(a) Invoices shall be preprinted with at least a four (4) digit consecutive number which does not repeat for a minimum of ten thousand (10,000) invoices;~~
- ~~(b) Each invoice must be numerically accounted for from the date of purchase through three years following the end of the year in which they were used to record sales. All voided invoices must be retained;~~
- ~~(c) Each invoice must be at least three (3) parts and legible when completed. They shall be distributed and maintained as follows:~~
 - ~~(i) One copy shall be issued to the customer;~~
 - ~~(ii) One copy shall be filed by customer name; and~~
 - ~~(iii) One copy shall be filed by invoice number or in an alternative manner that accounts for each invoice numerically;~~
 - ~~(d) Invoices used to record gambling related goods or services shall be prepared in detail to include at least the following:~~
 - ~~(i) The date delivered to the operator: PROVIDED, That C.O.D. shipments may be referenced to shipping documents;~~
 - ~~(ii) The customer's name and an address adequate to identify the customer;~~
 - ~~(iii) A full description of each item sold including the name, state identification stamp number, and the size of each punchboard and pull tab series;~~
 - ~~(iv) The quantity and sales price of each individual item, including the price of each item of merchandise to be used as a prize, including those sold as part of a package; and~~
 - ~~(v) The gross amount of the sale, any tax, and the total user fee collected per WAC 230-04-201.~~
- ~~(2) Credit Memos - Memos shall be used for all returned items. Returns of punchboards and pull tabs must also comply with WAC 230-08-170(3). The following shall apply to returns:~~
 - ~~(a) The memo must be prepared, maintained, and contain all the information in subsections (1)(a), (b), (c), and (d) above: PROVIDED, That sales invoices may be used as credit memos for returned items if the following conditions are met:~~
 - ~~(i) The invoice is clearly marked as a credit memo; and~~
 - ~~(ii) No sales items are contained on the same invoice.~~

(b) All credit memos for punchboards and pull tabs must contain the date sold and the invoice number of the original sale.

(3) Sales Journal – A journal of all sales must be maintained and an entry made at least once every seven (7) days and at the end of each month. All sales must be recorded in the month they occurred. The journal must contain monthly totals, the information necessary to complete reports to the commission, and a minimum of at least the following information:

(a) The date or dates included in each entry;

(b) The invoice number or numbers included in each entry. Entries may only include batches of invoices that are consecutively issued; PROVIDED, That batches of nonconsecutively issued invoices may be entered if other itemized support is maintained;

(c) Sales and credit entries must be separate; and

(d) Sales and sales returns of punchboards and pull tab series shall be recorded separately by size category and include dollar amount and number sold;

~~((5))~~ (e) Pull tab dispensing devices;

~~((6))~~ (f) Merchandise to be used as a prize on a punchboard or pull tab series;

~~((7))~~ (g) Other types of sales including but not limited to, equipment leases, equipment sales, and bingo supplies(-);

(h) Sales tax collected;

(i) User fees collected; and

~~((8))~~ (j) Total amount of the ~~((invoice;))~~ sales for each column and line entry.

~~((3))~~ (4) Cash disbursements book (check register) – this record shall include a recording of all checks issued by the licensee, cash payments made by the licensee or payment made by any other means and all expenses by the licensee, both respecting its expenditures relating to gambling and nongambling activities, shall be documented by invoices or other appropriate supporting documents. This record shall contain at least, but not limited to, the following information by month:

~~((a))~~ (a) The date the check was issued or payment made;

~~((b))~~ (b) The number of the check issued;

~~((c))~~ (c) The name of the payee; and

~~((d))~~ (d) Expenses shall be categorized by type.

~~((All expenses by the licensee, both respecting its expenditures relating to gambling and nongambling activities, shall be documented by invoices or other appropriate supporting documents.))~~

~~((4))~~ (5) Cash receipts – all cash receipts shall be recorded in an original book of entry whether it be a sales journal, a check register, or a separate cash receipts journal, and at a minimum shall include a recording of not only cash sales, but also cash received from all sources, and shall contain at least, but not limited to, the following by month:

~~((a))~~ (a) The date the payment was received;

~~((b))~~ (b) The name of the person remitting the payment; and

~~((c))~~ (c) The amount of payment received(-);

~~((5))~~ (6) General ledger – each licensee whose gambling related sales exceed \$500,000 per year, shall have a general ledger which shall contain, in addition to all other accounts by month, a separate sales account for each type of sale.

~~((6))~~ (7) Bank reconciliation – a bank reconciliation shall be performed each month. In addition, all undeposited funds at year end shall be reconciled in an account titled cash on hand.

~~((7))~~ (8) Copies of all financial data which support tax reports to any and all governmental agencies.

~~((8))~~ (9) An alternative format may be used for sections 1, 2, ~~((and))~~ 3, and 4 upon advance written approval from the commission.

Each of these records shall be maintained for a period of not less than three years from the end of the licensee's fiscal year.

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

NEW SECTION

WAC 230-08-028 MANUFACTURER'S AND DISTRIBUTOR'S MONTHLY REPORTING AND PAYMENT OF PUNCHBOARD AND PULL TAB USER FEE. (1) Each licensed manufacturer and distributor is responsible to collect the user fee as specified in table 1 and 2, WAC 230-04-201, at the time of delivery to licensed operators of punchboard and pull tab series. The manufacturer and/or the distributor will record the user fee on the sales invoice as prescribed in WAC 230-08-025.

(2) Each manufacturer that sells punchboard and pull tab series to licensed operators shall submit a monthly report to the Gambling Commission. All distributors must submit a monthly report regardless of activity. The report form shall be furnished by the commission and the completed report together with the user fee due shall be received in the office of the commission or postmarked no later than 15 days following the end of the month. The report shall be signed by the highest ranking officer or his designee and shall include at least the following:

(a) A total number by size category of punchboards and pull tab series sold;

(b) Amount due by size category for punchboards and pull tab series sold;

(c) The total number by size category of returned punchboards and pull tab series; and

(d) Total credit amount by size category for punchboards and pull tab series; and

(3) If full payment of the total user fee due is not received by the commission on or before the date due, the licensee shall be subject to the following:

(a) One to fifteen days late, ten (10) day suspension;

(b) Sixteen to forty-five days late, twenty (20) day suspension;

(c) Forty-six to sixty days late, thirty (30) day suspension;

(d) All suspensions for late payments may be vacated by the payment of a fine, the amount of which shall be determined by the commission;

(e) Failure to make payment in full of all user fees, shall subject the licensed manufacturer or distributor to immediate suspension or revocation of their gambling license.

(4) 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 and submit the user fee due for that period.

NEW SECTION

WAC 230-08-035 YEARLY PHYSICAL INVENTORY AND SALES CUTOFF TO BE CONDUCTED BY DISTRIBUTORS. A physical inventory must be conducted within 7 days of each distributor's fiscal year end. The commission shall be notified at least 72 hours prior to the start of the inventory count. The count will include all punchboards and pull tab series in the distributor's and their representative's possession and ending invoice and receiving document numbers. All inventory count sheets and supporting records must be retained for at least three years. Written approval may be obtained from the commission to conduct the physical count at other than within 7 days of fiscal year end. The count shall be separated by at least the following:

(1) Number of punchboards by size category as defined in table 1 and 2 in WAC 230-04-201; and

(2) Number of pull tab series by size category as defined in table 1 and 2 in WAC 230-04-201.

NEW SECTION

WAC 230-20-064 MAXIMUM RECEIPTS, PRIZES, AND EXPENSES FOR BINGO GAMES. NET INCOME REQUIRED. Bingo is to be conducted as a social pastime and for the raising of funds to support the purpose(s) of the organization only. Bona fide charitable or nonprofit organizations licensed to operate bingo must comply with the following limitations:

(1) Gross receipts from the sale of bingo cards shall not exceed the limits by class of license for the license year as set out in WAC 230-04-201 and Table 1. below. Any organization not currently licensed to conduct bingo at any class and applying for a class "F" or above license shall submit with its license application a pro forma plan of operation including a market study with: planned attendance; prizes; prize payout schedules; and net income predictions; and any other information requested by the commission.

(2) To prevent the payment of prizes in such amounts that would significantly reduce net income, prize payouts as percentages of gross receipts shall not exceed the percentages listed in Table 1. by class of license. Any licensee who exceeds the maximum calendar quarter prize payout limit for its class of license by more than two percentage points (2.0%) in any month and/or exceeds its calendar quarter limits during any quarter must report to the commission, no later than 15 days following the end of the month or quarter.

(3) To insure that licensees meet the intent of RCW 9.46.010 and to prevent the payment of excessive expenses, adjusted net income as a percentage of gross receipts shall not be less than the percentage listed in Table 1. by class of license for any calendar year. Any licensee who

reports net income more than two percentage points (2.0%) below the minimum calendar year requirement for its class during any quarter must report to the commission additional information as required.

(4) All administrative procedures, policies, and definitions required to administer this section shall be approved by the commission, and

furnished to all affected licensees. Prize payout limits, net income minimum requirements, and administrative procedures will be reviewed annually to measure the effect of this section on the licensed organizations. The annual review shall be held at the March meeting which by law must be held in Olympia and/or periodically by request of the commission with proper and timely notification to the staff.

Table 1.

| License Class | Annual Gross Receipts | Calendar Year Prize Payout Limits | Calendar Quarter Prize Payout Limits | Calendar Year Adjusted Net Income Minimum Requirements |
|---------------|-----------------------|-----------------------------------|--------------------------------------|--|
| A | Up to \$ 10,000 | No Limits | No Limits | None |
| B | \$ 10,001- 50,000 | No Limits | No Limits | None |
| C | 50,001- 100,000 | No Limits | No Limits | None |
| D | 100,001- 300,000 | No Limits | No Limits | None |
| E | 300,001- 500,000 | No Limits | No Limits | None |
| F | 500,001- 1,000,000 | 83.0 - 80.0% | 84.0% | 4.0 - 5.0% |
| G | 1,000,001- 1,500,000 | 80.0 - 78.0% | 81.0% | 5.0 - 7.0% |
| H | 1,500,001- 2,000,000 | 78.0 - 76.0% | 79.0% | 7.0 - 9.0% |
| I | 2,000,001- 2,500,000 | 76.0 - 74.0% | 77.0% | 9.0 - 11.0% |
| J | 2,500,001- 3,000,000 | 74.0 - 72.0% | 75.0% | 11.0 - 13.0% |
| K | 3,000,001- 3,500,000 | 72.0 - 70.0% | 73.0% | 13.0 - 14.0% |

NEW SECTION

WAC 230-30-040 PUNCHBOARD AND PULL TAB USER FEE. 1. All licensed operators of punchboards and pull tabs shall pay a user fee when purchasing punchboard and pull tab series. The user fee will be collected by the manufacturer or distributor at the time of sale to the licensed operator. The user fee collected for each punchboard and pull tab series shall be as specified in table 1 and 2 in WAC 230-04-201. The manufacturer or distributor shall submit the total fee to the commission monthly with the report required in WAC 230-08-028.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 230-20-063 LIMITS ON BINGO GROSS RECEIPTS AND PRIZE PAYOUTS AND REQUIREMENTS FOR NET INCOME.

WSR 85-09-042

ADOPTED RULES

DEPARTMENT OF ECOLOGY

[Order DE-85-02—Filed April 15, 1985]

I, Glen H. Fiedler, director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to the regulation of certain wastes associated with transformers and capacitors which contain polychlorinated biphenyls (PCB).

This action is taken pursuant to Notice No. WSR 85-05-047 filed with the code reviser on February 20, 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 70.105 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 April 15, 1985.

By Glen H. Fiedler
Acting Deputy Director

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

WAC 173-303-071 EXCLUDED CATEGORIES OF WASTE. (1) Purpose. Certain categories of waste have been excluded from the requirements of chapter 173-303 WAC, except for WAC 173-303-050, because they generally are not dangerous waste, are regulated under other state and federal programs, or are recycled in ways which do not threaten public health or the environment. WAC 173-303-071 describes these excluded categories of waste.

(2) Excluding wastes. Any persons who generate a common class of wastes and who seek to categorically exclude such class of wastes from the requirements of this chapter shall comply with the applicable requirements of WAC 173-303-072. No waste class will be excluded if any of the wastes in the class are regulated as hazardous waste under 40 CFR Part 261.

(3) Exclusions. The following categories of waste are excluded from the requirements of chapter 173-303 WAC, except for WAC 173-303-050:

(a) Domestic sewage, and any mixture of domestic sewage and other wastes that passes through a sewer system to a publicly-owned treatment works (POTW) for treatment. "Domestic sewage" means untreated sanitary wastes that pass through a sewer system;

(b) Industrial wastewater discharges that are point-source discharges subject to regulation under Section 402 of the Clean Water Act. This exclusion does not apply to the collection, storage, or treatment of industrial waste-waters prior to discharge, nor to sludges that are generated during industrial wastewater treatment;

(c) Household wastes, including household waste that has been collected, transported, stored, or disposed. Wastes which are residues from or are generated by the management of household wastes (e.g., leachate, ash from burning of refuse-derived fuel) are not excluded by this provision. "Household wastes" means any waste material (including garbage, trash, and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas);

(d) Agricultural crops and animal manures which are returned to the soil as fertilizers;

(e) Spent pickle liquor which is reused in wastewater treatment at a facility holding a national pollutant discharge elimination system (NPDES) permit, or which is being accumulated, stored, or treated before such reuse;

(f) Roofing tars and shingles, except that these wastes are not excluded if mixed with wastes listed in WAC 173-303-081 or 173-303-082, or if they exhibit any of the characteristics specified in WAC 173-303-090;

(g) Waste wood or wood products treated with preservatives if the waste is generated by persons who utilize the treated wood or wood products for these materials' intended end use;

(h) Irrigation return flows;

(i) Materials subjected to in-situ mining techniques which are not removed from the ground during extraction;

(j) Mining overburden returned to the mining site;

(k) (i) Polychlorinated biphenyl (PCB) wastes whose disposal is regulated by EPA under 40 CFR ((~~Part 761~~ (~~Toxic Substances Control Act regulation~~))) 761.60; (and)

(ii) Any transformer or capacitor that contains PCB if the transformer or capacitor, and any liquid from such transformer or capacitor, is:

(A) Stored in a manner equivalent to the requirements of 40 CFR 761.65; and

(B) Within one year of removal from service, either burned in an incinerator that complies with 40 CFR 761.70, or disposed of in a landfill that complies with 40 CFR 761.75; and

(l) Asbestos wastes or asbestos containing wastes which would be designated only ((for carcinogenicity)) as respiratory carcinogens by WAC 173-303-084 or 173-303-103, and any other inorganic wastes which are designated only under WAC 173-303-084 or 173-303-103 because they are respiratory carcinogens, if these wastes are managed in compliance with or in a manner equivalent to the asbestos management procedures of 40 CFR Part 61 ((Subpart M)).

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

WAC 173-303-9904 DANGEROUS WASTE SOURCES LIST.

DANGEROUS WASTE SOURCES LIST

| Dangerous Waste No. | Sources |
|---------------------|--|
| Nonspecific Sources | |
| Generic: | |
| F001 | The following spent halogenated solvents used in degreasing: ((Tetrachloroethylene)) <u>Tetrachloroethylene</u> , trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride, and ((the)) chlorinated fluorocarbons; and sludges from the recovery of these solvents in degreasing operations. (See footnote 1, below.) |
| F002 | The following spent halogenated solvents: ((Tetrachloroethylene)) <u>Tetrachloroethylene</u> , methylene chloride, trichloroethylene, 1,1,1-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, ((o-dichlorobenzene)) <u>ortho-dichlorobenzene</u> , and trichlorofluoromethane; and the still bottoms from the recovery of these solvents. (See footnote 1, below.) |
| F003 | The following spent nonhalogenated solvents: Xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone, and methanol; and the still bottoms from the recovery of these solvents. |
| F004 | The following spent nonhalogenated solvents: Cresols and cresylic acid, nitrobenzene; and the still bottoms from the recovery of these solvents. |
| F005 | The following spent nonhalogenated solvents: Toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine; and the still bottoms from the recovery of these solvents. |
| F006 | Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum. |
| F019 | Wastewater treatment sludges from the chemical conversion coating of aluminum. |
| F007 | Spent cyanide plating bath solutions from electroplating operations ((except for precious metals electroplating spent cyanide plating bath solutions)). |
| F008 | Plating bath ((sludges)) <u>residues</u> from the bottom of plating baths from electroplating operations where cyanides are used in the |

| Dangerous Waste No. | Sources | Dangerous Waste No. | Sources |
|---------------------|--|---------------------|--|
| | process (((except for precious metals electroplating bath sludges))). | | <u>for the production or use of Hexachlorophene from highly purified 2,4,5-trichlorophenol.)</u> |
| F009 | Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process (((except for precious metals electroplating spent stripping and cleaning bath solutions))). | F026 | <u>Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetra-, penta-, or hexachlorobenzene under alkaline conditions.</u> |
| F010 | Quenching bath ((sludge)) residues from oil baths from metal heat treating operations where cyanides are used in the process (((except for precious metals heat-treating quenching bath sludges))). | F027 | <u>Discarded unused formulations containing tri-, tetra-, or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (This listing does not include formulations containing Hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component.)</u> |
| F011 | Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations (((except for precious metals heat-treating spent cyanide solutions from salt bath pot cleaning))). | F028 | <u>Residues resulting from the incineration or thermal treatment of soil contaminated with Nonspecific Sources wastes F020, F021, F022, F023, F026 and F027.</u> |
| F012 | Quenching wastewater treatment sludges from metal heat-treating operations where cyanides are used in the process (((except for precious metals heat-treating quenching wastewater treatment sludges))). | F024 | <u>Wastes, including but not limited to, distillation residues, heavy ends, tars, and reactor cleanout wastes from the production of chlorinated aliphatic hydrocarbons, having carbon content from one to five, utilizing free radical catalyzed processes. (See footnote 1, below.) (This listing does not include light ends, spent filters and filter aids, spent dessicants, wastewater, wastewater treatment sludges, spent catalysts, and wastes listed under Specific Sources, below.)</u> |
| F020 | <u>Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tri- or tetrachlorophenol, or of intermediates used to produce their pesticide derivatives. (This listing does not include wastes from the production of Hexachlorophene from highly purified 2,4,5-trichlorophenol.)</u> | 1 | Although WAC 173-303-082 states that these wastes are DW, WAC 173-303-070(5), special knowledge, requires generators who know that their waste F001 or F002 contains greater than one percent of these listed halogenated solvents to designate their waste EHW. |
| F021 | <u>Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of pentachlorophenol, or of intermediates used to produce its derivatives.</u> | | Specific Sources |
| F022 | <u>Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetra-, penta-, or hexachlorobenzenes under alkaline conditions.</u> | | Wood Preservation: |
| F023 | <u>Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tri- and tetrachlorophenols. (This listing does not include wastes from equipment used only</u> | K001 | Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote and/or pentachlorophenol. (See footnote 2, below.) |
| | | | Inorganic Pigments: |
| | | K002 | Wastewater treatment sludge from the production of chrome yellow and orange pigments. |
| | | K003 | Wastewater treatment sludge from the production of molybdate orange pigments. |

| Dangerous Waste No. | Sources | Dangerous Waste No. | Sources |
|---------------------|--|---------------------|--|
| K004 | Wastewater treatment sludge from the production of zinc yellow pigments | K093 | Distillation light ends from the production of phthalic anhydride from ortho-xylene. |
| K005 | Wastewater treatment sludge from the production of chrome green pigments. | K094 | Distillation bottoms from the production of phthalic anhydride from ortho-xylene. |
| K006 | Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated). | K025 | Distillation bottoms from the production of nitrobenzene by the nitration of benzene. |
| K007 | Wastewater treatment sludge from the production of iron blue pigments. | K026 | Stripping still tails from the production of methyl ethyl pyridines. |
| K008 | Oven residue from the production of chrome oxide green pigments. | K027 | Centrifuge and distillation residues from toluene diisocyanate production. |
| Organic Chemicals: | | K028 | Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane. (See footnote 2, below.) |
| K009 | Distillation bottoms from the production of acetaldehyde from ethylene. | K029 | Waste from the product steam stripper in the production of 1,1,1-trichloroethane. (See footnote 2, below.) |
| K010 | Distillation side cuts from the production of acetaldehyde from ethylene. | K095 | Distillation bottoms from the production of 1,1,1-trichloroethane. (See footnote 2, below.) |
| K011 | Bottom stream from the wastewater stripper in the production of acrylonitrile. | K096 | Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane. (See footnote 2, below.) |
| K013 | Bottom stream from the acetonitrile column in the production of acrylonitrile. | K030 | Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene. (See footnote 2, below.) |
| K014 | Bottoms from the acetonitrile purification column in the production of acrylonitrile. | K083 | Distillation bottoms from aniline production. |
| K015 | Still bottoms from the distillation of benzyl chloride. (See footnote 2, below.) | K103 | Process residues from aniline extraction from the production of aniline. |
| K016 | Heavy ends or distillation residues from the production of carbon tetrachloride. (See footnote 2, below.) | K104 | Combined wastewater streams generated from nitrobenzene/aniline production. |
| K017 | Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin. (See footnote 2, below.) | K085 | Distillation of fractionation column bottoms from the production of chlorobenzenes. (See footnote 2, below.) |
| K018 | Heavy ends from the fractionation column in ethyl chloride production. (See footnote 2, below.) | K105 | Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes. (See footnote 2, below.) |
| K019 | Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production. (See footnote 2, below.) | Explosives: | |
| K020 | Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production. (See footnote 2, below.) | K044 | Wastewater treatment sludges from the manufacturing and processing of explosives. |
| K021 | Aqueous spent antimony catalyst waste from fluoromethanes production. (See footnote 2, below.) | K045 | Spent carbon from the treatment of wastewater containing explosives. |
| K022 | Distillation bottom tars from the production of phenol/acetone from cumene. | K046 | Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds. |
| K023 | Distillation light ends from the production of phthalic anhydride from naphthalene. | K047 | Pink/red water from TNT operations. |
| K024 | Distillation bottoms from the production of phthalic anhydride from naphthalene. | | |

| Dangerous Waste No. | Sources | Dangerous Waste No. | Sources |
|-----------------------------|---|------------------------------------|---|
| Inorganic Chemicals: | | K038 | Wastewater from the washing and stripping of phorate production. (See footnote 3, below.) |
| K071 | Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used. | K039 | Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate. (See footnote 3, below.) |
| K073 | Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production. (See footnote 2, below.) | K040 | Wastewater treatment sludge from the production of phorate. (See footnote 3, below.) |
| K106 | Wastewater treatment sludge from the mercury cell process in chlorine production. | K041 | Wastewater treatment sludge from the production of toxaphene. (See footnote 3, below.) |
| Petroleum Refining: | | K098 | Untreated process wastewater from the production of toxaphene. (See footnote 3, below.) |
| K048 | Dissolved air flotation (DAF) float from the petroleum refining industry. | K042 | Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T. (See footnote 2, below.) |
| K049 | Slop oil emulsion solids from the petroleum refining industry. | K043 | 2,6-Dichlorophenol waste from the production of 2,4-D. (See footnote 2, below.) |
| K050 | Heat exchanger bundle cleaning sludge from the petroleum refining industry. | K099 | Untreated wastewater from the production of 2,4-D. (See footnote 2, below.) |
| K051 | API separator sludge from the petroleum refining industry. | Secondary Lead: | |
| K052 | Tank bottoms (leaded) from the petroleum refining industry. | K069 | Emission control dust/sludge from secondary lead smelting. |
| Iron and Steel: | | K100 | Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting. |
| K061 | Emission control dust/sludge from the primary production of steel in electric furnaces. | Veterinary Pharmaceuticals: | |
| K062 | Spent pickle liquor from steel finishing operations. | K084 | Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds. |
| Pesticides: | | K101 | Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds. |
| K031 | Byproduct salts generated in the production of MSMA and cacodylic acid. | K102 | Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds. |
| K032 | Wastewater treatment sludge from the production of chlordane. (See footnote 3, below.) | Ink Formulation: | |
| K033 | Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane. (See footnote 3, below.) | K086 | Solvent washes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps, and stabilizers containing chromium and lead. |
| K034 | Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane. (See footnote 3, below.) | Coking: | |
| K097 | Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane. (See footnote 3, below.) | K060 | Ammonia still-lime sludge from coking operations. |
| K035 | Wastewater treatment sludges generated in the production of creosote. | | |
| K036 | Still bottoms from toluene reclamation distillation in the production of disulfoton. | | |
| K037 | Wastewater treatment sludges from the production of disulfoton. | | |

| Dangerous Waste No. | Sources |
|---------------------|---|
| K087 | Decanter tank tar sludge from coking operations. |
| 2 | These wastes contain or may contain halogenated hydrocarbons. Although WAC 173-303-082 states that these wastes are DW, WAC 173-303-070(5), special knowledge, requires generators who know that their waste contains greater than one percent of these listed halogenated hydrocarbons to designate their waste EHW. |
| 3 | These wastes contain or may contain X Category toxic constituents. Although WAC 173-303-082 states that these wastes are DW, WAC 173-303-070(5), special knowledge, requires generators who know that their waste contains greater than 0.1 percent of these listed toxic constituents to designate their waste EHW. |

State Sources

| | |
|------|---|
| W001 | <u>The following wastes generated from the salvaging, rebuilding, or discarding of transformers or capacitors which contain polychlorinated biphenyls (PCB): Cooling and insulating fluids; cores, including core papers, from unrinsed transformers and capacitors; transformers and capacitors which will no longer be used for their intended use, except for those transformers or capacitors which have been rinsed; and, rinsate from the rinsing of transformers and capacitors. For the purposes of this listing, the rinsing of PCB containing items shall be conducted as follows: First, the item is drained of all free flowing liquid; second, the item is filled with solvent and allowed to stand for at least eighteen hours; last, the item is drained thoroughly and the solvent is collected. Solvents may include kerosene, xylene, toluene and other solvents in which PCB are readily soluble. (Note—Certain PCB wastes are excluded from this listing under WAC 173-303-071 (3)(k). The generator should check that section to determine if his PCB waste is excluded from the requirements of chapter 173-303 WAC.)</u> |
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WSR 85-09-043

ADOPTED RULES

DEPARTMENT OF ECOLOGY

[Order DE 85-05—Filed April 15, 1985]

I, Glen H. Fiedler, 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. 173-14 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. |

This action is taken pursuant to Notice No. WSR 85-06-065 filed with the code reviser on March 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 90.58.030, 90.58.120 and 90.58.200 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 9, 1985.

By Glen H. Fiedler
Deputy Director

AMENDATORY SECTION (Amending Order DE 78-7, filed 6/14/78)

WAC 173-14-040 EXEMPTIONS FROM SUBSTANTIAL DEVELOPMENT PERMIT (~~SYS-TEM~~) 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 173-14-115 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

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

| <u>Stream Name</u> | <u>Quadrangle Name and Size</u> | <u>Legal Description</u> |
|---|---|--|
| (1) Beaver Creek | <u>Tenino 15</u> 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 | <u>Tenino 15</u> 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) <u>Black Lake Drainage Ditch</u> | <u>Tumwater 7 1/2</u> | <u>From outlet of Black Lake (Sec.32,T18N,R2W) downstream to confluence with Percival Creek (Sec.21,T18N,R2W).</u> |
| (4) Cedar Creek | <u>Rochester 15</u> | 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.)* | <u>Rochester 15</u> | 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 | 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. | ((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)) (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). | ((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)) (8) Little Nisqually River (cont.) | Ohop Valley 15 Eatonville 7 1/2 | From the Lewis-Thurston County line (Sec.21,T15N,R4E) downstream to Alder Lake (Sec.16, same township). | ((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)) (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). | ((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)) (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). | ((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). |
| ((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). | ((10)) (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). |
| ((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). | AMENDATORY SECTION (Amending Order DE 83-20, filed 7/6/83) | | |
| ((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. | WAC 173-19-240 JEFFERSON COUNTY. Jefferson County master program approved December 20, 1974. (Revision approved August 12, 1982.) <u>Revision approved August 12, 1982.</u> Revision approved July 6, 1983. | | |
| ((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). | AMENDATORY SECTION (Amending Order DE 80-48, filed 12/11/80) | | |
| ((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). | WAC 173-19-2511 KENT, CITY OF. City of Kent master program approved (April 4, 1974) <u>April 9, 1974.</u> Revision approved December 8, 1978. Revision approved April 10, 1979. Revision approved December 10, 1980. | | |

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 ((f15}{23}) 23, 1982. Revision approved November 15, 1983.

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. ((fRevision approved March 21, 1984.)) Revision approved April 30, 1984.

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 |
| ((f3)) | | | | |
| (4) | T30N-R12W 9-J/K | Beaver Lk. | 36.3 | R |
| ((f4)) | | | | |
| (5) | T30N-R13W 35-E | Pleasant Lk. | 486.0 | R |
| ((f5)) | | | | |
| (6) | T30N-R14W 16-L | Dickey Lk. | 527.0 | R |
| ((f6)) | | | | |
| (7) | T31N-R15W 12-W1/2 | Elk Lk. | 59.0 | R |
| ((f7)) | | | | |
| (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 |
|----------------|---------|-------------|--------------|-------|
| ((f1)) | | | | |
| T31N-R15W | 31-A | Ozette Lk. | 7787.0 | R |
| ((f2) 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) | ((f18) T18N-R2W 34-G/K | Barnes Lake | | |
| ((f6)) | T18N-R2W 16-W1/2 | Grass Lk. | 120.0 | R |
| ((f7)) | | | | |
| (16) | T18N-R2W 20-H/J | Ken Lk. | 24.6 | R |
| ((f8)) | | | | |
| (17) | T18N-R2W 22-G | Percival Lk. | 22.4 | R |
| ((f9)) | | | | |
| (18) | T18N-R2W 32-C | Black Lk. | 576.1 | R |
| ((f20)) | | | | |
| (19) | T18N-R2W 36-B/C | Ward Lake | 66.8 | R |
| ((f21)) | | | | |
| (20) | T18N-R2W 36-J | Hewitt Lk. | 26.6 | R |
| ((f22)) | | | | |
| (21) | T18N-R4W 13-A | Summit Lk. | 522.6 | R |
| ((f23)) | | | | |
| (22) | T16N-R2E 29-B | Lawrence Lk. | 339.2 | R |
| ((f24)) | | | | |
| (23) | T16N-R3E 31-S1/2 | Clear Lk. | 172.8 | R |
| ((f25)) | | | | |
| (24) | T16N-R3E 32-B/C | Elbow Lk. | 36.0 | R |
| ((f26)) | | | | |
| (25) | T16N-R3E 32-R | Bald Hill Lk. | 44.8 | R |
| ((f27)) | | | | |
| (26) | T18N-R1E 31-32 | St. Clair Lk. | 244.7 | R |
| ((f28)) | | | | |
| (27) | T17N-R1W 11 | Sunwood Lk. | 23.0 | D |
| ((f29)) | | | | |
| (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 85-09-044
NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY
COLLEGE DISTRICT
 [Memorandum—April 10, 1985]

A special meeting of the Seattle Community College District VI board of trustees will be held on Friday, April 19, and Saturday, April 20, at the Battelle Research Institute, 4000 41st N.E., Seattle, Washington.

WSR 85-09-045
EMERGENCY RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Order 85-10—Filed April 16, 1985]

I, Richard A. Davis, director of the Department of Labor and Industries, do promulgate and adopt at the General Administration Building, 3rd Floor, Olympia, Washington, the annexed rules relating to the amending of WAC 296-17-643 (risk classification 48-2) and WAC 296-17-649 (risk classification 48-8). These amendments provide for changes in two agricultural classifications which need to be implemented immediately to avoid undue financial burdens on the affected agriculture industry.

I, Richard A. Davis, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is due to substantive changes effective April in WAC 296-17-647, a risk classification for "hand harvesting," which restricted the use of that

classification, a severe financial hardship was placed on certain segments of the agricultural industry. To reduce the impact of this change, amendments are being sought on WAC 296-17-643 and 296-17-649 which will effectively reduce this increase. As planting and harvesting of vegetable crops is fast approaching, it is necessary to implement these changes immediately to avoid added financial burden to the affected industry.

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

This rule is promulgated pursuant to RCW 51.04.020(1) which directs that the Department of Labor and Industries has authority to implement the provisions of RCW 51.16.100, changes in classification.

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

APPROVED AND ADOPTED April 16, 1985.

By Paula Rinta Stewart, Deputy
for Director

AMENDATORY SECTION (Amending Order 85-7,
filed 2/28/85, effective 4/1/85)

WAC 296-17-643 CLASSIFICATION 48-2.

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

Vegetable crops, N.O.C. including harvesting

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 85-7,
filed 2/28/85, effective 4/1/85)

WAC 296-17-649 CLASSIFICATION 48-8.

Alfalfa and clover seed growing

Field crops, N.O.C., including raising of all hay, cereal grains, and sugar beets(, and vegetables)

Potato sorting and storage, N.O.C.

This classification applies to all operations incidental to the enterprises described above

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).

WSR 85-09-046
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed April 16, 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 the amendment of rules, definitions, and risk classification language contained in chapter 296-17 WAC applicable to workers' compensation insurance underwritten by the Department of Labor and Industries including: Repeal of WAC 296-17-375, a rule applicable to work done by contract no longer required as a result of amendments to WAC 296-17-520, a risk classification applicable to building construction, alteration, or repair; amendments to WAC 296-17-643, a risk classification definition applicable to agriculture expanding the scope of the classification to include vegetable growing N.O.C. including harvesting and removing similar language from WAC 296-17-649; and amendments to WAC 296-17-716, a risk classification definition applicable to labor unions to allow the separate reporting of clerical office and outside sales employments from the basic classification;

that the agency will at 10:00 a.m., Tuesday, May 21, 1985, in the General Administration Building, Second Floor, Room 214, 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 May 31, 1985.

The authority under which these rules are proposed is RCW 51.04.020(1).

The specific statute these rules are intended to implement is RCW 51.16.035.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 21, 1985.

Dated: April 16, 1985

By: Paula Rinta Stewart, Deputy
for Richard A. Davis, Director

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s): The proposals for rule changes which follow amend portions of chapter 296-17 WAC. This chapter pertains to the calculation, reporting, and collection of premiums for workers' compensation insurance coverage provided by the Department of Labor and Industries.

Statutory Authority: RCW 51.04.020 and 51.16.035.

Specific Statute that Rule is Intended to Implement: RCW 51.16.035.

Summary of the Rule(s): The purpose of these proposed rules is to make the following substantive changes in Title 296 WAC as previously enacted: Repeal WAC 296-17-375, a rule applicable to work done by contract no longer required due to substantive changes being proposed to WAC 296-17-520, a rule applicable to building construction, alteration, or repair; amendments to

WAC 296-17-520, a rule applicable to building construction, alteration, or repair removing the prime contractor restrictions and thereby allowing a contractor to report in the classification applicable to their specialty; amendments to WAC 296-17-643, a rule applicable to the agriculture industry expanding the scope of the rule to include vegetable crops N.O.C. including harvesting previously included in WAC 296-17-649; amendments to WAC 296-17-649, a rule applicable to the agriculture industry removing vegetable growing N.O.C. no longer required due to substantive changes being proposed to WAC 296-17-643; and amendments to WAC 296-17-716, a rule applicable to labor unions removing the manual language requiring the inclusion of clerical office and sales personnel and thereby allowing the separate reporting of those employments.

Reasons Supporting Changes: Revisions and/or amendments to existing rules are intended to extend uniform treatment and equity to all affected employers. The changes being proposed are reflective of practices consistent with nationally recognized workers' compensation insurance practices and are being solicited by and endorsed by the affected industries and employers within the state.

Agency Personnel Responsible for the Drafting, Implementation and Enforcement of the Rule(s): Joe Dear, Deputy Director, 753-6308; Marjorie Shavlik, Employer Services Chief, 753-7016; and Gary Brown, Rating and Data Analysis Supervisor, 753-6463, General Administration Building, Olympia, Washington 98504, AX-31.

Name of Person or Organization, Whether Private, Public, or Governmental, that is Proposing the Rule(s): State of Washington, Department of Labor and Industries.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement, and Fiscal Matters Pertaining to the Rule(s): None.

These rules are not proposed to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

Small Business Economic Impact Statement: This statement pertains to revisions to chapter 296-17 WAC, proposed by the Department of Labor and Industries to become effective July 1, 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 296-17 WAC presently defines 261 risk classifications for purposes of reporting exposures and computing premiums for worker's compensation insurance as well as rules governing the application of these risk classifications to businesses or occupations and provisions for an experience rating plan and insurance base rates applicable to each risk classification.

Treatment of Small Business Under Existing Rules: Risk classification definitions are keyed to the nature of an employer's business operations within this state and in certain cases individual employments, and are independent of business size. Once the number of risk classifications statistically supportable has been determined

and the risks defined, base rates are developed for each risk classification. All new employers conducting like businesses are assigned into a common classification pool representative of their business undertaking and are assigned the same base rate. As experience is developed by each employer a modified rate as provided for in the experience rating plan is calculated. Those employers with favorable past experience receive rate reductions while those employers with unfavorable past experience receive rate increases. Within the experience rating plan, small employers with loss-free record during the experience rating period are allowed rate credits in excess of those initially computed by the rating plan based on risk size, by imposing a maximum modification for loss-free firms of various sizes in WAC 296-17-890.

Effect of Proposed Revisions: Four risk classification definitions are being modified and rule applicable to work done by contract is being repealed. These changes are intended to clarify current policies with respect to the application of these risk classifications and the rule governing work done by contract to the various types of businesses. The following substantive changes which will alter classification assignments are: Repeal of WAC 296-17-375, work done by contract, thereby allowing a prime contractor to report in the classification applicable to their specialty; amendments to WAC 296-17-520 removing prime contractor restrictions; amendments to WAC 296-17-643 expanding the scope of the classification to include vegetable growing N.O.C. including harvesting previously included WAC 296-17-649; amendments to WAC 296-17-649 removing vegetable growing N.O.C. from the classification no longer required due to changes being proposed in WAC 296-17-643; and amendments to WAC 296-17-716 to allow the separate reporting of clerical office and outside sales from the basic classification.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-520 CLASSIFICATION 5-5.

Construction, erection, alteration or repair of private residences
 Construction, erection, alteration or repair of buildings, N.O.C.
 Gutters - installation, service or repair - on structures
 Glass installation away from shop
 Wallboard installation, plastering, stuccoing and lathing
 Insulation or soundproofing materials installation, N.O.C.
 Fixtures - cabinets, counters, drainboards, mantels, etc. installation
 Weather strip installation
 Hardwood floor installation and refinishing
 Door, door frame, sash, overhead door, siding installation framing and carpentry, N.O.C.
 Elevator door bucks - installation
 Mobile home set up including installation of skirting and awnings by contractor. Excludes mobile home set up by mobile home dealer rated under risk classification 34-1 (WAC 296-17-579)
 Fire escapes and awnings - installation, erection, repair and removal outside buildings
 Decorative metal shutters - installation, erection and removal - no buntings
 Scaffolds, hod hoists, concrete and cement distributing towers, sidewalk bridges and construction elevators, installation or removal
 Debris cleaning and removal and building clean-up after construction
 ((All building industry operations, which include all field activities in connection with excavating and backfilling, erection, alteration, repair, or demolishing of any building or buildings, or part thereof or

apertenance thereto. This classification will apply to all work performed by the prime building contractor. Work performed by contractors other than the prime contractor is subject to this classification, with the exception of the excavating contractors, electrical contractors, plumbing contractors, heating contractors, painting contractors, steel erection contractors, masonry contractors, and concrete contractors, roofing contractors, building raising, moving, and underpinning contractors, and building wrecking or demolition contractors:))

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 296-17-716 CLASSIFICATION 65-3.

Labor unions or employee representative associations
This classification includes all employees including any official representatives((=clerical office and sales personnel)).

REPEALER (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

The following section of the Washington Administrative Code is repealed:

WAC 296-17-375 WORK DONE BY CONTRACT.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-643 CLASSIFICATION 48-2.

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
Vegetable crops, N.O.C. including harvesting
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 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-649 CLASSIFICATION 48-8.

Alfalfa and clover seed growing
Field crops, N.O.C., including raising of all hay, cereal grains, and sugar beets((=and vegetables))
Potato sorting and storage, N.O.C.
This classification applies to all operations incidental to the enterprises described above

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).

WSR 85-09-047
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 85-32—Filed April 16, 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 regulations.

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation

of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is birthing surf perch are congregating in shallow waters, and are susceptible [susceptible] to over harvest. Stock assessment shows a declining population and resource protection needs prevail.

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

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

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

APPROVED AND ADOPTED April 16, 1985.

By Russell W. Cahill
for William R. Wilkerson
Director

NEW SECTION

WAC 220-48-06200A DRAG SEINE—SEASONS. Notwithstanding the provisions of WAC 220-48-062, effective 12:01 a.m. April 17, 1985, until further notice it is unlawful to take or possess bottomfish taken with drag seine gear from any waters of Puget Sound.

WSR 85-09-048
ADOPTED RULES
DEPARTMENT OF FISHERIES
[Order 85-33—Filed April 16, 1985]

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

This action is taken pursuant to Notice No. WSR 85-06-066 filed with the code reviser on March 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 75.08.080 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 16, 1985.

By Russell W. Cahill
for William R. Wilkerson
Director

AMENDATORY SECTION (Amending Order 84-22, filed 4/11/84)

WAC 220-57-135 CALAWAH RIVER. (1) Bag limit ((★)) 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 ((€)) 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 ((€)) 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 ((€)) 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 85-09-049**ADOPTED RULES****STATE BOARD OF EDUCATION**

[Order 6-85-Filed April 16, 1985]

Be it resolved by the State Board of Education, acting at Jenne-Wright School, Silverdale, Washington, that it does adopt the annexed rules relating to school district rules defining students religious rights, WAC 180-40-227.

This action is taken pursuant to Notice No. WSR 85-06-071 filed with the code reviser on March 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 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 April 12, 1985.

By Monica Schmidt
SecretaryAMENDATORY 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 85-09-050
PROPOSED RULES
WESTERN WASHINGTON UNIVERSITY
 [Filed April 16, 1985]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that Western Washington University intends to adopt, amend, or repeal rules concerning chapter 516-11 [516-12] WAC, amendments to reflect a new type of parking permit to be used beginning September 15, 1985. The revisions will make this chapter consistent with internal policies and practices of the transportation and parking system;

that the institution will at 4 p.m., Wednesday, May 22, 1985, in the Library Presentation Room, Western Washington University, Bellingham, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 6, 1985.

The authority under which these rules are proposed is [RCW 28B.10.560].

The specific statute these rules are intended to implement is [RCW 28B.10.560].

Dated: April 15, 1985

By: Wendy K. Bohlke

Assistant Attorney General

STATEMENT OF PURPOSE

Title and Number of Rule Chapters: Chapter 516-12 WAC, Western Washington University parking and traffic regulations.

Statutory Authority: RCW 28B.10.560.

Specific Statute that Rule is Intended to Implement: RCW 28B.10.560.

Summary of the Rules: Chapter 516-12 WAC requires amendments to reflect a new type of parking permit to be implemented September 15, 1985.

Reasons Supporting the Proposed Rules: Use of the new permit requires deletion of language and regulations pertaining to the decal system; a schedule of fees/fines regarding lost or stolen permits; insertion of regulations governing use of the new permit; and a clarification of prohibited parking.

Agency Personnel Responsible for Drafting and Enforcement: Dorothy Telles, Transportation and Parking Manager, Western Washington University, Bellingham, Washington, (206) 676-3412; and Implementation: Robert Hascall, Director, Physical Plant, Western Washington University, Bellingham, Washington, (206) 676-3496.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Western Washington University.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: These modifications will make this chapter consistent with intended policies and practices of the transportation and parking system of the university regarding the use of the new transferable permit. There is no fiscal impact as a result of these changes.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

Chapter 516-12

Parking and Traffic Regulations

AMENDATORY SECTION (Amending Order 6-02-83, filed 6/28/83)

WAC 516-12-400 DEFINITIONS. As used in these chapters, 516-12, 13, and 14 WAC the following words and phrases mean:

(1) "Area Designator": A tag affixed to a ~~((decal))~~ permit indicating a parking lot assignment for a vehicle.

(2) "Automobile": Any motorized vehicle having four or more wheels.

(3) "Board": The Board of Trustees of Western Washington University.

(4) "Campus": All state lands devoted to the educational or research activities of the university.

~~((5))~~ ~~"Decal": A Western Washington University parking permit with a "peel-off" backing.~~

~~((6))~~ (5) "Employee": Any individual appointed to the faculty, staff, or administration of the university.

~~((7))~~ (6) "Habitual Offender": Any person who accrues ten or more paid or unpaid parking citations.

~~((8))~~ (7) "Motorcycle": Any two or three wheeled motorized vehicle.

~~((9))~~ (8) "Motor vehicle" or "vehicle": Any automobile or motorcycle.

~~((10))~~ ~~"Multiple Vehicle" or "pool" card: A card issued to a multiple vehicle or pool permit holder.~~

~~((11))~~ ~~"Multiple Vehicle Permit": A decal with a designator "MV" indicating a decal issued to a person who owns and has registered more than one vehicle.~~

~~((12))~~ (9) "Parking Appeals Board": The Board which hears parking citation appeals.

~~((13))~~ (10) "Parking Manager": The person appointed Parking Manager of the university by the President or designee.

~~((14))~~ (11) "Parking Space": A parking area designated by a sign, wheelstop, white-painted lines, and/or white traffic buttons.

~~((15))~~ (12) "Permit": Any special or temporary parking permit authorized by the Parking Manager.

~~((16))~~ ~~"Pool Permit": A decal with a designator "Pool" indicating a decal issued to a member of a car pool.~~

~~((17))~~ (13) "President": The President of Western Washington University.

~~((18))~~ (14) "Public Safety Department": The University Public Safety Department.

~~((19))~~ (15) "Student": Any person enrolled in the university as a student.

~~((20))~~ (16) "Transportation and Parking Department": The Transportation and Parking Department of the university.

~~((21))~~ (17) "Time-limited parking space": A space in which parking is allowed for a specific time period.

~~((22))~~ (18) "University": Western Washington University.

~~((23))~~ (19) "Valid permit": An unexpired parking ~~((decal and area designator or special))~~ permit authorized by the Parking Manager, properly registered and displayed on the vehicle.

~~((24))~~ (20) "Wheelstop": A cement, metal, or wood barrier approximately eight inches high.

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.

Reviser's note: RCW 28B.19.077 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 6-02-83, filed 6/28/83)

WAC 526-12-410 PURPOSE. The purpose of these regulations ~~((are))~~ is:

- (1) To facilitate the work of the university.
- (2) To assign the limited available space for the most efficient use.
- (3) To protect and control pedestrian and vehicular traffic.
- (4) To assure access at all times for emergency traffic.
- (5) To regulate parking and minimize traffic disturbance during class hours.
- (6) To provide funds to maintain suitable parking facilities.

Reviser's note: The above amendatory section was filed by the institution as WAC 526-12-410. However, the other rules for Western Washington University are found in Title 516 WAC. The section amended above appears to be WAC 516-12-410, but pursuant to RCW 34.08.040, it is published in the same form as filed by the institution.

Reviser's note: RCW 28B.19.077 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 6-02-83, filed 6/28/83)

WAC 516-12-420 AUTHORITY. The Board of Trustees of Western Washington University is granted authority under Title 28B of the Revised Code of Washington to establish regulations to govern pedestrian and vehicular traffic and parking on the campus of the university. The administration of the parking regulations is the responsibility of the Parking Manager. Moving violations are the responsibility of the Director of Public Safety.

- (1) All regulations in this chapter and all motor vehicle and other traffic laws of the State of Washington will apply on the campus.
- (2) The traffic code of the City of Bellingham will apply on city streets which cross the campus.
- (3) The Parking Manager is authorized to:
 - (a) issue and/or sell parking ~~((decals and))~~ permits to employees, students, guests, visitors, and others when necessary, and to provide special parking for the physically disabled.
 - (b) impose and/or suspend traffic and parking regulations and restrictions when appropriate to the mission of the university.
 - (c) erect signs, barricades, and other structures to designate and mark the various parking or noparking areas on campus; and to paint marks and other directions on the streets and roadways for the regulation of traffic and parking.
 - (d) establish procedures, including time schedules and deadlines, to govern the purchase of annual, academic year, and quarterly ~~((decals))~~ permits, and to assign the limited parking spaces.
- (4) The authority conferred upon the Parking Manager under this chapter may be delegated by the Parking Manager to other personnel within the Transportation and Parking Department under guidelines established by Business and Financial Affairs.
- (5) The university reserves the right to change or close, either temporarily or permanently, any campus parking area. Notice of change will be provided whenever practical.

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 6-02-83, filed 6/28/83)

WAC 516-12-430 GENERAL REGULATIONS. (1) The registered owner(s) and the operator of a vehicle or the person to whom a

permit is issued involved in a violation of these regulations will be jointly and severally responsible for the violation.

(2) All vehicles, attended or unattended, must display a valid Western Washington University parking ~~((decal or))~~ permit when parked on the campus unless parked in a metered parking space (with meter payment), a time-limited space or, with approval by the Parking Services Office, a space designated for visitors.

(3) Policy on assignments to parking lots will be established by the Parking Manager.

(4) If a parking ~~((decal or))~~ permit holder cannot locate a parking space in the assigned lot, he/she may park in the nearest visitor area and then must call the Parking Services Office. Motorcycle ~~((decal))~~ permit holders will go to the next nearest motorcycle lot.

(5) The university reserves the right to refuse issuance of a parking ~~((decal and/or))~~ permit to anyone who has

- (a) had a ~~((decal or))~~ permit revoked.
- (b) falsified a parking application or ~~((vehicle))~~ registration.
- (c) counterfeited or altered an ~~((decal))~~ area designator (:) or permit.
- (d) failed to pay outstanding citations.
- (e) been identified as a habitual offender.

(6) The speed limit on campus is 10 mph or as posted. Vehicles must be operated in a careful and prudent manner at all times and must be operated in compliance with established speed limits. Drivers of vehicles must obey all regulatory signs and comply with directions given by members of the Transportation and Parking Department and officers of the Public Safety Department in the control and regulation of parking and traffic.

(7) The operator of a vehicle must yield the right-of-way to pedestrians crossing streets and roadways within the campus, and at intersections or clearly marked crosswalks or city streets which cross the campus. Pedestrians must not cross any street or roadway except at an intersection of clearly marked crosswalk. Pedestrians must utilize sidewalks where provided on streets and roadways. If no sidewalk is provided, pedestrians will utilize the extreme left-hand side and move to their left and clear of the roadway or street upon meeting an oncoming vehicle.

(8) Vehicles owned by or assigned on a permanent basis to administrative units on campus and bearing "B" or "M" license plates or a university insignia may be parked in "G" or "P" lots for brief periods while the driver is on university business. Long-term parking is not permitted, nor is any parking allowed in reserved spaces except when a space is designated for that specific vehicle. University vehicles may be parked in metered spaces provided that meter regulations are observed. Violations incurred will be the responsibility of the driver. All operators of these or other state vehicles will abide by all traffic and parking regulations.

(9) No person may utilize any vehicle parked on campus as a living unit without specific approval from the Parking Manager. Violators will be cited and/or towed.

(10) Vehicles are to be maintained in operating conditions at all times on university property. Repairs will not be made on campus unless authorization has been received in advance from the Parking Manager. A vehicle which appears to be abandoned, with or without current Western Washington University registration or license plates, may be impounded after an attempt is made to locate and notify the owner of the impending action.

(11) The university rents space to individuals who wish to park on campus and who ~~((purchase or))~~ are issued a parking ~~((decal or))~~ permit. The university assumes no responsibility or liability under any circumstances for vehicles or bicycles parked on campus nor does it assume any personal liability in connection with its parking program. No bailment of any sort is created by the ~~((purchase))~~ issuance of a permit.

(12) The person who ~~((registers a vehicle))~~ obtains a permit is responsible for assuring that the vehicle, regardless of who drives it, is parked in conformance with these regulations.

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.

Reviser's note: RCW 28B.19.077 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 6-02-83, filed 6/23/83 [6/28/83])

WAC 516-12-440 PARKING AREAS. (1) Parking is prohibited in any area not specifically marked as a parking space, designated by a sign, wheelstop, white-painted lines, and/or white traffic buttons.

(2) Vehicles will not be parked in any parking area without a parking permit ~~((or decal and designator))~~ for that area except as provided in WAC 516-12-430(2).

(3) Parking in a time-limited space is limited to the time posted or assigned.

(4) Visitors will park only where assigned by permit or in metered visitor areas with meter payment.

(5) Vehicles displaying valid ~~((decal or))~~ permits for other parking areas on campus may not park in metered visitor lots except as provided in WAC 516-12-430(4).

(6) Metered lots are reserved for visitors and should not be used by members of the campus community. "Feeding" meters is prohibited.

(7) Motorcycles and moped-type vehicles will be parked in designated "M" (motorcycle) lots only and will not use space assigned to automobiles or bicycles.

(8) Automobiles will not park in areas assigned to motorcycles.

(9) Bicycles must be parked in bicycle racks where provided. (WAC 516-13)

(10) Personal notes left on vehicles describing reasons for parking without a proper and valid ~~((decal or))~~ permit or for parking in an unauthorized manner will not be accepted.

(11) Spaces designated for specific use are restricted to assigned vehicles.

(12) Resident student (C) lots are restricted to permit~~((/decal))~~ holders 24 hours per day.

(13) All parking spaces are defined by signs, painted surface lines, traffic "buttons", and/or wheelstops. All other areas are no parking zones. Using more than one space when parking is prohibited.

(14) The fact that other vehicles are parked improperly does not constitute a valid excuse. Should an individual parked in violation of any regulation not receive a citation, it does not indicate that such parking is authorized, that the regulation is no longer in effect, or that a future ticket is invalid.

(15) The fact that one vehicle is parked in such a manner as to occupy more than one parking space is not an acceptable excuse for another operator to do the same.

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

Reviser's note: RCW 28B.19.077 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 6-02-83, filed 6/28/83)

WAC 516-12-450 PERMITS ((AND DECALS)) (1) Except as otherwise provided in this chapter, ~~((decal and))~~ permits may be issued only to students, employees, and other members of the university community. Persons wishing to obtain parking ~~((decal))~~ permits are required to complete a registration form provided by the Transportation and Parking Department and pay the fee. Ownership of the parking permit remains with the university. Individuals are not allowed to transfer ownership. All permits reported lost or stolen should be returned to the Parking Services Office immediately upon recovery. Possession or use of a lost or stolen permit or a forged permit will result in a fine and loss of parking privileges. Report the loss or theft of a parking permit to the Parking Services Office immediately.

(2) A valid permit means an unexpired parking ~~((decal and area designator or special parking))~~ permit authorized by the Parking Manager, properly registered and displayed on the vehicle.

(3) ~~((Decals and area designators are to be permanently attached to the inside of the rear window, lower left-hand corner, as viewed from the rear of the vehicle. If the vehicle is a convertible, has no rear window, has a retractable rear window or rear window defoggers, the decal and area designator may be permanently attached to the center bottom of the windshield.))~~ Hanging parking permits are to be displayed from the rear-view mirror according to instructions on the permit. Other types of permits are to be displayed according to instructions provided by Parking Services personnel. A parking permit is not considered valid unless it is correctly displayed on the vehicle.

(4) Motorcycle ~~((decal))~~ permits will be permanently attached to the top of the tail light. If tail light does not conform to current Federal law, ~~((decal))~~ permits must be attached so as to be easily seen from the rear of the vehicle.

(5) ~~((All expired decals and area designators must be removed before new decals and designators are attached.))~~ The theft or loss of a parking permit should be reported immediately upon discovery.

A stolen permit will be replaced the first time at no cost providing a theft report has been filed with the Public Safety Department. The second time the replacement fee will be \$10.00; the third time \$20.00; and thereafter at the original cost of the highest priced permit plus \$5.00.

A lost permit will be replaced the first time for \$5.00; the second time \$10.00; the third time \$20.00; and thereafter at the original cost of the highest priced permit plus \$5.00.

Recovered lost or stolen permits should be returned to the Parking Services Office immediately.

(6) ~~((Special permits are to be displayed as instructed by parking personnel. Decals, area designators, and special permits not displayed as stated will be considered invalid.))~~ To enhance the business and operation of the university "all lots" decals or official business permits may be issued by the Parking Manager. Requests for all lots decals require annual written justification and the signature of the dean, director, or chairperson of the department with which the person is associated. Requests may also require the approval of the Transportation and parking advisory committee. Issuance requires purchase of a "G" parking permit and permits will be in effect the same period of time. These permits are valid for brief periods of time only when on university business and are not valid in metered lots, specifically reserved spaces, or small capacity lots.

(7) ~~((Parking decals, designators, and special permits may not be transferred to any other vehicle.))~~ Persons with a temporary or permanent physical disability who require special parking consideration must furnish to the Parking Manager a physician's certification of the request on forms provided by the Parking Services Office. (This certification does not apply to persons whose vehicles bear a state-issued handicapped license or permit.)

(8) ~~((Current decals and permits must be removed when the vehicle is destroyed or changes ownership. Replacement decals and permits will be issued at no cost provided the old permit/decal is returned.))~~ All permits are the property of the university and may be recalled by the Parking Manager under the following circumstances:

(a) When the purpose for which they were issued changes or ceases to exist.

(b) Falsification of an application or registration for parking.

(c) Violations of the regulations in this chapter.

(d) Counterfeiting or altering a permit.

(e) Failure to comply with a judgment of the Parking Appeals Board.

(f) Failure to pay outstanding citations.

(9) ~~((Lost or stolen decals will be replaced provided a report is made to the Office of Public Safety (if stolen) and a statement is signed at the Parking Services Office. A fee will be charged for replacement of lost decals and/or pool and multiple vehicle cards.))~~ Annual, academic, and quarterly parking space assignments for each year beginning September 15 and ending September 14 will be available according to a schedule determined and publicized by the Parking Manager.

(a) Annual permits are valid for 12 months: September 15 through September 14.

(b) Academic permits are valid for 9 months: September 15 through June 14.

(c) Quarterly permits are valid from the first day of the quarter for which issued until the first day of the succeeding quarter.

(d) Those persons desiring to consecutively renew a quarterly permit for winter, spring, and summer quarters to the same parking lot as assigned for fall quarter may do so during the two weeks prior to finals week each quarter. All spaces not renewed will go on open sale finals week of each quarter. Permits may not be renewed for fall quarter.

(10) ~~((Persons who wish to form car pools with other members of the university community or who own and wish to park different vehicles on campus will be issued pool or multiple vehicle decals. In either case, each vehicle must be registered and the decal is not valid without the display of a pool or multiple vehicle card which is transferrable from car to car. Persons who have been issued pool or multiple vehicle decals may have only one vehicle parked on campus at any one time during the hours of enforcement.))~~ Special permits may include, but

are not limited to: Guest, service/vendor, temporary assignment, visitor, and loading permits authorized by the Parking Manager.

~~(11) ((To enhance the business or operation of the university, all lots) decals may be issued by the Parking Manager. Requests for all lots decals require annual written justification and the signature of the dean, director, or department chairperson of the department with which the person is associated. Requests may also require the approval of the Transportation and Parking Advisory Committee. Issuance of all lots decals require purchase of a parking decal and will be in effect for the same period of time. All lots decals are valid for brief periods of time only when on university business and are not valid in metered lots, specifically reserved spaces, or small capacity lots.)) Faculty, staff, or students who have purchased a hanging parking permit but forget to place it on the vehicle they are driving to campus and those who have not purchased a permit must obtain a temporary permit from the Parking Services Office or the Visitor Information Center at the cost of a daily visitor permit. Temporary permits are issued for the lot assigned or, if no permit has been purchased, for available spaces, not for visitor lots.~~

~~(12) ((Persons with a temporary or permanent physical disability who require special parking consideration must furnish to the Parking Manager a physician's certification of the request on forms provided by the Parking Services Office. (This certification does not apply to persons whose vehicles bear a state-issued handicapped license.)) Faculty, staff, or students who purchase an annual, academic, or quarterly parking permit may use the permit on any vehicle but may not transfer ownership of the permit. The individual to whom a permit is issued is responsible for parking violations by any vehicle bearing the permit.~~

~~((13) Decals, permits and area designators are the property of the university and may be recalled by the Parking Manager under the following circumstances:~~

~~(a) When the purpose for which they were issued changes or ceases to exist:~~

~~(b) When they are used on a vehicle other than the one for which they were issued:~~

~~(c) Falsification of an application for parking or a vehicle registration:~~

~~(d) Violation of the regulations in this chapter:~~

~~(e) Counterfeiting or altering a decal, area designator, or permit:~~

~~(f) Failure to comply with a judgment of the Parking Appeals Board:~~

~~(g) Failure to pay outstanding citations:~~

~~(14) Annual, academic, and quarterly parking space assignments for each year beginning September 15 and ending September 14 will be available according to a schedule determined and publicized by the Parking Manager:~~

~~(a) Annual decals are valid from the first day of the quarter for which issued until the first day of the succeeding quarter:~~

~~(b) Academic decals are valid for 9 months, September 15 through June 14:~~

~~(c) Quarterly decals are valid from the first day of the quarter for which issued until the first day of the succeeding quarter:~~

~~(15) Special permits may include, but are not limited to, part-time, guest, service/vendor, temporary assignment, visitor, loading, and replacement vehicle permits authorized by the Parking Manager.))~~

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.

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.

Reviser's note: RCW 28B.19.077 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 6-02-83, filed 6/28/84 [6/28/83])

WAC 516-12-460 FEES. (1) Fee schedules will be submitted by the President or his designee to the Board of Trustees for approval by motion and will thereafter be posted in the public area of the Parking Services Office.

(2) Cost of ((decals)) permits will be pro-rated throughout the year according to type ((of decal)) and date purchased and will be posted in the Parking Services Office.

(3) Refunds may be made ((on decals purchased)) based on the valid time remaining upon application by the ((decal)) permit holder or upon revocation of the ((decal)) permit by the Parking Manager. Unpaid citation fines will be deducted from any refund.

(a) The ((decal)) permit holder must return the ((decal)) permit to the Parking Services Office before a refund will be authorized or a payroll deduction be terminated.

(b) A service charge will be assessed for any ((decal)) permit returned during the first ten days of Fall quarter.

(c) A service charge will be assessed for quarterly ((decals)) permits returned during the first ten days of the quarter for which valid.

(d) No refund will be made for any ((decals)) permit during the last two weeks of the period for which issued.

(4) A service charge will be assessed for:

(a) Change of ((decals)) permit when a lot transfer is requested by the ((decal)) permit holder and approved by the Parking Manager.

(b) Replacement of ((a pool or multiple vehicle card or lost decals.)) permits unless old permit is returned in identifiable condition.

(5) Full-time ((faculty and staff)) employees have the option of paying for parking through payroll deduction.

(6) Pro-rated fees will be charged for part-time permits and a visitor fee will be charged.

(7) The proper fee must be paid for all vehicles parked in metered lots unless otherwise authorized.

(8) For fees regarding lost or stolen permits, see WAC 516-12-450(5).

(9) Permit holders who forget their permit or any driver without a permit must purchase a temporary permit at current visitor fees.

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

Reviser's note: RCW 28B.19.077 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 6-02-83, filed 6/28/83)

WAC 516-12-470 ENFORCEMENT. (1) General

(a) A vehicle which is parked in a manner which endangers or potentially endangers members of the university community or their property, state property, and/or prevents a person having a valid ((decal or)) permit from parking in their designated parking area, will be impounded on the first violation.

(b) Upon receiving a third parking citation with two previous unpaid parking citations outstanding for more than 72 (seventy-two) hours, a vehicle is subject to impound.

(c) A student with unpaid parking citations may not be allowed to have a copy of his/her transcript released by the Registrar's Office.

(d) Parking ((decals/)) permits will not be issued until all outstanding citations are paid.

(e) After identifying the registered owner of any vehicle ((with or)) without a parking ((decal or)) permit or a permit number which has ((five)) three or more unpaid citations, the Parking Services Office will contact the owner in writing that payment is required. If payment for outstanding citations is not made by the date required, the matter will be referred to the appropriate civil court for resolution.

(f) The operator and owner(s) of a vehicle which is involved in a violation of the university's parking regulations are jointly and severally responsible for the violation. The person to whom a permit is issued is responsible for all citations issued to that permit number.

(g) These enforcement measures are cumulative and resort to one or more will not waive or impair the university's right to use any other enforcement measure.

(h) The fine and penalty for illegal possession of a lost or stolen permit will be a fine equal to the original value of the highest priced permit plus \$5.00 and revocation of parking privileges for a period of one year.

(2) When Regulations Are In Effect

(a) Except as stated in b and c of this section, the regulations in this chapter will be enforced throughout the calendar year from 7 a.m. to 5 p.m. but will not be enforced on Saturdays, Sundays, and official university holidays unless otherwise posted. For purposes of this section, intermissions are not considered a university holiday.

(b) A vehicle which is parked in a manner which endangers or potentially endangers members of the university or their property or state

property will be impounded on the first violation regardless of when the violation occurs.

(c) Intersession regulations will be determined and published by the Parking Manager as required.

(3) Night Parking

(a) The hours of night parking are 5 p.m. to 7 a.m.

(b) During the hours of night parking allots except "C" (Campus Resident) lots and reserved spaces in any lot are open to parking unless otherwise designated by the Parking Manager.

(c) "C" parking lots are restricted to "C" decal holders at all times.

(4) Citations. A vehicle which is in violation of the university's parking regulations will be issued a citation, and fines will be assessed for violations of these regulations according to the following schedule:

(a) \$3.00 violations

(i) No valid permit displayed

(ii) Parking at an expired meter

(iii) Parking out of assigned area

(iv) ~~((Pool or multiple vehicle card not displayed))~~ Overtime parking

(v) ~~((Overtime parking))~~ Parking in a no parking zone

(vi) ~~((Parking in a no parking zone))~~ Occupying more than one space

(vii) ~~((Occupying more than one space))~~ parking in a reserved or restricted area

(viii) ~~((Parking in a reserved or restricted area))~~ Parking in a driveway or walkway

(ix) ~~((Parking in a driveway or walkway))~~ Improper display of permit and/or designator

~~((x Improper display of permit, decal, and/or area designator))~~

(b) \$5.00 violations

(i) Blocking traffic

(ii) Parking in prohibited area (except handicapped spaces)

(iii) Parking on grass or landscaped area

(c) \$10.00 violation. Use of forged or stolen area designator.

(d) \$25.00 violations

(i) Use of forged ~~((or stolen vehicle))~~ permit ~~((or decal))~~

(ii) Parking in a designated handicapped space

(iii) Parking within ten feet of a fire hydrant

(e) Citations will remain in effect for a period of five years.

(5) Continued Violations. A vehicle which remains in violation of any regulations may receive additional citations for every four (4) hours of the violation.

(6) Impoundment

(a) All violators are subject to having their vehicles impounded at their own risk and expense

(i) upon receiving a third parking citation with two previous unpaid citations outstanding for more than 72 hours.

(ii) when the vehicle is parked in such a manner as to endanger the university community, or

(iii) the vehicle is parked so as to deprive a permit holder of his/her parking space, or

(iv) when a vehicle is left under circumstances which indicate it has been abandoned, or

(v) when a vehicle displays a permit that has been reported lost or stolen.

(b) The operator/owner of the vehicle must provide positive personal identification and proof of ownership of the vehicle and pay all outstanding citations at the Parking Services Office (or Public Safety Office when Parking Services Office is closed) before a vehicle release form is completed.

(i) The release form is issued to the vehicle operator/owner who must then present it in person at the towing company and pay all towing charges including any storage fees incurred.

(ii) A towing fee is charged if the driver of the tow truck has performed any labor prior to the operator/owner returning to the vehicle before the impound is completed.

(7) It is prohibited to park:

(a) without a valid permit;

(b) double parked;

(c) in reserved spaces without a proper permit;

(d) in no parking areas;

(e) in a handicapped space without a proper permit;

(f) in fire lanes, service roads, fire exits or within 10 feet of a fire hydrant;

(g) in loading zones unless actually loading (time is limited);

(h) in service entrances, construction sites, spaces reserved for maintenance vehicles, handicapped access areas, dumpster access;

(i) on lawns, sidewalks, crosswalks, parking lot driveways; straddling painted lines or buttons, or angle parking where prohibited;

(j) exceeding time in time-limited or metered spaces;

(k) in areas where permit is not valid;

(l) over or adjacent to yellow lines or curbs;

(m) against the flow of traffic;

(n) in areas or spaces closed by barricades or other control devices.

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.

Reviser's note: RCW 28B.19.077 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 85-09-051

PROPOSED RULES

HORSE RACING COMMISSION

[Filed April 17, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Horse Racing Commission intends to adopt, amend, or repeal rules relating to penalties for misuse of permitted medication, amending WAC 260-70-100;

that the agency will at 11:00, Tuesday, May 21, 1985, in the Washington Horse Breeders Association Sales Pavillion, S.E. Corner of Longacres Race Track Grounds, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 67.16.020 and 67.16.040.

The specific statute these rules are intended to implement is RCW 67.16.020.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 16, 1985.

Dated: April 16, 1985

By: Bill Aliment

Executive Secretary

STATEMENT OF PURPOSE

In the matter of amending WAC 260-70-100 relating to the rules of horse racing.

WAC 260-70-100 is proposed for amendment as indicated in the notice of intention to adopt rules filed this date with the code reviser.

The amendment to the existing rule is proposed pursuant to RCW 67.16.020 and 67.16.040, under the general rule-making authority of the Washington Horse Racing Commission.

The amendment to the existing rule is for the following reasons: The proposed amendment to WAC 260-70-100 is intended to clarify the application of penalties relating to permitted medication. The focus of the rule is shifted from a concept of misuse to more a concept of overuse. The penalties are adjusted somewhat in carrying out this notion. The financial penalties are retained but, after two occurrences in a single year, the matter

would be automatically referred to the Racing Commission for further action. The license suspension provision is deleted so that it is not automatic but yet, is still a sanction that can be administered by the Racing Commission as the case merits it.

Bill Aliment, Executive Secretary, Suites B and C, 210 East Union Avenue, Olympia, Washington 98504, telephone number 753-3741, and members of the commission staff were responsible for the drafting of the amendment and are to be responsible for its implementation and enforcement.

The proponent of the amendment is the Washington Horse Racing Commission, Warren Chinn, Chairman.

The Washington Horse Racing Commission recommends the adoption of the amendment. It was drafted in consultation with members of the horse racing industry.

WAC 260-70-100 is not necessary as the result of any federal law, state law or court action.

This certifies that copies of this statement are on file with the Racing Commission, are available for public inspection, and that three copies of this statement are this date being forwarded to the Secretary of the Senate and to the Chief Clerk of the House of Representatives.

Small Business Economic Impact Statement: The amendment to WAC 260-70-100 is not anticipated to affect more than twenty percent of all industries, nor more than ten percent of any one industry as defined by section 2(3), chapter 6, Laws of 1982. Therefore, a small business economic impact statement has not been prepared.

AMENDATORY SECTION (Amending Order 84-01, filed 3/7/84)

WAC 260-70-100 PENALTIES RELATING TO ~~((MISUSE))~~ OVERAGE OF PERMITTED MEDICATION. Should the laboratory analysis of urine or blood taken from a horse, other than a two-year old, show the presence of more than one approved nonsteroidal anti-inflammatory drug (NSAID) in violation of WAC 260-70-021, or the presence of phenylbutazone in excess of the quantities authorized by WAC 260-70-090, or, the presence of furosemide without permission from the commission veterinarian, the stewards or commission shall levy the following penalties against each person found responsible:

- (1) For a first offense within any calendar year, a fine of \$300;
- (2) The second offense, within any calendar year, ~~\$(1,000))~~500;
- (3) For a third offense, within any calendar year, ~~((license suspension for one year))~~ a fine of \$500 and the matter is referred to the racing commission for further action.

If any NSAID or other permitted medication is found in the body of a horse which alone or in combination with a second medication is of such a quantity so as to interfere with the testing process the penalties for use of a prohibited drug or medication shall apply irrespective of the provisions of this rule. The finding of any diuretic, including Lasix (furosemide), in the body of a horse shall constitute the presence of an interfering substance and the penalties for use of a prohibited drug or medication shall apply, unless the horse is on the official commission bleeder list.

WSR 85-09-052
PROPOSED RULES
STATE BOARD OF EDUCATION
[Filed April 17, 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 courses of study and equivalencies, chapter 180-50 WAC;

that the agency will at 9:00 a.m., Thursday, May 30, 1985, in the Student Union Building, St. Martin's College, 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 Friday, May 31, 1985.

The authority under which these rules are proposed is RCW 28A.04.120 (6) and (8) and 28A.05.060.

Dated: April 17, 1985

By: Monica Schmidt
Secretary

STATEMENT OF PURPOSE

Rule: Chapter 180-50 WAC, Courses of study and equivalencies.

Rule Sections: WAC 180-50-120 Washington state history and government requirements; and 180-50-315 Equivalency course of study—Credit for work experience.

Statutory Authority: RCW 28A.04.120 (6) and (8) and 28A.05.060.

Purpose of the Rules: Two sections of this chapter require change as a result of amendments to RCW 28A.05.060.

Summary of the New Rules and/or Amendments: WAC 180-50-120 amends the Washington state history and government requirement; and 180-50-315 amends the work experience credit to reflect an annualized credit.

Reasons Which Support the Proposed Actions: Amendments are necessary due to changes in the high school graduation requirements related to Washington state history and government and the definition of credit.

Person or Organization Proposing the Rules: SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Implementation and Enforcement: Alfred Rasp, SPI, 3-3449.

The Rules 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 Rules: The above proposed amendments to chapter 180-50 WAC anticipate the passage of ESB 4140 by the 1985 legislature. If so, current administrative rules must be amended in advance of the July 1, 1985, effective date of the new statutory requirements. If not, these proposed amendments will be withdrawn.

AMENDATORY SECTION (Amending Order 1-85, filed 1/25/85)

WAC 180-50-120 WASHINGTON STATE HISTORY AND GOVERNMENT ~~((=GRADE SCHOOL AND HIGH SCHOOL))~~ REQUIREMENTS. (1) Grades 1-~~((8))~~6. A one semester course—i.e., 90 (50 minute) hours of instruction—or its equivalent in Washington state history and government shall be required in the common schools in ~~((the grade school (grades 1-8) program))~~ grades one through six.

(2) Grades ~~((9))~~7-12. A one semester course—i.e., 90 (50 minute) hours of instruction—or its equivalent in Washington state history and government shall be required in the common schools in ~~((the high school (grades 9-12) program))~~ grades seven through twelve. Such course shall include a study of the Washington state Constitution.

Pursuant to RCW 28A.02.080, 28A.05.050, and 28A.05.060 this course also shall be required for high school graduation unless waived pursuant to WAC 180-51-075.

AMENDATORY SECTION (Amending Order 12-84, filed 10/4/84)

WAC 180-50-315 EQUIVALENCY COURSE OF STUDY—CREDIT FOR WORK EXPERIENCE. School districts may accept work experience training in lieu of either required or elective high school credits if such experience training meets the following standards:

- (1) The work program shall be supervised by the school;
- (2) The work experience shall be definitely related to the school program of the student;
- (3) Credit given for work experience shall represent growth in the student and the type of work done should have definite educational value;
- (4) The job in which experience is gained shall provide varied experiences;
- (5) A work experience program shall be supplemented by an adequate program of guidance, placement, follow-up and coordination between job and school;
- (6) Work experience as a planned part of a school subject may be included in the credit given for that subject;
- (7) One credit may be granted for not less than ~~((one))~~ four hundred ~~((thirty-))~~ five hours of work experience related to a student's school program;
- (8) A student participating shall be legally employed and must have passed his sixteenth birthday;
- (9) An employer's report of the student's work record, indicating satisfactory progress on the job, shall be filed with the school; and
- (10) The regular state apprenticeship program, in which the training is worked out cooperatively with the school and meets the standards for high school graduation, is acceptable.

WSR 85-09-053
PROPOSED RULES
STATE BOARD OF EDUCATION
[Filed April 17, 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 high school graduation requirements, chapter 180-51 WAC;

that the agency will at 9:00 a.m., Thursday, May 30, 1985, in the Student Union Building, St. Martin's College, 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 Friday, May 31, 1985.

The authority under which these rules are proposed is RCW 28A.05.060.

Dated: April 17, 1985
By: Monica Schmidt
Secretary

STATEMENT OF PURPOSE

Rule: Chapter 180-51 WAC, High school graduation requirements.

Rule Sections: WAC 180-51-050 High school credit—Definition; 180-51-055 Minimum credits for high school graduation; 180-51-060 Minimum subject areas for high school graduation; 180-51-062 Fine, visual, or performing arts requirement; 180-51-065 Sequential requirement for English, mathematics and science—

Exception for transfer students from without the state, for students who fail a required course, and special accommodations; 180-51-070 Laboratory science requirement; 180-51-075 Social studies requirement—Mandatory courses—Equivalencies; 180-51-080 Occupational education requirement; 180-51-085 Physical education requirement—Excuse; 180-51-100 Temporary exemption from 1985 course requirements; and 180-51-110 Equivalency credit for alternative learning experiences, nonhigh school courses, work experience, and challenges.

Statutory Authority: RCW 28A.05.060.

Purpose of the Rules: To establish high school graduation requirements.

Summary of the New Rules and/or Amendments: WAC 180-51-050 amends section to reflect an annualized definition of high school credit; 180-51-055 amends the number of credits required for high school graduation; 180-51-060 amends the minimum subject areas and credits for high school graduation; new section 180-51-062 gives notice of the July 1, 1987, fine, visual or performing arts graduation requirement; 180-51-065 amends the sequential requirement to reflect an annualized definition of high school credit; 180-51-070 amends the credit requirement for laboratory science; 180-51-075 amends the Washington state history and government requirement; 180-51-080 amends the credit requirement for occupational education; 180-51-085 amends the credit requirement for physical education; 180-51-100 amends the temporary exemptions from the 1985 graduation requirements; and 180-51-110 amends the definition of work experience credit.

Reasons Which Support the Proposed Actions: Amendments to RCW 28A.05.060 require that changes be made in some sections of chapter 180-51 WAC.

Person or Organization Proposing the Rules: SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Implementation and Enforcement: Alfred Rasp, SPI, 3-3449.

The Rules 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 Rules: The above proposed amendments to chapter 180-51 WAC anticipate the passage of ESB 4140 by the 1985 legislature. If so, current administrative rules must be amended in advance of the July 1, 1985, effective date of the new statutory requirements. If not, these proposed amendments will be withdrawn.

AMENDATORY SECTION (Amending Order 7-84, filed 5/17/84)

WAC 180-51-050 HIGH SCHOOL CREDIT—DEFINITION. As used in this chapter the term "high school credit," the equivalency of one year of study, shall mean:

- (1) At the high school level, ~~((60))~~ 180 (50 minute) hours of planned in-school instruction or ~~((3,000))~~ 9,000 minutes (i.e., 150 hours equal((s)) one high school credit);
- (2) At the adult education level, ~~((60))~~ 180 (50 minute) hours of planned in-school instruction or ~~((3,000))~~ 9,000 minutes or, in lieu thereof, ~~((30))~~ 90 (50 minute) hours or more of planned in-school instruction with three hours of planned individual study (homework) substituted for each 50 minute hour of in-school instruction less than ~~((60))~~ 180 (i.e., equal((s)) one high school credit); and

(3) At the college or university level, ~~((three))~~ nine quarter or ~~((two))~~ six semester hour credits (i.e., equal(s)) one high school credit).

AMENDATORY SECTION (Amending Order 7-84, filed 5/17/84)

WAC 180-51-055 MINIMUM CREDITS FOR HIGH SCHOOL GRADUATION. The minimum credits for high school graduation shall be ~~((fifty-four))~~ eighteen credits.

AMENDATORY SECTION (Amending Order 7-84, filed 5/17/84)

WAC 180-51-060 MINIMUM SUBJECT AREAS FOR HIGH SCHOOL GRADUATION. The minimum subject areas and credits therein shall be:

| SUBJECT | CREDIT |
|---|------------------------|
| English | ((9)) <u>3</u> |
| Mathematics | ((6)) <u>2</u> |
| Science | ((6)) <u>2</u> |
| Social Studies | ((7-1/2)) <u>2 1/2</u> |
| United States History and Government | ((3)) <u>(1)</u> |
| Washington State History and Government | ((1-1/2)) <u>(1/2)</u> |
| Contemporary World History, Geography, and Problems | ((3)) <u>(1)</u> |
| Occupational Education | ((3)) <u>1</u> |
| Physical Education | ((6)) <u>2</u> |
| ((<u>*Sec WAC 180-51-075 for equivalencies.</u>)) | |
| <u>Electives</u> | <u>5 1/2</u> |
| <u>Total</u> | <u>18</u> |

The ~~((remainder of the fifty-four))~~ minimum elective credits ~~((for high school graduation may be in elective subject areas, additional credits in required subjects or local requirements. As a general rule, three credits equal one year))~~ shall be met by additional courses in the required subject areas, by specific local district requirements, or by any course offered pursuant to WAC 180-50-115.

NEW SECTION

WAC 180-51-062 FINE, VISUAL, OR PERFORMING ARTS REQUIREMENT. Notice is given that section 4, chapter —, Laws of 1985, has established an additional one credit graduation requirement for students commencing the ninth grade subsequent to July 1, 1987. Students shall fulfill the one credit requirement from fine, visual, or performing arts, any of the subject areas as set forth in RCW 28A.05-.060 or any combination thereof. Appropriate amendments to chapter 180-51 WAC will be made prior to July 1, 1987.

AMENDATORY SECTION (Amending Order 7-84, filed 5/17/84)

WAC 180-51-065 SEQUENTIAL REQUIREMENT FOR ENGLISH, MATHEMATICS, AND SCIENCE—EXCEPTION FOR TRANSFER STUDENTS FROM WITHOUT THE STATE, FOR STUDENTS WHO FAIL A REQUIRED COURSE, AND SPECIAL ACCOMMODATIONS. English, mathematics, and science credit shall not be applied toward the subject area requirements in WAC 180-51-060 at a rate exceeding one credit per ~~((trimester or one and one-half credits per semester))~~ year. High schools may make exceptions to this sequential requirement for high school students:

- (1) Who transfer from without the state who have already earned ~~((fifteen))~~ five or more credits but who will not be able to make normal progress toward graduation with their class without an exception; and
- (2) Who fail a course and jointly enroll in the failed course and another course in the same subject area if such other course does not require the failed course as a prerequisite and the students are not able to make normal progress toward graduation with their class without an exception.

Additional credits in these subjects in excess of the one credit per ~~((trimester or semester))~~ year rate of accumulation shall be counted toward the minimum state credit requirement or local requirements if applicable.

Special accommodations may be provided for an individual student, or in lieu thereof, exemption from any requirement in this section, if such requirement impedes the student's progress toward graduation and there is a direct relationship between the failure to meet the requirement and the student's ability.

AMENDATORY SECTION (Amending Order 7-84, filed 5/17/84)

WAC 180-51-070 LABORATORY SCIENCE REQUIREMENT. At least ~~((three))~~ one credit(s) of the ~~((six))~~ two science credits shall be in a laboratory science.

AMENDATORY SECTION (Amending Order 7-84, filed 5/17/84)

WAC 180-51-075 SOCIAL STUDIES REQUIREMENT—MANDATORY COURSES—EQUIVALENCIES. The social studies requirement in WAC 180-51-060 shall consist of the following mandatory courses or equivalencies:

(1) Pursuant to the provisions of RCW 28A.02.080 ~~((and))~~, 28A-.05.050 ~~((three))~~, and 28A.05.060, one credit(s) shall be required in United States history and government which shall include study of the Constitution of the United States. No other course content may be substituted as an equivalency for this requirement;

(2) Pursuant to the provisions of RCW 28A.02.080 ~~((and))~~, 28A-.05.050, ~~((one))~~ and 28A.05.060, one-half credit(s) shall be required in Washington state history and government which shall include study of the Constitution of the state of Washington. ~~((Equivalency credit may be given a student who transfers from without the state for credit in northwest history and government.))~~ The provisions of WAC 180-51-030 notwithstanding, the Washington state history and government course requirement may be fulfilled by students in grades seven or eight or both. Credits earned in grades seven or eight shall not be applied toward the minimum number of credits required for high school graduation. For students who transfer from without the state, northwest history and government may serve as an equivalent course for Washington state history and government in grades seven through twelve if such course included the study of the Constitution of the state of Washington pursuant to RCW 28A.02.080 or if this statutory requirement is fulfilled through an alternative learning experience. The Washington state history and government requirement for twelfth grade students who transfer from without the state who have or will have earned ~~((six))~~ two credits in social studies at graduation but who will not be able to make normal progress toward graduation with their class without an exception may have this requirement waived by their principal;

(3) Pursuant to the provision of chapter 28A.05 RCW, ~~((three))~~ one credit(s) shall be required in contemporary world history, geography, and problems. Courses in economics, sociology, civics, political science, international relations, or related courses with emphasis on current problems may be accepted as equivalencies.

AMENDATORY SECTION (Amending Order 7-84, filed 5/17/84)

WAC 180-51-080 OCCUPATIONAL EDUCATION REQUIREMENT. The ~~((three))~~ one credit occupational education requirement may be met by any approved vocational education course or any course which qualifies as a work skill pursuant to RCW 28A.58-.754 (1)(b).

AMENDATORY SECTION (Amending Order 7-84, filed 5/17/84)

WAC 180-51-085 PHYSICAL EDUCATION REQUIREMENT—EXCUSE. The ~~((six))~~ two credit physical education requirement shall be met by physical education courses. Students shall be excused from physical education pursuant to RCW 28A.05.040. Such excused students shall be required to substitute equivalency credits in accordance with policies of boards of directors of districts.

AMENDATORY SECTION (Amending Order 7-84, filed 5/17/84)

WAC 180-51-100 TEMPORARY EXEMPTION FROM 1985 ~~((GRADUATION))~~ COURSE REQUIREMENTS ~~((FOR HIGH SCHOOLS WITH FEWER THAN FOUR HUNDRED STUDENTS))~~. The board of directors of any school district ~~((containing a high school with fewer than four hundred students may petition the state board of education for a temporary delay in the implementation of the 1985 graduation requirements as provided in this chapter. A delay shall be granted for one year if such board of directors states with in its petition that the high school affected does not currently have~~

~~within its staff certified persons qualified to teach the additional courses required by the 1985 graduation requirements)) may petition the state board of education for temporary exemption from the course requirements specified in RCW 28A.05.060;~~

~~(1) A delay of one year may be granted if such board states within its petition that the high school affected has fewer than four hundred students and does not have within its staff certified persons qualified to teach the additional courses required by the 1985 graduation requirements;~~

~~(2) A delay of one year may be granted if such board states within its petition that the implementation of the 1985 requirements would be disruptive to the scheduling of classes and the assignment of teachers due to a reorganization of the district's grade configuration from a grade ten through twelve high school program to a grade nine through twelve program.~~

AMENDATORY SECTION (Amending Order 7-84, filed 5/17/84)

WAC 180-51-110 EQUIVALENCY CREDIT FOR ALTERNATIVE LEARNING EXPERIENCES, NONHIGH SCHOOL COURSES, WORK EXPERIENCE, AND CHALLENGES. The board of directors of a district offering a high school diploma shall adopt rules providing for the granting of high school graduation credit for alternative learning experiences, nonhigh school courses, work experience, and challenges. High school credits may be given for:

- (1) Planned learning experiences conducted away from the school under the supervision or with the approval of the school;
- (2) Work experience on the basis that ~~((one))~~ four hundred ~~((thirty-five))~~ five hours of work experience equals one credit;
- (3) National guard high school career training;
- (4) Postsecondary courses in accredited colleges and universities;
- (5) Courses in accredited or approved vocational-technical institutes;
- (6) Correspondence courses from accredited colleges and universities or schools approved by the National University Extension Association or the National Home Study Council;
- (7) Other courses offered by any school or institution if specifically approved for credit by the district; and
- (8) Credit based on competency testing, in lieu of enrollment or taking specific courses, may be granted by the district.

WSR 85-09-054
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(General Provisions)
 [Filed April 17, 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 fees, amending chapter 440-44 WAC; that the agency will at 2:00 p.m., Wednesday, May 22, 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 May 31, 1985.

The authority under which these rules are proposed is RCW 43.20A.055.

The specific statute these rules are intended to implement is RCW 43.20A.055.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 22, 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 Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, phone (206) 753-7015, by May 14, 1985. The meeting site is in a location which is barrier free.

Dated: April 17, 1985
 By: David A. Hogan, Director
 Division of Administration and Personnel

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.025.

Amending WAC 440-44-035, 440-44-040, 440-44-050, 440-44-057, 440-44-065, 440-44-075, and adding WAC 440-44-058 and 440-44-076.

Purpose of the Rule Changes: To update the license fees based on the annual cost study.

Reason the Changes are Necessary: To generate revenue to cover the costs incurred in issuing the licenses.

Statutory Authority: Section 2, chapter 201, Laws of 1982.

Summary of Rule Changes: Adjust construction review fees; adjust medical facilities and boarding homes licensing fees; adjust radiation machine facility registration fees (x-ray); adjust radioactive materials license fees; add new section establishing fees for additional services for radioactive materials licensing; adjust shellfish program certification fees; adjust transient accommodation license fees; and add new section establishing environmental health inspection fees for state institutions, community colleges, ferries and other state of Washington facilities.

Person Responsible for Drafting, Implementation and Enforcement of the Rules: Dick Jones, Program Fiscal Manager, Division of Health, mailstop ET-22, phone 753-3934.

Rule Changes Proposed by: John A. Beare, M.D., M.P.H., Director, Division of Health, DSHS.

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

The fees established by these regulations are assessed based on the dollar value of the application being reviewed. Since the fees are determined by the dollar value of the project rather than the size of the organization making the application, there is not a disproportionate impact between small and large businesses. In addition, it is anticipated that review activity will be minimal to nonexistent for those businesses with less than 50 employees.

AMENDATORY SECTION (Amending Order 1965, filed 6/1/83)

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

| Estimated Cost Range of Construction Project | Standard Project Review Fee |
|--|-----------------------------|
| \$ 0 to \$ 499 | \$ ((50))60 |
| 500 to 999 | ((100))120 |
| 1,000 to 1,999 | ((150))180 |
| 2,000 to 2,999 | ((200))240 |
| 3,000 to 4,999 | ((250))300 |
| 5,000 to 9,999 | ((300))360 |
| 10,000 to 19,999 | ((400))480 |
| 20,000 to 29,999 | ((500))600 |
| 30,000 to 39,999 | ((600))720 |
| 40,000 to 49,999 | ((700))840 |
| 50,000 to 64,999 | ((800))960 |
| 65,000 to 79,999 | ((900))1,080 |
| 80,000 to 99,999 | ((1,000))1,200 |
| 100,000 to 124,999 | ((1,250))1,500 |
| 125,000 to 149,999 | ((1,500))1,800 |
| 150,000 to 199,999 | ((1,750))2,100 |
| 200,000 to 249,999 | ((2,000))2,400 |
| 250,000 to 324,999 | ((2,250))2,700 |
| 325,000 to 449,999 | ((2,500))3,000 |
| 450,000 to 574,999 | ((2,750))3,300 |
| 575,000 to 699,999 | ((3,000))3,600 |
| 700,000 to 849,999 | ((3,500))4,200 |
| 850,000 to 999,999 | ((4,000))4,800 |
| 1,000,000 to 1,249,999 | ((4,500))5,400 |
| 1,250,000 to 2,499,999 | ((5,000))6,000 |
| 2,500,000 to 2,999,999 | ((5,500))6,600 |
| 3,000,000 to 3,499,999 | ((6,000))7,200 |
| 3,500,000 to 4,999,999 | ((6,500))7,800 |
| 5,000,000 to 6,999,999 | ((7,500))9,000 |
| 7,000,000 to 9,999,999 | ((8,500))10,200 |
| 10,000,000 to 14,999,999 | ((9,500))11,400 |
| 15,000,000 to 19,999,999 | ((11,000))13,200 |
| 20,000,000 to 29,999,999 | ((12,500))15,000 |
| 30,000,000 to 39,999,999 | ((14,000))16,800 |
| 40,000,000 and over | ((16,000))19,200 |

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

- (a) Chapter 18.20 RCW and chapter 248-16 WAC, Boarding homes.
- (b) Chapter 18.46 RCW, Maternity homes, and chapter 248-29 WAC, Childbirth centers.
- (c) Chapter 18.51 RCW and chapter 248-14 WAC, Nursing homes.
- (d) Chapter 71.12 RCW, Private establishments, and chapter 248-22 WAC, Licensing regulations for private psychiatric and alcoholism hospitals and minimum licensing standards for alcoholism treatment facilities.
- (e) Chapter 71.12 RCW, Private establishments, and chapter 248-23 WAC, Residential treatment facilities for psychiatrically impaired children and youth.
- (f) Chapter 70.41 RCW, Hospital licensing and regulation, and chapter 248-18 WAC, Hospitals.
- (g) Chapter 70.41 RCW, Hospital licensing and regulation, and chapter 248-21 WAC, Hospice care center.

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

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

- (a) All architectural-engineering designs, plans, drawings, and specifications.
- (b) All fixed and/or installed equipment in the project.
- (c) Contractor supervision, inspection, and overhead.

AMENDATORY SECTION (Amending Order 2109, filed 6/7/84)

WAC 440-44-040 MEDICAL FACILITIES AND BOARDING HOMES LICENSING FEES. (1) Hospitals: The annual fee shall be sixteen dollars and fifty cents for each bed space within the licensed

bed capacity of the hospital. The licensed bed capacity of a hospital shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-18 WAC for twenty-four hour assigned patient rooms including neonatal intensive care bassinets. Bed spaces not used for twenty-four hour assigned patient use, in compliance with the physical plant requirements of chapter 248-18 WAC but not containing the required movable equipment, will be included in the licensed bed capacity: PROVIDED, That the hospital certifies to the department the hospital currently possesses the required movable equipment. The licensed bed capacity shall exclude all normal infant bassinets. The number of licensed bed spaces shall be limited in accordance with decisions made under chapter 70.38 RCW, and bed additions subsequent to the establishment of each hospital's licensed bed capacity by the department shall be subject to review under chapter 70.38 RCW. The number of twenty-four hour assigned patient beds set up in a hospital shall not exceed the hospital's licensed bed capacity.

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

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

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

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

(5) Boarding homes: The annual fee shall be ~~((eight))~~ twelve dollars times the licensed resident capacity of the boarding home. The licensed resident capacity is the capacity determined by the boarding home and approved by the department. The licensed resident capacity shall be consistent with the physical plant and movable equipment requirements of chapter 248-16 WAC for resident sleeping rooms. The number of residents in a boarding home shall not exceed the licensed resident capacity of the boarding home. The term "resident" as used herein is defined in WAC 248-16-001.

(6) Residential treatment facilities for psychiatrically impaired children and youth: The annual fee shall be ~~((forty-seven))~~ fifty dollars for each bed space within the licensed bed capacity of the residential treatment facility for psychiatrically impaired children and youth. The licensed bed capacity of a residential treatment facility for psychiatrically impaired children and youth shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-23 WAC for client sleeping rooms. The number of beds set up in a residential treatment facility for psychiatrically impaired children and youth shall not exceed the residential treatment facility for psychiatrically impaired children and youth licensed bed capacity.

(7) Pregnancy termination facilities: The annual fee for licensing and certification of facilities for induction of termination of pregnancy in the second trimester shall be ~~((five))~~ two hundred fifty dollars.

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

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

(10) Hospice care centers: Each application for a license shall be accompanied by a license fee of fifteen dollars and fifty cents for each bed space within the licensed bed capacity of the hospice care center. The licensed bed capacity shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-21 WAC for twenty-four hour assigned patient rooms. The number of twenty-four hour assigned patient beds set up in a hospice care center shall not exceed the hospice care center's licensed bed capacity.

(11) Hospice agencies: The annual fee for each facility certified under chapter 70.126 RCW shall be two hundred fifty dollars.

(12) Home health agencies: The annual fee for each facility certified under chapter 70.126 RCW shall be two hundred fifty dollars.

AMENDATORY SECTION (Amending Order 1965, filed 6/1/83)

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

(1) For dentists, veterinarians, ~~((and))~~ podiatrists: ~~((Forty dollars plus eleven dollars per tube, not to exceed two hundred sixty dollars))~~ A twenty-five dollar registration fee plus seventy dollars for the first tube plus thirty dollars for each additional tube.

(2) For ~~((industrial, research, or other nonheating arts: Forty dollars plus eleven dollars per tube, not to exceed two hundred sixty dollars))~~ hospitals, medical and chiropractic: A twenty-five dollar registration fee plus two hundred fifty dollars for the first tube plus one hundred dollars for each additional tube.

(3) For ~~((all others: One hundred ten dollars plus sixty-five dollars per tube, not to exceed nine hundred fifty-five dollars))~~ industrial, research, and others: A twenty-five dollar registration fee plus fifty dollars for the first tube plus twenty-five dollars for each additional tube.

AMENDATORY SECTION (Amending Order 2209, filed 2/27/85)

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))~~ fifteen thousand ~~((five hundred))~~ dollars.

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

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

(d) For operation of a nuclear laundry~~((,-fixed base))~~: Annual fee of five thousand eight hundred 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))~~ five thousand ~~((six))~~ eight hundred dollars.

~~((f))~~ For manufacturing utilizing previously sealed sources and distribution of products or devices containing radioactive material: Annual fee of three thousand one hundred dollars.

(g) For licenses authorizing decontamination services or waste brokerage: Annual fee of ~~((two))~~ eight 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))~~ four hundred ~~((twenty-five))~~ dollars.

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

(j) For civil defense licenses: Annual fee of ~~((one))~~ six 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))~~ six teen 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))~~ four 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))~~ six 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))~~ eight hundred dollars.

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

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

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

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

(p) For licenses authorizing medical ~~((or))~~ (but not including veterinarian) possession of greater than 200 millicuries total possession of radioactive material: Annual fee of ~~((one))~~ two thousand ~~((four))~~ eight hundred fifty dollars.

(q) For licenses authorizing medical ~~((or))~~ (but not including veterinarian) possession of greater than 30 millicuries but less than or equal to 200 millicuries total possession of radioactive material: Annual fee of ~~((one))~~ two thousand ~~((six))~~ eight hundred fifty dollars.

(r) For licenses authorizing medical ~~((or))~~ (but not including veterinarian) possession of less than or equal to 30 millicuries total possession of radioactive material: Annual fee of ~~((two))~~ five 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))~~ three hundred ~~((fifty))~~ dollars.

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

(u) For licenses authorizing radiographic exposure devices: Annual fee consisting of ~~((one))~~ three 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))~~ two hundred 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 four hundred 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))~~ seven hundred fifty 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))~~ five hundred ~~((fifty))~~ dollars.

~~((ty))~~ (x) 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))~~ four 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))~~ six 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))~~ five hundred ~~((fifty))~~ dollars.

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

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

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

~~((cc))~~ (bb) 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))~~ seven thousand ~~((six))~~ five hundred dollars.

~~((dd))~~ (cc) 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))~~ six hundred dollars.

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

~~((ff))~~ (ee) 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.

NEW SECTION

WAC 440-44-058 FEES FOR ADDITIONAL SERVICE. (1) In addition to the fee for each radioactive materials license as described in WAC 440-44-057, a licensee will be charged a service fee for each additional service performed.

(2) Definitions.

(a) "Deficiency letter." A deficiency letter is correspondence from the department requesting additional information as the result of a review of a license application or amendment request. The basic radioactive materials license fee covers a maximum of two deficiency letters for a new or renewal application, and one deficiency letter for an amendment request.

(b) "Compliance inspection." A compliance inspection is a regularly scheduled visit to the licensee's facility for the purpose of determining compliance with the license and applicable regulations.

(c) "Investigation." An investigation is an on-site visit of a licensee's facility or site of operation when, in the department's judgment, it is required for the purpose of reviewing specific conditions, allegations, or other information regarding unusual conditions, operations, or practices.

(d) "Compliance letter." A compliance letter is the official documentation to a licensee resulting from an inspection or an investigation. Such a letter may require the licensee to specify how and when corrective actions will be taken.

(e) "Follow-up inspection." A follow-up inspection is an on-site visit to a licensee's facility, required to verify licensee corrective actions when, in the department's judgment, the original inspection or investigation revealed health and safety concerns or significant items of noncompliance.

(f) "Environmental cleanup monitoring." Environmental cleanup monitoring is an on-site visit by the department to a licensee's facility or site of operation to determine the status of corrective actions to remove contamination from the surrounding environment of the licensee's facility. Such a monitoring visit may include, but is not limited to, the review of the licensee's records pertaining to the environmental cleanup, observation of the licensee's cleanup work, sampling by the department for analysis, associated laboratory work, and the analysis of the information collected by the department.

(3) Schedule for fees for additional services.

(a) For each deficiency letter pertaining to a given licensing action in excess of that described in subsection (2)(a) of this section, the fee will be one hundred dollars.

(b) For a second follow-up inspection and each additional follow-up inspection the fee will be three hundred dollars.

(c) For each environmental cleanup monitoring visit, the fee will be one thousand dollars.

(4) Failure to pay the additional service fee within sixty days of the date of the billing will result in departmental action to modify, suspend, or terminate the license.

AMENDATORY SECTION (Amending Order 2109, filed 6/7/84)

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

| Type of Operation | Annual Fee |
|-----------------------------------|----------------------------------|
| Reshipper | \$ ((80)) <u>110</u> |
| Repacker | \$ ((215)) <u>290</u> |
| Shellstock Shipper | |
| 0 - 10 Acres | \$ ((80)) <u>110</u> |
| 11 - 49 Acres | \$ ((110)) <u>150</u> |
| 50 - 99 Acres | \$ ((135)) <u>180</u> |
| 100 + Acres | \$ ((190)) <u>255</u> |
| Shucker-Packer | |
| 1 - 5 Shuckers | \$ ((135)) <u>180</u> |
| 6 - 10 Shuckers | \$ ((165)) <u>225</u> |
| 11 - 15 Shuckers | \$ ((190)) <u>255</u> |
| 16 ((+)) - 30 Shuckers | \$ ((215)) <u>290</u> |
| <u>30 - 50 Shuckers</u> | <u>\$300</u> |
| <u>50 + Shuckers</u> | <u>\$325</u> |

(2) Type of operations are defined as follows:

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

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

(c) "Shellstock shipper" shall mean shippers growing, harvesting, buying, or selling shellstock. Shellstock shippers are not authorized to shuck shellfish or to repack shucked shellfish.

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

AMENDATORY SECTION (Amending Order 1825, filed 6/4/82)

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

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

For licensing periods starting on or after ((January)) July 1, ((1983)) 1985, the annual license fee including the cost of inspections shall be:

| Size of Facility (No. of Rooms) | License Fee |
|------------------------------------|--------------|
| 3-24 | \$ ((70)) 80 |
| 25-49 | \$((+10))130 |
| 50-74 | \$((+50))180 |
| 75-99 | \$((200))240 |
| 100 or more | \$((250))305 |

NEW SECTION

WAC 440-44-076 ENVIRONMENTAL HEALTH INSPECTION FEE OF STATE INSTITUTIONS, COMMUNITY COLLEGES, FERRIES, AND OTHER STATE OF WASHINGTON FACILITIES. Starting July 1, 1985, an annual environmental health inspection fee shall be assessed as follows:

| | Annual Fee Per Facility |
|--|----------------------------|
| (1)(a) Food service establishments as defined in WAC 248-84-002(11) in community colleges, ferries, or any other state of Washington facility. This shall also include dockside food establishments directly providing food for the Washington state ferry system. | \$ 170 |
| (b) The environmental health inspection referenced in WAC 440-44-076(1)(a) fee may be waived provided there is an agreement between the department of social and health services and the jurisdictional local health agency for it to conduct the food service establishments inspections. | |
| (2) State institutions. | |
| (a) 400 or more rated bed capacity | \$2,100 |
| Washington Corrections Center | |
| Washington State Penitentiary | |
| Washington State Reformatory | |
| McNeil Island Corrections Center | |
| Twin Rivers Corrections Center | |
| Clallam Bay Corrections Center | |
| (b) 399-190 rated bed capacity | \$1,000 |
| Purdy Treatment Center for Women | |
| State School for Deaf | |
| Washington Soldiers Home | |
| Washington Veterans Home | |
| Olympic Corrections Center | |
| (c) 189-90 rated bed capacity | \$ 500 |
| Echo Glen Childrens Center | |
| Special Offenders Center (Monroe) | |
| Larch Corrections Center | |
| Cedar Creek Corrections | |
| Maple Lane School | |
| Green Hill School | |
| Indian Ridge Treatment Center | |

Tacoma Work/Training Release
Geiger Work/Training Release (Spokane)
Naselle Youth Camp

- (d) 89 or less rated bed capacity \$ 300
 - State School for the Blind
 - Washington State Patrol Academy
 - Mission Creek Youth Camp
 - Firland Corrections Center
 - Pine Lodge Corrections Center
 - Canyon View Group Home
 - Woodinville Group Home
 - Ridgeview Group Home
 - Oakridge Group Home
 - Park Creek Group Home
 - Sunrise Group Home
 - Twin Rivers Group Home

(e) Any new institution of the Washington department of corrections; department of social and health services, division of developmental disabilities, or division of juvenile rehabilitation; or department of veterans affairs shall be assessed an appropriate annual fee based on the rated bed capacity.

WSR 85-09-055
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed April 17, 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:

- Amd WAC 388-42-030 Funeral expense—Eligibility.
- Amd WAC 388-42-115 Funeral expense—Application;

that the agency will at 10:00 a.m., Tuesday, May 21, 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 May 29, 1985.

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

The specific statute these rules are intended to implement is RCW 74.08.120.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 21, 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 Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, phone (206) 753-7015, by May 7, 1985. The meeting site is in a location which is barrier free.

Dated: April 17, 1985
 By: David A. Hogan, Director
 Division of Administration and Personnel

STATEMENT OF PURPOSE

Re: WAC 388-42-030 and 388-42-115.

Purpose of this Rule Change: To allow for retroactive authorization and approval for payment for applications filed up to 30 days after services were provided.

These Rules are Necessary: For the efficient administration of the funeral and interment assistance program.

Statutory Authority: RCW 74.08.090.

Summary: The rules allow for retroactive authorization and approval for payment for applications filed up to 30 days after services were provided.

Person Responsible for the Drafting, Implementation and Enforcement of the Rule Change: Jay Emry, Program Manager, Division of Income Assistance, mailstop OB-31C, (206) 753-2521.

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

AMENDATORY SECTION (Amending Order 2100, filed 5/22/84, effective 7/1/84)

WAC 388-42-030 GENERAL ELIGIBILITY. (1) Pursuant to RCW 74.08.120, public assistance funds may be used to pay for the funeral expenses of a deceased person to the extent his or her estate and available resources (including resources of surviving spouse and dependent children, contributions from relatives, friends, or other sources) are not wholly sufficient to defray the funeral expenses according to department policies and standards in this chapter.

(2) The department's legal responsibility for a deceased person does not extend beyond the responsibility of providing funds to meet the funeral expenses. In no case does the department authorize the funeral, burial, cremation, or other disposition of a deceased person. Such authority is vested by statute in other individuals, including the county commissioner in the case of an unclaimed body.

(3) Neither funeral, nor cemetery, nor crematorium costs shall be paid by the department when:

(a) Charges for these services exceed the maximum standards in this chapter, or

(b) The funeral, burial, or cremation takes place outside the state of Washington. However, exception to out-of-state payment rule is made for funerals in areas in bordering states which are normal trade areas of a border area of this state.

(4) All assets of the deceased ~~((are))~~ as of the date of application or the date of service, whichever is earlier, shall be considered available for funeral services, except as provided for in this chapter.

(5) Payment for any funeral or interment services made by relatives, friends, or any third party shall be deducted from the department's standards.

(6) Donated flowers, music, and ministerial services shall not be deducted from department standards. However, if these services are provided by the funeral director, they are considered part of the mortuary services and their cost must be included toward the department standard.

(7) Payment for a funeral/memorial service shall be made only upon request of a relative or friend of the deceased wishing to have a funeral/memorial service and planning to attend. The funeral director and his or her representatives or associates are precluded from applying for a funeral/memorial service.

(8) Persons applying for funeral and interment assistance shall be required, except for a Veterans' Administration or railroad retirement board death benefit, to apply for any death benefits to which the deceased may be entitled from other public or private agencies or organization.

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 2100, filed 5/22/84, effective 7/1/84)

WAC 388-42-115 APPLICATION. (1) Application for the payment of funeral expenses may be made by the funeral director, any relative, friend, or church organization claiming the remains or, if no such person or organization exists, by the board of county commissioners, or its duly appointed representative.

(2) Application for assistance with funeral expenses must be made ~~((before))~~ no later than thirty days after the funeral is held ~~((unless for health or religious reasons the remains must be disposed of immediately. In such cases, application must be made the first working day after the funeral))~~.

(3) For the purposes of this section, transporting the remains from the place of death to the mortuary does not constitute a funeral. Application may be made after the deceased has been transported from the place of death.

WSR 85-09-056 PROPOSED RULES DEPARTMENT OF CORRECTIONS [Filed April 17, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Corrections intends to adopt, amend, or repeal rules concerning Reimbursable impact rates—Criminal justice costs, amending WAC 137-70-040.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 28, 1985.

The authority under which these rules are proposed is RCW 72.72.040.

The specific statute these rules are intended to implement is chapter 72.72 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 21, 1985.

Dated: April 9, 1985
 By: Amos E. Reed
 Secretary

STATEMENT OF PURPOSE

Title and Purpose of Rule: To amend WAC 137-70-040, Reimbursable impact/rates—Criminal justice costs. Statutory Authority: RCW 72.72.040.

Statute Implemented: Chapter 72.72 RCW.

Summary of Rule and Reason for Proposed Change: To establish the maximum reimbursement that will be made to political subdivisions of the state under chapter 72.72 RCW for law enforcement, prosecutorial, judicial, and jail costs, which may be incurred between July 1, 1985, and June 30, 1987.

Person Responsible for Drafting: Robert W. Sampson, Administrator, Office of Contracts and Regulations, Department of Corrections, FN-61, Olympia, Washington 98504, (206) 753-5770; Implementation and Enforcement: Robert E. Trimble, Deputy Secretary, Department of Corrections, P.O. Box 9699, FN-61, Olympia, Washington 98504, (206) 753-1508.

Person or Organization Proposing the Rule: Department of Corrections.

Agency Comments and Recommendations: None.

The amendment of this rule is not necessitated by federal law or federal or state court action.

The amendment of this rule will have no economic impact on small businesses.

AMENDATORY SECTION (Amending Order 84-06, filed 5/14/84)

WAC 137-70-040 REIMBURSABLE IMPACTS/RATES—CRIMINAL JUSTICE COSTS. ((††)) Reimbursement shall be restricted to fully documented law enforcement, prosecutorial, judicial and jail facility costs, as defined herein, at the actual costs of the submitting jurisdiction, not to exceed the following rates:

((††)) (1) Law enforcement costs are costs incurred by any political subdivision in apprehending escapees, in investigating crimes committed by state institutional inmates including pretrial investigations within or outside the institution, or in providing security for inmates outside the jail facility. These costs are reimbursable at the following rates:

((††)) ~~(\$17.48)~~ (a) \$19.03 per hour for the period July 1, ((††83)) 1985, through June 30, ((††84)) 1986.

((††)) ~~(\$18.39)~~ (b) \$19.81 per hour for the period July 1, ((††84)) 1986, through June 30, ((††85)) 1987.

((††)) (2) If an escape or investigation results in the filing of a criminal complaint, the impacted political subdivision shall be entitled to attorney costs associated with the prosecution and/or defense of the filed action. These costs are reimbursable at the following maximum rates:

((††)) ~~(\$41.79)~~ (a) \$45.50 per hour from July 1, ((††83)) 1985, through June 30, ((††84)) 1986.

((††)) ~~(\$43.96)~~ (b) \$47.37 per hour from July 1, ((††84)) 1986, through June 30, ((††85)) 1987.

((††)) (3) Reimbursement for judicial costs incurred as a result of the filing of a criminal complaint shall be limited to judges, court reporters, transcript typing or preparation, witness fees and jury fees. These costs are reimbursable at the following maximum rates:

((††)) (a) Judges - ((††83-95)) \$42.41 per hour from July 1, ((††83)) 1985, through June 30, ((††84)) 1986, and ((††80-98)) \$44.15 per hour for the period July 1, ((††84)) 1986, through June 30, ((††85)) 1987. These costs shall include the services of court clerks and bailiffs.

((††)) (b) Court reporters - ((††75-82)) \$19.08 per hour from July 1, ((††83)) 1985, through June 30, ((††84)) 1986, and ((††81-83)) \$19.86 per hour for the period July 1, ((††84)) 1986, through June 30, ((††85)) 1987.

((††)) (c) Transcript typing services - ((††3-49)) \$3.80 per page from July 1, ((††83)) 1985, through June 30, ((††84)) 1986, and ((††3-67)) \$3.96 per page for the period July 1, ((††84)) 1986, through June 30, ((††85)) 1987.

((††)) (d) Expert witnesses - ((††58-65)) \$63.86 per hour from July 1, ((††83)) 1985, through June 30, ((††84)) 1986, and ((††61-70)) \$66.48 per hour for the period July 1, ((††84)) 1986, through June 30, ((††85)) 1987.

((††)) (e) Witness fees/nonexpert - jury fees - reimbursable at the rate established by the local governmental legislative authority up to a maximum of ((††26-33)) \$28.67 per day for the period July 1, ((††83)) 1985, through June 30, ((††84)) 1986, and ((††27-70)) \$29.85 for the period July 1, ((††84)) 1986, through June 30, ((††85)) 1987.

((††)) (4) Jail facility costs resulting from the escape or criminal complaint shall be reimbursed at the following maximum rate: ((††37)) \$8.02 per inmate day from July 1, ((††83)) 1985, through June 30, ((††84)) 1986 and ((††7-75)) \$8.35 for the period July 1, ((††84)) 1986, through June 30, ((††85)) 1987.

((††)) (5) Coroner - Where an inmate dies as a result of criminal activity of another inmate, coroner costs incurred by a local jurisdiction may be reimbursed up to a maximum amount established by the committee as reasonable.

((††)) (6) Medical costs - Where an inmate is in the custody of a local jurisdiction as a result of a crime committed while incarcerated in a state institution, extraordinary medical costs, beyond the routine medical services of the jail, may be reimbursed at the discretion of the committee. Counties, cities, and towns shall notify the department prior to incurring expenses for extraordinary medical expenses, where practicable, to allow the department an opportunity to provide the necessary medical care directly.

WSR 85-09-057
PROPOSED RULES
SEATTLE COMMUNITY
COLLEGE DISTRICT
 [Filed April 17, 1985]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that Seattle Community College District VI intends to adopt, amend, or repeal rules concerning affirmative action program, chapter 132F-148 WAC;

that the institution will at 4:00 p.m., Wednesday, May 22, 1985, in the Seattle Community College District Board Room, 300 Elliott Avenue West, Seattle, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 3, 1985.

The authority under which these rules are proposed is chapter 28B.50 RCW.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before May 22, 1985.

Dated: April 15, 1985

By: Donald G. Phelps
 Chancellor

STATEMENT OF PURPOSE

Title and Number of Rule: Chapter 132F-148 WAC, Affirmative action program.

Statutory Authority: RCW 28B.50.140(13).

Specific Statute that Rule is Intended to Implement: Chapter 49.60 RCW.

Summary of the Rule: This rule provides an affirmative action policy and procedures for policy implementation for Seattle Community College District VI.

Reasons Supporting Proposed Action: The most recent codification of the affirmative action program for Seattle Community College District was filed November 13, 1972. Both policy and related procedures must be updated to reflect current responsibilities, goals, references, titles, and operating practices.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Naomi Iwata Sanchez, Director of Personnel, Seattle Community College District, 300 Elliott Avenue West, Seattle, WA 98119, (206) 587-4155.

Name of the Person or Organization Whether Private, Public or Governmental, that is Proposing the Change: Seattle Community College District VI.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: None.

This rule is necessary to comply with the Civil Rights Act of 1964 and chapter 49.60 RCW, which prohibits discrimination on the basis of race, color, religion, national origin, or sex.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not applicable.

Chapter 132F-148 WAC

AFFIRMATIVE ACTION PROGRAM

WAC

- 132F-148-010 ((Affirmative action program)) Policy statement.
 132F-148-020 ((Policy summary)) Action plan.
 132F-148-030 ((Procedure—Compliance)) Responsibility for program implementation.
 132F-148-040 ((Procedure—)) Recruitment plan.
 132F-148-050 ((Coordination)) Goals and procedure for implementation.
 132F-148-060 Personnel policies relative to affirmative action ((goal)).
 132F-148-070 Formal complaint ((of discrimination—Grievance)) procedure.

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

AMENDATORY SECTION (Amending Order 5, filed 11/13/72)

WAC 132F-148-010 ((~~AFFIRMATIVE ACTION PROGRAM~~)) POLICY STATEMENT. ((~~WAC 132F-148-010 through 132F-148-070 shall be known as the affirmative action program of Seattle Community College District VI.~~)) The policy of Seattle Community College District (SCCD) is to provide equal opportunity to all its employees and applicants for employment, and to assure that there is no discrimination against any persons on the grounds of race, color, religion, handicap, national origin, age, sex, marital status, or the presence of any physical, sensory, or mental handicap, in accordance with state and federal laws. This policy extends to all areas of employment and to all relations with employees including recruitment, selection and placement, compensation, promotion and transfer, disciplinary measures, demotions, layoffs and terminations, testing and training, daily working conditions, awards and benefits, and other terms and conditions of employment.

The importance of fulfilling this policy is given top priority consideration in the day-to-day operations of the SCCD. All employees have been, and will continue to be, made aware that any violations of this policy by an employee shall result in appropriate disciplinary action, including termination, if warranted.

Affirmative action is a priority in the district because it insures equal employment opportunities for all applicants, while also assisting in ways to hire underrepresented groups in the district's labor force.

The success of this plan will depend upon a cooperative spirit and commitment to achieve the goals set forth. The district will work with the district minority task forces and the greater Seattle communities in seeing that the SCCD affirmative action plan/program is implemented in a responsible and conscientious manner.

Reviser's note: RCW 28B.19.077 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 5, filed 11/13/72)

WAC 132F-148-020 ((~~POLICY SUMMARY~~)) ACTION PLAN. ((~~Seattle Community College requires that its faculty, administration, staff, and all agencies, persons, vendors and other organizations who contract to do business with the college, comply with the spirit of equal opportunity and with the letter of all applicable federal and state statutes and regulations. Compliance in this sense requires that these individuals and groups shall not discriminate in their personnel policies and that they take affirmative action of offering opportunities for equal employment, job promotion, soliciting of bids for goods and services, and other activities to all persons regardless of race, color, religion, sex or national origin. The college, to the extent it can enforce this policy, expects and will determine compliance as a condition of engaging in business for or with the institution or group. The policy applies to all groups and individuals so engaged regardless of where located or the form of service performed.~~))

It is the specific intent of this policy to open job and program opportunities to all minorities and women and to prevent discrimination in any form as it relates to recruitment, selection, employment and promotion.

~~In carrying out the provisions of this policy, the college may require the submission of detailed reports on the types of result-oriented affirmative action programs carried on by groups and individuals with which it does business. Positive performance in this area will be one of the major considerations in the award of contracts for goods and/or services.~~

~~The college pledges to deal fairly with those affected by the policy and to avoid harassment or burdensome administrative detail. At the same time, those to whom this policy applies may expect firmness since the college expects its full and impartial implementation.~~

~~The college recognized the necessity of close working relationships to provide equal opportunities and eliminate discrimination in all associated campus programs and earnestly solicits full cooperation and support of the public and campus community in this endeavor.))~~ The SCCD affirmative action plan calls for the following actions which are designed to insure equal employment opportunity.

(1) Internal dissemination of the affirmative action policy and plan.

(a) The SCCD affirmative action plan will be updated annually. Campus presidents will insure that all personnel are aware of the policy and plan. Also, employees must be advised that they may review and/or request a copy of the entire plan.

(b) The equal employment/affirmative action policy will be an integral part of the new employee orientation.

(c) The SCCFT and the campus-wide bargaining unit will be provided with a copy of the annual SCCD affirmative action plan.

(d) The plan will be published in the district newsletter, Pacer, which is distributed to all employees and made available to student publications.

(e) It will be available in the library of each campus and in the president's office on each campus, as well as in the chancellor's office and the district personnel office.

(f) A copy of the SCCD affirmative action plan will be distributed to each administrator.

(2) External dissemination of the affirmative action policy and plan.
(a) Each interested agency, public and private, in the Seattle community.

(b) Each designated bargaining agent.

(c) Suppliers, contractors, and vendors with whom the district does business.

(d) Potential vendors with all requests for bids.

(e) The state board for community college education.

(f) The higher education personnel board.

(g) All recruiting sources, together with a letter encouraging them to actively recruit and refer minorities, women, handicapped persons, Vietnam era and disabled veterans.

Reviser's note: RCW 28B.19.077 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

AMENDATORY SECTION (Amending Order 5, filed 11/13/72)

WAC 132F-148-030 ((~~PROCEDURE—COMPLIANCE~~)) RESPONSIBILITY FOR PROGRAM IMPLEMENTATION. ((~~In order to insure compliance with the affirmative action policy, a copy of this affirmative action program will be issued to all current and new employees. In addition, any individual or group with which the college does business will be made aware of this program and the expectations placed on that individual or group by the college as a requisite for continuing to do business with the college.~~))

Any contract entered into between the college and an individual or group will include the appropriate language from state and/or federal guidelines which require nondiscrimination in employment.)) Responsibility for the implementation of the affirmative action program rests with the chancellor for the district as a whole and with the president of each campus.

(1) The chancellor's responsibilities are to:

(a) Review the SCCD affirmation action plan with each president as part of the performance evaluation process.

(b) Carry out the responsibilities for implementation of the affirmative action plan for the district office as described below for each president.

(2) The president's responsibilities are to:

(a) Insure that all campus administrators and supervisors are aware of the affirmative action policy and plan and take it into consideration in day-to-day operations.

(b) Insure that hiring and promotion patterns are monitored so that protected group members are given full consideration.

(c) Insure that facilities are comparable for both sexes and are accessible to handicapped persons.

(d) Insure that protected group members are afforded full opportunity and are encouraged to participate in college-sponsored educational and training programs.

(e) Designate a specific individual to be responsible for the supervision and monitoring of affirmative action efforts in that organizational unit. These designates are: North campus - dean of students, central campus - affirmative action officer/director of graphics, south campus - executive assistant to the president.

(f) Insure adequate representation of protected group members on selection committees.

(3) The director of personnel/executive assistant to the chancellor responsibilities are to:

(a) Design and implement audit and reporting systems that will: (i) Measure the effectiveness of the program, (ii) indicate need for corrective action, and (iii) determine degree to which goals and objectives have been attained.

(b) Develop policies and procedures related to equal employment opportunity and affirmative action for review, approval, and action by the chancellor's cabinet and board of trustees.

(c) Serve as liaison between the district and compliance agencies, organizations for minority, women, Vietnam veterans, disabled veterans, handicapped persons, and with other such community and municipal action programs.

(d) Keep management informed of current developments in areas related to affirmative action and equal employment opportunity.

(e) Develop and maintain internal and external communication systems.

(f) Assist in the identification of problem areas.

Reviser's note: RCW 28B.19.077 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 5, filed 11/13/72)

WAC 132F-148-040 ((~~PROCEDURE~~)) RECRUITMENT PLAN. ((~~Any individual within the college community who has the responsibility for employing faculty or staff members or admitting students to the institution will be responsible for insuring that their recruiting activities include affirmative efforts to include members of minority groups. Appropriate administrative officers will be required to submit reports indicating the extent to which new faculty, staff members or students are representatives of such minority groups.~~)) (1) Recruitment for minority, female, and handicapped applicants for SCCD employment is the primary responsibility of each campus and the district personnel department as indicated below:

(2) The district personnel department can assist campuses in the recruitment process by:

(a) Providing possible recruitment sources, and providing copies of the district mailing list;

(b) Contacting employment sources with which the SCCD affirmative action plan has a referral arrangement;

(c) Participating in campus recruitment efforts;

(d) Advertising in minority newspapers.

Reviser's note: RCW 28B.19.077 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 5, filed 11/13/72)

WAC 132F-148-050 ((~~COORDINATION~~)) GOALS AND PROCEDURE FOR IMPLEMENTATION. ((~~+~~) District employee relations director. To insure that the policies and procedures as defined herein are coordinated toward attaining the institution's affirmative action goal, a district employee relations director shall be appointed by the chief executive officer. This official shall be charged with the responsibility of evaluating the affirmative action program and to make

any necessary recommendations regarding changes in policy or procedure to continually insure the effectiveness of the program and will coordinate the activities of the campus equal employment officers. The district employee relations director will report directly to the chief executive officer.

(2) Each campus president shall appoint at least one EEOC officer who will report directly to the president and who will be responsible for coordinating his campus' affirmative action program with the district employment relations director. The campus EEOC officer shall be responsible for all reports, outside contacts and other matters concerning that campus and its affirmative action program. He shall also be available to provide counsel and direction to employing supervisors in such matters:)) The goals/availability percentages are converted into realistic projections of the number of underrepresented groups' members the campuses seek to hire given the vacancies, availability, and affirmative action efforts they are willing to undertake. Under this system of numerical goal setting, a campus is never required to hire persons who do not have the qualifications needed to perform in preference to another applicant who is qualified. Goals recognize that persons are to be judged on individual ability and, therefore, are consistent with the principles of equal employment opportunity.

When a vacancy occurs, the district personnel office and/or campus affirmative action officers will review the utilization analysis tables. Specifically, the underutilization FTEs portion of the table will indicate the number of FTEs required to achieve yearly goals. These tables will be revised by the district personnel department on a monthly basis to reflect new hires, terminations and promotions. Selective certification will be utilized for underrepresented groups when classified employee groups are involved. Recruitment and outreach efforts should also be employed to correct underutilization in faculty and administrators.

The district has an affirmative action plan that has realistic goals that are attainable. It is the intent of this plan that the district personnel department and each campus will carefully monitor hiring practices to insure that every effort is made towards responsibly reaching the goals.

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.

Reviser's note: RCW 28B.19.077 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 5, filed 11/13/72)

WAC 132F-148-060 PERSONNEL POLICIES RELATIVE TO AFFIRMATIVE ACTION ((~~GOAL~~)). ((~~To insure that the affirmative action program is continually operating toward attaining and/or maintaining a fair representation of minority members within the college community, specific affirmative action goals shall be established. These goals represent a minimum against which affirmative action effort will be directed and will not represent a quota to be considered an absolute.~~)) (1) Age discrimination. Seattle Community College District will provide equal opportunity for all persons without regard to age. The district does not discriminate on the basis of age in any employment practices including hiring, promotion, demotion, transfer, recruitment, layoff and return from layoff, termination, fringe benefits, selection for training, and other terms of employment.

Further, the district does not specify a minimum of maximum age requirement on its advertisements for employees except upon the basis of a bona fide occupational qualification, retirement plan, or statutory requirement.

(2) Employment of Vietnam era veterans and disabled veterans. Seattle Community College District does not discriminate against Vietnam era veterans or disabled veterans in any employment practices including but not limited to hiring, promotion, demotion, transfer, compensation, layoff, fringe benefits, selection for training, and other terms and conditions of employment. Advertisements for positions are sent to all relevant offices and agencies.

(3) Employment of disabled persons. Seattle Community College District does not discriminate against any employee or applicant for employment because of a disability with regard to any position for which the employee or applicant is qualified. Further, the district does not discriminate against disabled persons with regard to promotion,

demotion, transfer, layoff or return from layoff, termination, compensation, fringe benefits, training opportunities, and other terms and conditions of employment.

The district will make reasonable accommodations within budgetary limits for those who are disabled to allow them to perform the duties of the jobs for which they are qualified.

Several on-going efforts are aimed at insuring nondiscrimination for disabled persons:

(a) Evaluation of physical accommodations to assure that they are accessible.

(b) Review of faculty and administrative job requirements to assure that they are job-related and do not screen out qualified disabled applicants.

(c) Review of administrative job descriptions to assure that they are accurate and are not written to exclude qualified disabled applicants.

(d) Periodic articles in district publications related to legal and other aspects of the employment of disabled persons.

AMENDATORY SECTION (Amending Order 5, filed 11/13/72)

WAC 132F-148-070 FORMAL COMPLAINT (~~OF DISCRIMINATION—GRIEVANCE~~) PROCEDURE. (~~(1) Any individual who feels he has been discriminated against either by the college or by individual members of the college community may file a complaint. If the complainant is a member of the college community he should first file a written complaint with his immediate supervisor. If it is not resolved at this level to the complainant's satisfaction within ten working days he should file a written complaint with the EEOC officer or, for district employees, with the district employee relations director. All written complaints must be responded to in writing with copies forwarded to the appropriate president, instructional dean or chief administrative officer. The officer will have the authority to hear and recommend corrective action, if necessary, on behalf of the college.~~)

(2) If the complainant is not a member of the college community he should file his complaint with either the campus EEOC officer at which the complaint is directed or with the district employee relations director. All such complaints should be in written form.) Any individual who feels she/he has been discriminated against on the basis of race, color, religion, handicap, national origin, age or sex either by the district or by an individual employee of the district may file a formal complaint. Such a complaint may be filed through existing grievance procedures (where applicable), directly with the individual responsible for affirmative action in each organizational unit or with the district personnel director. A formal complaint may be filed either following or instead of any informal attempt at resolution. Individuals with complaints are encouraged to follow the procedures outlined herein prior to contacting any outside enforcement agency.

The complainant should be advised of his/her right to file a complaint with the Washington State Human Rights Commission, Seattle Human Rights Department, Equal Employment Opportunity Commission, Office of Federal Contract Compliance, or the Office of Civil Rights. However, complainants are encouraged to use the internal grievance procedures to resolve complaints.

Complaints filed with persons responsible for affirmative action shall be processed as follows:

(1) Complaints shall be in writing, shall contain specific information and shall be promptly investigated by the appropriate administrator.

(2) Response shall be made to the complainant in writing, within 15 working days of receipt of the complaint.

(3) Copies of both the complaint and the response shall be forwarded to the relevant appointing authority.

(4) The appointing authority will respond in writing to the complainant within 15 working days.

(5) Written appeal may be made to the appointing authority within 15 working days after the complainant receives the response.

(6) The appeal will be investigated and final response made by the appointing authority within 15 working days.

(7) Written appeal may be made to the chancellor (if the appointing authority is not the chancellor) who shall then investigate and respond to the complainant within 15 working days of receipt of the written request.

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.

Reviser's note: RCW 28B.19.077 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 85-09-058 PROPOSED RULES STATE BOARD OF EDUCATION

[Filed April 17, 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 pupils, chapter 180-40 WAC;

that the agency will at 9:00 a.m., Thursday, May 30, 1985, in the Student Union Building, St. Martin's College, 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 Friday, May 31, 1985.

The authority under which these rules are proposed is RCW 28A.04.132.

Dated: April 17, 1985

By: Monica Schmidt
Secretary

STATEMENT OF PURPOSE

Rule: Chapter 180-40 WAC, Pupils.

Rule Sections: WAC 180-40-245 Short-term suspension—Conditions and limitations; 180-40-260 Long-term suspension—Conditions and limitations; and 180-40-275 Expulsion—Conditions and limitations.

Statutory Authority: RCW 28A.04.132.

Purpose of the Rules: To establish the procedural and substantive due process rights of students.

Summary of the New Rules and/or Amendments: The amendments to these three sections add clarification respecting the establishment and imposition of predetermined penalties and, with the exception of WAC 180-40-275 respecting expulsions, allow school boards the discretionary power to suspend students in the case of first time offenses involving exceptional misconduct.

Reasons Which Support the Proposed Actions: The proposed amendments are in response to the third petition by one or more school districts over the years for a rule change allowing for exceptions to the "prior alternative corrective action" requirement in cases of "serious" misconduct, and Quinlan v. University Place School District 34 Wn. App. 260 (1983) in which the court in effect read out of chapter 180-40 WAC the exception to prior alternative correction which had been provided for in 1977.

Person or Organization Proposing the Rules: SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Implementation: Local school districts; and Enforcement: Courts of law.

The rules are necessary as the result of state court action, Quinlan v. University Place Sch. Dist. 34 Wn. App. 260, 660 P.2d 329 (1983).

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter

Pertaining to the Rules: Attempts to balance the constitutional right of students to receive a basic education and the need for effective discipline in the schools.

AMENDATORY SECTION (Amending Order 14-79, filed 10/16/79)

WAC 180-40-245 SHORT-TERM SUSPENSION—CONDITIONS AND LIMITATIONS. A short-term suspension may be imposed upon a student for violation of school district rules adopted pursuant to WAC 180-40-225, subject to the following limitations or conditions, the prior informal conference procedures set forth in WAC 180-40-250, and the grievance procedures set forth in WAC 180-40-255:

(1) The nature and circumstances of the violation must be considered and must reasonably warrant a short-term suspension and the length of the suspension imposed. This requirement does not preclude school districts (that is, the boards of directors of school districts) from establishing the nature and extent of the corrective actions and/or punishments which, as a general rule, must be imposed as a consequence of proscribed misconduct. Such advance notice to students is advisable, and the imposition of such preestablished corrective action and/or punishment is permissible as long as (a) disciplinarians and hearing officers are allowed to grant exceptions in cases involving extenuating and/or exceptional circumstances, and (b) short-term suspension is not established as the corrective action or punishment for a student's first time offense other than for offenses involving exceptional misconduct as defined in subsection (2) of this section.

(2) ((No student shall be suspended unless other forms of corrective action or punishment reasonably calculated to modify his or her conduct have failed or unless there is good reason to believe that other forms of corrective action or punishment would fail if employed:)) As a general rule, no student shall be suspended for a short term unless another form of corrective action or punishment reasonably calculated to modify his or her conduct has previously been imposed upon the student as a consequence of misconduct of the same nature. A school district may, however, elect to adopt rules providing for the immediate resort to short-term suspension in cases involving exceptional misconduct as long as disciplinarians and hearing officers may grant exceptions in cases involving extenuating and/or exceptional circumstances, notwithstanding the fact prior alternative corrective action or punishment has not been imposed upon the student(s) involved. For the purpose of this rule, "exceptional misconduct" means misconduct other than absenteeism which a school district has judged following consultation with an ad hoc citizens committee to (a) be of such frequent occurrence, notwithstanding past attempts of district personnel to control such misconduct through the use of other forms of corrective action and/or punishment, as to warrant an immediate resort to short-term suspension, and/or (b) be so serious in nature and/or so serious in terms of the disruptive effect upon the operation of the school(s) as to warrant an immediate resort to short-term suspension (for example, misconduct judged by a school district to be the same or of the same nature as a violation of the state's drug or controlled substances laws). The ad hoc citizens committee required by this section shall be composed of three or more persons chosen by the school district or the administrative designee(s) of the district, and shall be constituted with the intent and purpose of representing various socio economic, minority and majority populations of the school district to the extent deemed practical.

(3) ((In addition to the alternative corrective action requirement of subsection (2) of this section:)) No student subject to compulsory attendance pursuant to chapter 28A.27 RCW, as now or hereafter amended, shall be suspended by reason, in whole or part, of one or more unexcused absences unless the school district has ((also)) first imposed an alternative corrective action or punishment reasonably calculated to modify his or her conduct and, in addition:

(a) Provided notice to the student's parent(s) or guardian(s) or custodial parent(s) in writing in English or, if different, the primary language of the parent(s), guardian(s) or custodial parent(s) that the student has failed to attend school without valid justification, and by other means reasonably necessary to achieve notice of such fact;

(b) Scheduled a conference or conferences with the parent(s) or guardian(s) or custodial parent(s) and the student at a time and place reasonably convenient to all persons included to analyze the causes for the student's absence, the analysis to determine by appropriate means whether the student should be made a focus of concern for placement

in a special education or other special program designed for his/her educational success; and

(c) Taken steps to reduce the student's absence which include, where appropriate in the judgment of local school officials and where possible, discussed with the student, parent(s), guardian(s) or custodial parent(s), adjustments of the student's school program or school or course assignment or assisting the student or parent to obtain supplementary services that might ameliorate the cause(s) for the student's absence from school.

(4) Kindergarten through grade four—No student in grades kindergarten through four shall be subject to short-term suspensions for more than a total of five school days during any single semester or trimester as the case may be, and no loss of academic grades or credit shall be imposed by reason of the suspension of such a student.

(5) Grade five and above program—No student in the grade five and above program shall be subjected to short-term suspensions for more than a total of fifteen school days during any single semester or ten school days during any single trimester, as the case may be.

(6) Any student subject to a short-term suspension shall be provided the opportunity upon his or her return to make up assignments and tests missed by reason of the short-term suspension if:

(a) Such assignments or tests have a substantial effect upon the student's semester or trimester grade or grades, or

(b) Failure to complete such assignments or tests would preclude the student from receiving credit for the course or courses.

(7) Any student who has been suspended shall be allowed to make application for readmission at any time. Each school district board of directors shall adopt written rules which provide for such an application for readmission and set forth the procedures to be followed.

AMENDATORY SECTION (Amending Order 14-79, filed 10/16/79)

WAC 180-40-260 LONG-TERM SUSPENSION—CONDITIONS AND LIMITATIONS. A long-term suspension may be imposed upon a student for violation of school district rules adopted pursuant to WAC 180-40-225, subject to the following limitations or conditions and the notice requirements set forth in WAC 180-40-265 and the hearing requirements set forth in WAC 180-40-270:

(1) The nature and circumstances of the violation must be considered and must reasonably warrant a long-term suspension and the length of the suspension imposed. This requirement does not preclude school districts (that is, the boards of directors of school districts) from establishing the nature and extent of the corrective actions and/or punishments which, as a general rule, must be imposed as a consequence of proscribed misconduct. Such advance notice to students is advisable, and the imposition of such preestablished corrective action and/or punishment is permissible as long as (a) disciplinarians and hearing officers are allowed to grant exceptions in cases involving extenuating and/or exceptional circumstances, and (b) long-term suspension is not established as the corrective action or punishment for a student's first time offense other than for offenses involving exceptional misconduct as defined in subsection (2) of this section.

(2) ((No student shall be suspended unless other forms of corrective action or punishment reasonably calculated to modify his or her conduct have failed or unless there is good reason to believe that other forms of corrective action or punishment would fail if employed:)) As a general rule, no student shall be suspended for a long term unless another form of corrective action or punishment reasonably calculated to modify his or her conduct has previously been imposed upon the student as a consequence of misconduct of the same nature. A school district may, however, elect to adopt rules providing for the immediate resort to long-term suspension in cases involving exceptional misconduct as long as disciplinarians and hearing officers are allowed to grant exceptions in cases involving extenuating and/or exceptional circumstances, notwithstanding the fact prior alternative corrective action or punishment has not been imposed upon the student(s) involved. For the purpose of this rule, "exceptional misconduct" means misconduct other than absenteeism which a school district has judged following consultation with an ad hoc citizens committee to (a) be of such frequent occurrence, notwithstanding past attempts of district personnel to control such misconduct through the use of other forms of corrective action and/or punishment, as to warrant an immediate resort to long-term suspension, and/or (b) be so serious in nature and/or so serious in terms of the disruptive effect upon the operation of the school(s) as to warrant an immediate resort to long-term suspension (for example, misconduct judged by a school district to be the same or of the same nature as a violation of the state's drug or controlled substances laws).

The ad hoc citizens committee required by this section shall be composed of three or more persons chosen by the school district or the administrative designee(s) of the district, and shall be constituted with the intent and purpose of representing various socio economic, minority and majority populations of the school district to the extent deemed practical.

(3) ~~((In addition to the alternative corrective action requirement of subsection (2) of this section,))~~ No student subject to compulsory attendance pursuant to chapter 28A.27 RCW, as now or hereafter amended, shall be suspended by reason, in whole or part, of one or more unexcused absences unless the school district has ~~((also))~~ first imposed an alternative corrective action or punishment reasonably calculated to modify his or her conduct and, in addition:

(a) Provided notice to the student's parent(s) or guardian(s) or custodial parent(s) in writing in English or, if different, the primary language of the parent(s), guardian(s) or custodial parent(s) that the student has failed to attend school without valid justification, and by other means reasonably necessary to achieve notice of such fact;

(b) Scheduled a conference or conferences with the parent(s) or guardian(s) or custodial parent(s) and the student at a time and place reasonably convenient to all persons included to analyze the causes for the student's absence, the analysis to determine by appropriate means whether the student should be made a focus of concern for placement in a special education or other special program designed for his/her educational success; and

(c) Taken steps to reduce the student's absence which include, where appropriate in the judgment of local school officials and, where possible, discussed with the student, parent(s), guardian(s) or custodial parent(s), adjustments of the student's school program or school or course assignment or assisting the student or parent to obtain supplementary services that might ameliorate the cause(s) for the student's absence from school.

(4) Kindergarten through grade four—No student in grades kindergarten through four shall be subject to short-term and long-term suspensions for more than a total of ten school days during any single semester or trimester, as the case may be, and no loss of academic grades or credit shall be imposed by reason of the suspension of such a student.

(5) Grade five and above program—No single long-term suspension shall be imposed upon a student in the grade five and above program in a manner which causes the student to lose academic grades or credit for in excess of one semester or trimester, as the case may be, during the same school year.

(6) Any student who has been suspended shall be allowed to make application for readmission at any time. Each school district board of directors shall adopt written rules which provide for such an application for readmission and set forth the procedures to be followed.

(7) All long-term suspensions and the reasons therefor shall be reported in writing to the superintendent of the school district or his or her designee within twenty-four hours after the imposition of the suspension.

AMENDATORY SECTION (Amending Order 14-79, filed 10/16/79)

WAC 180-40-275 EXPULSION—CONDITIONS AND LIMITATIONS. A student may be expelled for violation of school district rules adopted pursuant to WAC 180-40-225, subject to the following limitations or conditions, the notice requirements set forth in WAC 180-40-280, and the hearing requirements set forth in WAC 180-40-285:

(1) The nature and circumstances of the violation must be considered and must reasonably warrant the harshness of expulsion. This requirement does not preclude school districts (that is, the board of directors of school districts) from establishing the nature and extent of the corrective actions and/or punishments which as a general rule, must be imposed as a consequence of proscribed misconduct. Such advance notice to students is advisable, and the imposition of such preestablished corrective action and/or punishment is permissible as long as (a) disciplinarians and hearing officers are allowed to grant exceptions in cases involving extenuating and/or exceptional circumstances, and (b) expulsion is not established as the corrective action or punishment for a student's first time offense.

(2) No student shall be expelled unless ~~((other))~~ another form(s) of corrective action or punishment reasonably calculated to modify his or her conduct ~~((have failed or unless there is good reason to believe~~

~~that other forms of corrective action or punishment would fail if employed)) has previously been imposed upon the student as a consequence of misconduct of the same nature.~~

(3) In addition to the alternative corrective action requirement of subsection (2) of this section, no student subject to compulsory attendance pursuant to chapter 28A.27 RCW, as now or hereafter amended, shall be expelled by reason, in whole or part, of one or more unexcused absences unless the school district has also first:

(a) Provided notice to the student's parent(s) or guardian(s) or custodial parent(s) in writing in English or, if different, the primary language of the parent(s), guardian(s) or custodial parent(s) that the student has failed to attend school without valid justification, and by other means reasonably necessary to achieve notice of such fact;

(b) Scheduled a conference or conferences with the parent(s) or guardian(s) or custodial parent(s) and the student at a time and place reasonably convenient to all persons included to analyze the causes for the student's absence, the analysis to determine by appropriate means whether the student should be made a focus of concern for placement in a special education or other special program designed for his/her educational success; and

(c) Taken steps to reduce the student's absence which include, where appropriate in the judgment of local school officials and, where possible, discussed with the student, parent(s), guardian(s) or custodial parent(s), adjustments of the student's school program or school or course assignment or assisting the student or parent to obtain supplementary services that might ameliorate the cause(s) for the student's absence from school.

(4) Once a student has been expelled in compliance with this chapter the expulsion shall be brought to the attention of appropriate local and state authorities including, but not limited to, juvenile authorities acting pursuant to chapter 13.04 RCW in order that such authorities may address the student's educational needs.

(5) Any student who has been expelled shall be allowed to make application for readmission at any time. Each school district board of directors shall adopt written rules which provide for such an application for readmission and set forth the procedures to be followed.

(6) All expulsions and the reasons therefor shall be reported in writing to the superintendent of the school district or his or her designee within twenty-four hours after the imposition of the expulsion.

WSR 85-09-059

ADOPTED RULES

STATE BOARD OF EDUCATION

[Order 7-85—Filed April 17, 1985]

Be it resolved by the State Board of Education, acting at Jenne-Wright School, Silverdale, Washington, that it does adopt the annexed rules relating to State assistance in providing school plant facilities—Preliminary provisions, chapter 180-25 WAC.

This action is taken pursuant to Notice No. WSR 85-06-070 filed with the code reviser on March 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 28A.47.830 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 12, 1985.

By Monica Schmidt
Secretary

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, 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 by authorizing the maximum area allowance eligible for state financial assistance for each school plant project approved and for which the superintendent of public instruction shall issue a Form C-2 and state any conditions that may or may not be applicable including whether the state board of education has approved or denied eligibility for additional state assistance pursuant to WAC 180-27-115 for one or more approved school plant projects or whether such decision by the state board of education for any approved school plant project has been deferred due to insufficient factual information for a determination or due to a request by the district to present the necessary factual information at a subsequent state board of education meeting.

AMENDATORY SECTION (Amending Order 9-83, filed 10/17/83)

WAC 180-25-045 APPROVAL CRITERIA FOR STATE ASSISTANCE. ~~((With the exception of inter-district 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 unhoused 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 unhoused 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 unhoused students provision of subsection (1) of this section shall not be required for approval of the following school facilities projects: Interdistrict cooperative centers authorized by chapter 180-31 WAC, interdistrict transportation cooperatives authorized by chapter 180-32 WAC, and modernization and new construction authorized by chapter 180-33 WAC.

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.

WSR 85-09-060**ADOPTED RULES****STATE BOARD OF EDUCATION**

[Order 8-85—Filed April 17, 1985]

Be it resolved by the State Board of Education, acting at Jenne-Wright School, Silverdale, Washington, that it does adopt the annexed rules relating to State assistance in providing school plant facilities—Modernization and in lieu construction, chapter 180-33 WAC.

This action is taken pursuant to Notice No. WSR 85-06-069 filed with the code reviser on March 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 28A.47-.830 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 12, 1985.

By Monica Schmidt
Secretary

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: PROVIDED FURTHER, That unless the district meets an exception provided in WAC 180-33-043 or demonstrates the existence of unhouseed students, state financial assistance for the new construction component of a combined modernization and new construction project shall be limited to the provision of WAC 180-33-040.

(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. In the event the district elects to replace a facility and construct a new facility with more space than the facility being replaced, the additional space, in order to be eligible for state assistance shall meet the eligibility requirements for new construction or the new construction component requirement of WAC 180-33-015 (1)(c): PROVIDED, That no new construction in lieu of modernization project may qualify for additional state assistance pursuant to WAC 180-27-115 unless the facility being replaced would have qualified pursuant to

such section for additional state assistance as a modernization project.

NEW SECTION

WAC 180-33-043 EXCEPTIONS TO PROSPECTIVE APPLICATION OF WAC 180-33-040. Any district with a proposed project involving the replacement option of WAC 180-33-042 or the new construction component of WAC 180-33-015 (1)(c) which was approved by the state board of education pursuant to WAC 180-29-025 (i.e., Form C-2) prior to April 13, 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 85-09-061

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed April 17, 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 biological products in animal health care, chapter 16-42 WAC;

that the agency will at 10:00 a.m., Thursday, May 23, 1985, in the Large Conference Room, General Administration Building, Olympia, Washington 98504, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 31, 1985.

The authority under which these rules are proposed is chapter 16.36 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 23, 1985.

Dated: April 17, 1985

By: Mike Willis

Assistant Director

STATEMENT OF PURPOSE

Title: Biological products.

Description of Purpose: To establish procedure for the sale, distribution and use of veterinary biological products.

Statutory Authority: Chapter 16.36 RCW.

Summary of Rules: The rule establishes policies and procedures for the sale, distribution and use of veterinary biologics. In order to protect public health, to insure accurate diagnosis and to effectuate state-federal animal disease and control programs, biologics developed to combat certain specific diseases are restricted. A list of the specific diseases is included.

Reason Supporting the Proposed Rule: The amendment of this rule is necessary to update the listing of animal diseases for which biologics must be controlled

and to allow for the control of other biologics used in the prevention of dangerous and communicable animal diseases.

Agency Personnel to Contact: R. C. Sexauer, DVM, Acting State Veterinarian, Department of Agriculture, 406 General Administration Building, AX-41, Olympia, WA 98504, phone (206) 753-5040.

Agency Comment: None.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Small Business Economic Impact Statement: None.

NEW SECTION

WAC 16-42-005 DEFINITIONS. (1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department of agriculture.

(3) "Biologics," sometimes referred to as biologicals or biological products, means all viruses, serums, toxins, and analogous products of natural or synthetic origin, or products prepared from any type of genetic engineering, such as diagnostics, antitoxins, vaccines, live microorganisms, killed microorganisms and the antigenic or immunizing components of microorganisms intended for use in the diagnosis, treatment, or prevention of diseases in animals.

(4) "Live vaccine" means vaccine the component agents of which are not totally killed. Thus "live vaccine" includes all live, modified live, attenuated, or any other processed vaccine containing other than dead agents.

AMENDATORY SECTION (Amending Order 896, Regulation 2, effective 11/24/62)

WAC 16-42-015 LICENSE. (~~(License or permit to manufacture biological products — all veterinary biological products imported into this state or manufactured within the state of Washington shall be)~~ Only biologics which have been produced under a regular license issued by the ~~((animal inspection and quarantine division;))~~ United States Department of Agriculture ~~((, or by a special permit issued by the))~~ may be imported into the state of Washington ~~((state department of agriculture))~~. The director may allow the importation of unlicensed biologics when the director determines it necessary for the protection of humans or domestic animals.

NEW SECTION

WAC 16-42-017 PERMITS REQUIRED. (1) Any person manufacturing biologics within the state for distribution within the state shall first obtain a permit from the director. Such permit may be revoked or suspended in the manner provided for under chapter 34.04 RCW for any violation of this chapter.

(2) Prior to importation of any newly licensed biologic into the state for sale, use or distribution within the state, the written approval of the director shall be required. When deemed necessary, the director may also require a special permit for the importation or distribution of other biologics into the state.

NEW SECTION

WAC 16-42-022 BIOLOGICS. Biologics produced under a regular license issued by the United States Department of Agriculture, or produced under a permit issued by the director may only be sold by any drug outlet licensed pursuant to chapter 16.64 RCW or any veterinarian licensed pursuant to chapter 18.92 RCW. Persons other than licensed veterinarians or state or federal veterinarians may administer biologics other than those listed under WAC 16-42-025 to their own domestic animals.

AMENDATORY SECTION (Amending Order 896, Regulation 4, effective 11/24/62)

WAC 16-42-025 PURCHASING AND ADMINISTERING ~~((VACCINES))~~ BIOLOGICS LIMITED. (1) All ~~((five vaccines))~~ biologics now in existence or newly developed to diagnose, prevent, or combat the following diseases are declared by the director to be of

such a nature that their control is necessary to protect ~~((public))~~ animal or human health and welfare, to ~~((insure))~~ ensure accurate diagnosis, to prevent the spread of infectious, contagious, communicable, and dangerous diseases affecting domestic animals within the state of Washington and/or to effectuate state-federal animal disease control and eradication programs:

- (a) ~~((Anthrax~~
- (b) ~~Anaplasmosis~~
- (c) ~~Bluetongue~~
- (d) ~~Brucellosis~~
- (e) ~~Contagious ecthyma~~
- (f) ~~Distemper~~
- (g) ~~Equine rhinopneumonitis~~
- (h) ~~Foot and mouth disease~~
- (i) ~~Hog cholera~~
- (j) ~~Infectious hepatitis~~
- (k) ~~Rabies~~
- (l) ~~Rinderpest~~
- (m) ~~Swine erysipelas (Avirulent vaccine exempted))~~ Anaplasmosis
- (b) Anthrax
- (c) Bluetongue
- (d) Brucellosis
- (e) Equine infectious anemia
- (f) Equine viral arteritis
- (g) Paratuberculosis
- (h) Pseudorabies
- (i) Rabies
- (j) Tuberculosis
- (k) Swine erysipelas (Avirulent vaccine exempted)
- (l) Vesicular stomatitis

(2) ~~((Such vaccines))~~ All biologics used to control or diagnose any of the diseases listed in subsection (1) of this section are hereby restricted, and may only be purchased ~~((and)), administered ((only)), or otherwise used by or under the direct supervision of veterinarians licensed pursuant to chapter 18.92 RCW, or by state or federal ((veterinary personnel. PROVIDED, That)) veterinarians. The director may authorize, by written permit, others to purchase such ((vaccines)) biologics for ((:~~

(a)) research agencies or laboratories authorized by the state department of agriculture, emergency disease control programs, or other limited and controlled purposes which are not likely to create a hazard to the public health or to the health of ~~((livestock, and~~

(b) ~~PROVIDED FURTHER, That))~~ domestic animals. The director, in establishing ~~((such a))~~ this permit shall consider:

~~((i))~~ (a) The known effectiveness of the ~~((vaccine or product, and))~~ biologic;

~~((ii))~~ (b) Whether or not the disease for which the ~~((product))~~ biologic is used or intended to be used is present in this state and to what extent it is present ~~((, and));~~

~~((iii))~~ (c) Degree of isolation of the animals and area, and availability of veterinary service; and ((;

~~((iv))~~ (d) Any other factor which, having due regard for the properties of the ~~((vaccine or product))~~ biologic, may constitute a hazard to animal or public health in this state.

(3) No biologics shall be handled, purchased, imported, received, sold, or administered by any person except as provided for in this chapter.

AMENDATORY SECTION (Amending Order 896, Regulation 6, effective 11/24/62)

WAC 16-42-035 REQUIREMENT FOR SALES RECORDS AND REPORTS. (1) In the interest of public health and good cooperative disease control anyone selling ~~((five vaccines must))~~ biologics shall maintain records of such sales for one year. These records ~~((must))~~ shall be open for the department's inspection at any time.

(2) Any veterinarian or any other person using any biologics, as defined in WAC 16-42-005, shall immediately report to the department any suspected or actual disease outbreak that occurs in connection with use of the biologic.

NEW SECTION

WAC 16-42-060 PENALTY. Any person, firm or corporation violating any of these rules shall be guilty of a gross misdemeanor as set forth in chapter 16.36 RCW, and each day the violation occurs constitutes a separate offense.

REPEALER

The following sections of the Washington Administrative Code are repealed:

| | |
|-----------------|---|
| WAC 16-42-00101 | PROMULGATION. |
| WAC 16-42-01001 | DEFINITION. |
| WAC 16-42-02001 | VACCINE OUTLETS RESTRICTED. |
| WAC 16-42-03001 | EXEMPT VACCINES. |
| WAC 16-42-04001 | REPORTS OF DISEASE OUTBREAK BY USER. |
| WAC 16-42-045 | ORDER IS EXCLUSIVE—CONTROL OF SALES, ETC. |
| WAC 16-42-05001 | PENALTY. |

WSR 85-09-062**PROPOSED RULES****STATE BOARD OF EDUCATION**

[Filed April 17, 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 interim application of priority system during transition period, WAC 180-27-990;

that the agency will at 9:00 a.m., Thursday, May 30, 1985, in the Student Union Building, St. Martin's College, 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 Friday, May 31, 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 May 30, 1985.

Dated: April 17, 1985

By: Monica Schmidt
Secretary

STATEMENT OF PURPOSE

Rule: Chapter 180-27 WAC, State assistance in providing school plant facilities—Basic state support.

Rule Section: New section WAC 180-27-990 Interim application of priority system during transition period.

Statutory Authority: RCW 28A.47.830.

Purpose of the Rule: To provide for an orderly transition to a priority system for approval of school construction projects.

Summary of the New Rule and/or Amendments: Provides preferred funding status to school projects transmitted to SPI prior to implementation of priority system.

Reasons Which Support the Proposed Action: The proposed rules balance equities between projects developed in reliance of availability of state assistance and the need to establish a priority system.

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 is 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: This rule will not be necessary if the legislature provides sufficient capital funding to meet the school construction needs of school districts.

NEW SECTION

WAC 180-27-990 INTERIM APPLICATION OF PRIORITY SYSTEM DURING TRANSITIONAL PERIOD. (1) It is the intent of the state board of education that one-A and one-B building projects will be granted a preference to available state assistance in future state fiscal years as provided in this rule and notwithstanding the terms of WAC 180-27-058 (the priority system rule), or any other rule set forth in chapters 180-25 through 180-33 WAC, to the contrary.

(2) The following definitions apply for the purposes of this rule: (a) "One-A building projects" means and includes all building projects for which staff of the superintendent of public instruction determined were eligible for issuance of Form C-6 approval pursuant to WAC 180-29-107 during the period of April 2 through April 10, 1985, and, which have not been granted Form C-8 approval prior to April 15, 1985, pursuant to WAC 180-29-115 (notwithstanding such Form C-6 approval, no Form C-8 approval shall hereafter be granted for such projects pursuant to WAC 180-29-115 until on or after July 1, 1985, in accordance with this rule); and (b) "one-B building projects" means and includes any building project for which a Form C-2 had been issued pursuant to WAC 180-25-040 and 180-29-025 and, in addition, for which a complete and approvable application for Form C-6 approval pursuant to WAC 180-29-107 was delivered to the office of the superintendent of public instruction prior to noon of April 11, 1985, which, but for the unavailability of state assistance, would have been granted Form C-6 approval.

(3) Fiscal Year 1985-86. As of July, 1985, all eligible building projects shall be prioritized or ranked in accordance with WAC 180-27-058. State assistance deemed available as of that time shall first be allocated for priority one or WAC 180-27-058(1) building projects (inclusive of such one-A and one-B building projects as may qualify as priority one projects). In the event such available state assistance is more than sufficient for such priority one projects, all remaining one-A building projects alone shall then be prioritized or ranked in accordance with the date and time staff of the superintendent of public instruction determined the projects were eligible for issuance of Form C-6 approval pursuant to WAC 180-29-107, and remaining available state assistance shall be allocated for such projects. If available state assistance remains, all remaining one-B building projects alone shall be prioritized or ranked alone in accordance with the date and time application for Form C-6 approval was received by staff of the superintendent of public instruction, and the remaining available state assistance shall be allocated for such projects.

If available state assistance still remains for fiscal year 1985-86 allocation purposes, the priority system established pursuant to WAC 180-27-058 shall again be utilized for the purpose of allocating such remaining available state assistance. For the purposes of this subsection, all one-A building projects for which available state assistance has been allocated shall be deemed to have been reissued the requisite Form C-6 approval pursuant to WAC 180-29-107.

(4) Fiscal Year 1986-87. As of July, 1986, one-A building projects for which state assistance was deemed unavailable for fiscal year 1985-86 purposes shall have first priority in accordance with the date and time ranking established pursuant to subsection (3) of this section for the purposes of the allocation of state assistance then deemed to be available for fiscal year 1986-87 allocation purposes, as well as state assistance deemed available during fiscal year 1987-88, until such time as the state assistance for which such one-A building projects are eligible has been allocated in full.

In the event available state assistance is more than sufficient for such remaining one-A building projects, all other eligible projects shall then be prioritized or ranked in accordance with WAC 180-27-058 and the remaining available state assistance shall then be allocated for eligible priority one projects. If available state assistance remains, all remaining one-B, building projects alone shall be prioritized or ranked alone in accordance with the date and time application for Form C-6

approval was received by staff of the superintendent of public instruction, and the remaining available state assistance shall be allocated for such projects.

If available state assistance still remains for fiscal year 1986-87 allocation purposes, the priority system established pursuant to WAC 180-27-058 shall again be utilized for the purpose of allocating such remaining available state assistance. For the purposes of this subsection, all one-A building projects for which available state assistance has been allocated shall be deemed to have been reissued the requisite Form C-6 approval pursuant to WAC 180-29-107.

(5) Fiscal Year 1987-88. As of July, 1987, one-A building projects for which state assistance was deemed unavailable for fiscal year 1986-87 purposes shall have first priority in accordance with the date and time ranking established pursuant to subsection (3) of this section for the purposes of the allocation of state assistance then deemed to be available for fiscal year 1987-88 allocation purposes.

In the event available state assistance is more than sufficient for such remaining one-A building projects, all other eligible projects shall then be prioritized or ranked in accordance with WAC 180-27-058 and the remaining available state assistance shall then be allocated for eligible priority one projects. If available state assistance remains, all remaining one-B building projects alone shall be prioritized or ranked alone in accordance with the date and time ranking established pursuant to subsection (4) of this section, and the remaining available state assistance shall be allocated for such projects.

If available state assistance still remains for fiscal year 1987-88 allocation purposes, the priority system established pursuant to WAC 180-27-058 shall again be utilized for the purpose of allocating such remaining available state assistance. For the purposes of this subsection, all one-A building projects for which available state assistance has been allocated shall be deemed to have been reissued the requisite Form C-6 approval pursuant to WAC 180-29-107.

(6) Fiscal Year 1988-89. As of July, 1988, all one-B building projects for which state assistance has not been allocated for shall have first priority for purposes of the allocation of state assistance then deemed to be available for fiscal year 1988-89 allocation purposes, as well as state assistance deemed available during any subsequent fiscal year, until such time as the state assistance for which such one-B building projects are eligible has been allocated in full.

WSR 85-09-063
EMERGENCY RULES
STATE BOARD OF EDUCATION
 [Order 7-85—Filed April 17, 1985]

Be it resolved by the State Board of Education, acting at Jenne-Wright School, Silverdale, Washington, that it does adopt the annexed rules relating to State assistance in providing school plant facilities—Preliminary provisions, chapter 180-25 WAC.

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 there exists a need for an interpretive rule clarifying agency policy regarding new construction without unhoused students. The interpretive rule codifies existing agency practice and announces a prospective change. This clarification affects numerous projects under construction and a timely adoption eliminates disruption to the completion of current projects.

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.47-.830 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 12, 1985.

By Monica Schmidt
Secretary

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, 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 by authorizing the maximum area allowance eligible for state financial assistance for each school plant project approved and for which the superintendent of public instruction shall issue a Form C-2 and state any conditions that may or may not be applicable including whether the state board of education has approved or denied eligibility for additional state assistance pursuant to WAC 180-27-115 for one or more approved school plant projects or whether such decision by the state board of education for any approved school plant project has been deferred due to insufficient factual information for a determination or due to a request by the district to present the necessary factual information at a subsequent state board of education meeting.

AMENDATORY SECTION (Amending Order 9-83, filed 10/17/83)

WAC 180-25-045 APPROVAL CRITERIA FOR STATE ASSISTANCE. (~~With the exception of inter-district 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 unhoused 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 unhoused 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 unhoused students provision of subsection (1) of this section shall not be required for approval of the following school facilities projects: Interdistrict cooperative centers authorized by chapter 180-31 WAC, interdistrict transportation cooperatives authorized by chapter 180-32 WAC, and modernization and new construction authorized by chapter 180-33 WAC.

NEW SECTION

WAC 180-25-055 **CONDITIONS APPLICABLE TO DISTRICTS 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.

WSR 85-09-064
EMERGENCY RULES
STATE BOARD OF EDUCATION
[Order 8-85—Filed April 17, 1985]

Be it resolved by the State Board of Education, acting at Jenne-Wright School, Silverdale, Washington, that it does adopt the annexed rules relating to State assistance in providing school plant facilities—Modernization and in lieu construction, chapter 180-33 WAC.

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 there exists a need for an interpretive rule clarifying agency policy regarding new construction without unhoused students. The interpretive rule codifies existing agency practice and announces a prospective change. This clarification affects numerous projects under construction and a timely adoption eliminates disruption to the completion of current projects.

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.47-.830 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State

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

APPROVED AND ADOPTED April 12, 1985.

By Monica Schmidt
Secretary

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: PROVIDED FURTHER, That unless the district meets an exception provided in WAC 180-33-043 or demonstrates the existence of unhoused students, state financial assistance for the new construction component of a combined modernization and new construction project shall be limited to the provision of WAC 180-33-040.

(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. In the event the district elects to replace a facility and construct a new facility with more space than the facility being replaced, the additional space, in order to be eligible for state assistance shall meet the eligibility requirements for new construction or the new construction component requirement of WAC 180-33-015 (1)(c): **PROVIDED,** That no new construction in lieu of modernization project may qualify for additional state assistance pursuant to WAC 180-27-115 unless the facility being replaced would have qualified pursuant to such section for additional state assistance as a modernization project.

NEW SECTION

WAC 180-33-043 EXCEPTIONS TO PROSPECTIVE APPLICATION OF WAC 180-33-040. Any district with a proposed project involving the replacement option of WAC 180-33-042 or the new construction component of WAC 180-33-015 (1)(c) which was approved by the state board of education pursuant to WAC 180-29-025 (i.e., Form C-2) prior to April 13, 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 85-09-065
EMERGENCY RULES
STATE BOARD OF EDUCATION
[Order 9-85—Filed April 17, 1985]

Be it resolved by the State Board of Education, acting at Jenne-Wright School, Silverdale, Washington, that it does adopt the annexed rules relating to interim application of priority system during transition period, WAC 180-27-990.

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 without immediate adoption of this rule, districts with secured funding status would deplete available state assistance and there would not be sufficient allocation capacity to authorize priority one projects (see WAC 180-27-058(1)) during the 1985-86 fiscal year.

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.47-.830 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 12, 1985.

By Monica Schmidt
Secretary

NEW SECTION

WAC 180-27-990 INTERIM APPLICATION OF PRIORITY SYSTEM DURING TRANSITIONAL PERIOD. (1) It is the intent of the state board of education that one-A and one-B building projects will be granted a preference to available state assistance in future state fiscal years as provided in this rule and notwithstanding the terms of WAC 180-27-058 (the priority system rule), or any other rule set forth in chapters 180-25 through 180-33 WAC, to the contrary.

(2) The following definitions apply for the purposes of this rule: (a) "One-A building projects" means and includes all building projects for which staff of the superintendent of public instruction determined were eligible for issuance of Form C-6 approval pursuant to WAC 180-29-107 during the period of April 2 through April 10, 1985, and, which have not been granted Form C-8 approval prior to April 15, 1985, pursuant to WAC 180-29-115 (notwithstanding such Form C-6 approval, no Form C-8 approval shall hereafter be granted for such projects pursuant to WAC 180-29-115 until on or after July 1, 1985, in accordance with this rule); and (b) "one-B building projects" means and includes any building project for which a Form C-2 had been issued pursuant to WAC 180-25-040 and 180-29-025 and, in addition, for which a complete and approvable application for Form C-6 approval pursuant to WAC 180-29-107 was delivered to the office of the superintendent of public instruction prior to noon of April 11, 1985, which, but for the unavailability of state assistance, would have been granted Form C-6 approval.

(3) Fiscal Year 1985-86. As of July, 1985, all eligible building projects shall be prioritized or ranked in accordance with WAC 180-27-058. State assistance deemed available as of that time shall first be allocated for priority one or WAC 180-27-058(1) building projects (inclusive of such one-A and one-B building projects as may qualify as priority one projects). In the event such available state assistance is more than sufficient for such priority one projects, all remaining one-A building projects alone shall then be prioritized or

ranked in accordance with the date and time staff of the superintendent of public instruction determined the projects were eligible for issuance of Form C-6 approval pursuant to WAC 180-29-107, and remaining available state assistance shall be allocated for such projects. If available state assistance remains, all remaining one-B building projects alone shall be prioritized or ranked alone in accordance with the date and time application for Form C-6 approval was received by staff of the superintendent of public instruction, and the remaining available state assistance shall be allocated for such projects.

If available state assistance still remains for fiscal year 1985-86 allocation purposes, the priority system established pursuant to WAC 180-27-058 shall again be utilized for the purpose of allocating such remaining available state assistance. For the purposes of this subsection, all one-A building projects for which available state assistance has been allocated shall be deemed to have been reissued the requisite Form C-6 approval pursuant to WAC 180-29-107.

(4) Fiscal Year 1986-87. As of July, 1986, one-A building projects for which state assistance was deemed unavailable for fiscal year 1985-86 purposes shall have first priority in accordance with the date and time ranking established pursuant to subsection (3) of this section for the purposes of the allocation of state assistance then deemed to be available for fiscal year 1986-87 allocation purposes, as well as state assistance deemed available during fiscal year 1987-88, until such time as the state assistance for which such one-A building projects are eligible has been allocated in full.

In the event available state assistance is more than sufficient for such remaining one-A building projects, all other eligible projects shall then be prioritized or ranked in accordance with WAC 180-27-058 and the remaining available state assistance shall then be allocated for eligible priority one projects. If available state assistance remains, all remaining one-B, building projects alone shall be prioritized or ranked alone in accordance with the date and time application for Form C-6 approval was received by staff of the superintendent of public instruction, and the remaining available state assistance shall be allocated for such projects.

If available state assistance still remains for fiscal year 1986-87 allocation purposes, the priority system established pursuant to WAC 180-27-058 shall again be utilized for the purpose of allocating such remaining available state assistance. For the purposes of this subsection, all one-A building projects for which available state assistance has been allocated shall be deemed to have been reissued the requisite Form C-6 approval pursuant to WAC 180-29-107.

(5) Fiscal Year 1987-88. As of July, 1987, one-A building projects for which state assistance was deemed unavailable for fiscal year 1986-87 purposes shall have first priority in accordance with the date and time ranking established pursuant to subsection (3) of this section for the purposes of the allocation of state assistance then deemed to be available for fiscal year 1987-88 allocation purposes.

In the event available state assistance is more than sufficient for such remaining one-A building projects, all other eligible projects shall then be prioritized or ranked in accordance with WAC 180-27-058 and the remaining available state assistance shall then be allocated for eligible priority one projects. If available state assistance remains, all remaining one-B building projects alone shall be prioritized or ranked alone in accordance with the date and time ranking established pursuant to subsection (4) of this section, and the remaining available state assistance shall be allocated for such projects.

If available state assistance still remains for fiscal year 1987-88 allocation purposes, the priority system established pursuant to WAC 180-27-058 shall again be utilized for the purpose of allocating such remaining available state assistance. For the purposes of this subsection, all one-A building projects for which available state assistance has been allocated shall be deemed to have been reissued the requisite Form C-6 approval pursuant to WAC 180-29-107.

(6) Fiscal Year 1988-89. As of July, 1988, all one-B building projects for which state assistance has not been allocated for shall have first priority for purposes of the allocation of state assistance then deemed to be available for fiscal year 1988-89 allocation purposes, as well as state assistance deemed available during any subsequent fiscal year, until such time as the state assistance for which such one-B building projects are eligible has been allocated in full.

WSR 85-09-066
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed April 17, 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 designation maps, amending WAC 173-22-060;

that the agency will at 2:00 p.m., Wednesday, May 22, 1985, in the Friday Harbor Town Hall, 60 Second Street, Friday Harbor, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 3, 1985.

The authority under which these rules are proposed is RCW 90.58.030, 90.58.120 and 98.58.200 [90.58.200].

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

Dated: April 15, 1985
By: Glen H. Fiedler
Deputy Director

STATEMENT OF PURPOSE

Title: Amending WAC 173-22-060.

Description of Purpose: Update the shoreline designation maps for San Juan County to reflect current information.

Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200.

Summary of Rule: Amendments to the mapped designations of certain associated wetlands within San Juan County.

Reasons Supporting Proposed Action: To maintain current designation maps for regulatory and administrative purposes.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Susan Mauermann, (206) 459-6789.

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 85-05, filed 4/15/85)

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. 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; and June 3, 1985.

WSR 85-09-067

EMERGENCY RULES

DEPARTMENT OF ECOLOGY

[Order DE 85-09—Filed April 17, 1985]

I, Glen H. Fiedler, deputy director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to administration of the flood control assistance account program, adopting chapter 173-144 WAC, regarding grant assistance to counties and municipal corporations for flood control maintenance projects.

I, Glen H. Fiedler, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these rules are needed to continue standards, criteria and requirements which are needed to complete work and make decisions regarding flood control maintenance projects.

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

This rule is promulgated pursuant to chapter 86.26 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 April 15, 1985.

By Glen H. Fiedler
Deputy Director

Chapter 173-144 WAC

ADMINISTRATION OF THE FLOOD CONTROL ASSISTANCE ACCOUNT PROGRAM

NEW SECTION

WAC 173-144-010 AUTHORITY AND PURPOSE. Chapter 212, Laws of 1984, Regular Session, amended chapter 86.26 RCW, State participation in flood control maintenance (the Act); RCW 86.26.010 provides that the department of ecology (WDOE) shall administer and enforce the flood control assistance account program (FCAAP) established by the Act. This chapter describes the manner in which WDOE will implement the provisions of the Act.

NEW SECTION

WAC 173-144-020 ELIGIBILITY CRITERIA FOR FCAAP FUNDS. The following criteria will be used for approval by WDOE of a maintenance project application for flood control assistance funds.

(1) Eligible municipal corporations. Municipal corporations which are eligible to receive FCAAP grant funds include but are not limited to counties, cities, towns, conservation districts, and special districts which have flood control responsibilities.

(2) Public benefit. It shall be clearly demonstrated that the projects shall display a general public and state interest as differentiated from a private interest and they shall bring about public benefits commensurate with the FCAAP funds provided.

(3) Permit requirements. Prior to construction, the project must meet all applicable local, state, and federal regulation and permit requirements.

(4) Comprehensive flood control management plan. The county or municipal corporation in which the project is located must either have a comprehensive flood control management plan completed and adopted or in preparation by the appropriate local authority and to be completed and adopted within three years of the date of certification by the county engineer that a comprehensive flood control management plan is being prepared. The project shall be consistent with and conform to the comprehensive flood control management plan.

(5) Project cost. The project grant application shall include the estimated project cost.

(6) Project benefits. The project benefits shall be clearly identified and described.

(7) National flood insurance program (NFIP) requirements. The unincorporated county or incorporated city or town in which the project is located shall be participating in the NFIP and shall be meeting the NFIP regulation requirements.

(8) Legislative approval. Nonemergency projects shall not be funded from the FCAAP without approval by the legislature.

(9) Budget report. Any municipal corporation seeking FCAAP funds shall submit its annual budget for flood control purposes to the county engineer within thirty days after final adoption. The budget reports for municipal corporations and for the county shall be submitted to WDOE by the county engineer not later than March 1 of every year.

(10) Eligible project costs. Only that work which is conducted during project construction shall be eligible from payment for FCAAP funds.

NEW SECTION

WAC 173-144-030 DEFINITIONS. Following are the FCAAP definitions of words and phrases:

(1) "Emergency funds." That portion of the four million dollar biennial appropriation set aside to perform emergency work.

(2) "Emergency work." Work which must be done immediately to protect life and property when an imminent flood threat exists or immediately after a flooding situation to prevent further losses.

(3) "Maintenance work." The work necessary to keep in good condition, repair and preservation of the natural condition or man-made flood control facilities which are subject to damage or destruction from flooding by action of erosion, by stream flow, by sheet runoff, or other damage by the sea or other bodies of water.

(4) "Restoring." The work necessary to bring an existing condition or man-made facility or other works back to its former or natural condition by repairing, rebuilding, or altering.

NEW SECTION

WAC 173-144-040 FCAAP PROJECT APPLICATION AND APPROVAL PROCESS. The project application and approval process for the municipal corporation application shall include the following in the general sequence given.

(1) The applicant shall prepare the project application to comply with the provisions of chapter 86.26 RCW and this chapter. The application shall be made on a form furnished by WDOE. In addition to the completed form, the application shall include the following:

- (a) A detailed written description of the project;
- (b) A vicinity map and sketch to identify water body name, stream river mile, section-township-range, etc.;
- (c) A general plan drawing of the project on an 8 1/2" x 11" or 8 1/2" x 14" sheet; and
- (d) A description of the project benefits which describe how the project will mitigate flood damage and describe development which exists on adjacent and nearby lands which are protected by the facility.

(2) The applicant and county engineer shall review the preliminary project plans with the Washington departments of fisheries and game.

(3) The applicant shall indicate the priority of the project applications if more than one is submitted.

(4) The applicant shall submit a prioritized list of project applications to the county engineer.

(5) The county engineer shall certify the status of the comprehensive flood control management plan and shall submit a prioritized list of all project applications within the county to WDOE.

(6) WDOE will analyze all projects for compliance with the requirements pursuant to this chapter and chapter 86.26 RCW and give priority to projects based on the criteria defined in WAC 173-144-050.

(7) WDOE submits the list of projects to the legislature for approval.

(8) The applicant and/or county shall acquire the necessary federal, state, and local permits along with any other permission required to complete the project.

(9) WDOE shall consult with the departments of fisheries and game regarding the list of projects.

(10) WDOE shall prepare and finalize the cooperative agreements with the counties.

(11) The construction plans and specifications shall be prepared by the applicant for approval by the county engineer prior to submission to WDOE for review of each project for compliance with all requirements.

(12) The county engineer shall supervise and direct each project.

(13) WDOE shall monitor each project for compliance with the provisions of the cooperative agreement.

NEW SECTION

WAC 173-144-050 PRIORITY OF NONEMERGENCY FCAAP PROJECTS. The priority given to nonemergency projects by WDOE, the counties, and other municipal corporations shall involve consideration to the following criteria:

(1) The public benefits from the project shall be commensurate with the amount of FCAAP funds granted for the project.

(2) An evaluation of the findings that the county, city, or town in which the project is located is engaging in appropriate floodplain management activities in the one-hundred-year flood plan.

(3) An evaluation of the status and adequacy of the comprehensive flood control management plan for the project basin, county or municipality.

(4) The priority given to the projects by WDOE shall consider the priority which has already been established by each county.

(5) An evaluation of the magnitude of potential public damage that might occur without the project.

(6) An evaluation of the project urgency.

NEW SECTION

WAC 173-144-060 FLOOD CONTROL ASSISTANT ACCOUNT CONTRIBUTION AND MATCH

REQUIREMENTS FOR NONEMERGENCY PROJECTS. *The following criteria shall be used regarding the FCAAP funding for all nonemergency projects:*

(1) *The maximum contribution from the flood control assistance account toward the cost of any project shall be five hundred thousand dollars per project.*

(2) *The amount of FCAAP contribution for any non-emergency project shall not exceed fifty percent of the total project cost.*

(3) *The total FCAAP contribution for all projects in any county shall not exceed five hundred thousand dollars per biennium.*

NEW SECTION

WAC 173-144-070 EMERGENCY PROJECT FUND ADMINISTRATION. *The following criteria shall be the basis of allocating the emergency fund moneys:*

(1) *Appropriation from the FCAAP fund for emergency projects will require the declaration of an emergency by the county commission or the county executive.*

(2) *Application for emergency funds must be made on the same form used for nonemergency fund application.*

(3) *Payment of FCAAP funds for the emergency project will be based on actual project costs.*

(4) *Payment of money from the emergency fund shall be allocated on a first-come first-serve basis and shall not be based on any priority system.*

(5) *Emergency project grants shall not require legislative approval but shall be approved by the director of the department of ecology.*

(6) *The maximum amount of money allocated to the emergency project fund shall be five hundred thousand dollars per biennium and will be so identified with the list of projects submitted to the legislature for appropriation.*

(7) *The flood control assistance account contribution shall not exceed eighty percent of the eligible project cost.*

NEW SECTION

WAC 173-144-080 MULTI-YEAR PROJECTS. *Legislative approval will only be required once for a project which continues more than one year, but funding after the first year is subject to further FCAAP appropriation by the legislature.*

NEW SECTION

WAC 173-144-090 WORK STANDARDS FOR ALL FCAAP PROJECTS. *All work which is funded from the flood control assistance account shall conform to the standards and specifications of the United States Army Corps of Engineers, the United States Department of Agriculture Soil Conservation Service or the county engineer.*

WSR 85-09-068

NOTICE OF PUBLIC MEETINGS DEPARTMENT OF ECOLOGY

[Memorandum—April 17, 1985]

The Washington Department of Ecology (WDOE), the Washington Department of Social and Health Services (DSHS), the Washington Department of Agriculture (WDA), and the U.S. Environmental Protection Agency, Region 10 (EPA) are requesting public review and comment on proposed environmental programs to be included in a formal agreement between these agencies for fiscal year 1986 (July 1, 1985 – June 30, 1986).

The state/EPA agreement (SEA) contains priorities for water quality, drinking water, hazardous waste, air quality, and pesticide programs. The SEA identifies environmental problems and outlines specific program commitments for resolving the problems. Included in the water quality program plan is a description of the Puget Sound clean up initiative workplan.

The state and EPA want the public to become familiar with, and comment on, the major environmental problems and the proposed solutions outlined in the SEA and as part of the water quality program plan the Puget Sound initiative workplan. Public comments will be considered in establishing final priorities and carrying out programs.

A public hearing will be held to discuss the SEA and to receive public comments on May 21, 1985, 7:00 p.m. at the Energy Facility Siting Evaluation Council, 4224 6th Avenue S.E., Building 1, Lacey, Washington.

The draft SEA consists of an executive document and individual program documents which outline in more detail the water quality, hazardous waste, drinking water, air quality, and pesticides programs. Copies of all SEA documents will be available to the public during April and May 1985 at WDOE headquarters (Lacey), WDOE regional offices (Tumwater, Redmond, Yakima, and Spokane), DSHS headquarters (Tumwater), WDA headquarters (Olympia), and EPA offices (Seattle and Lacey).

The draft SEA or other information about the SEA can be obtained by contacting Nina Carter, Department of Ecology, MS PV-11, Olympia, Washington 98504, phone (206) 459-6690. If you are interested in the Puget Sound workplan, contact Martha Burke, U.S. Environmental Protection Agency, 1200 6th Avenue, Seattle, WA, (206) 442-4014. All requests should specify which SEA documents are being requested. Written comments on the SEA should be sent to the same address. All comments should be received by May 28, 1985. Public comments received on the draft SEA will be used in preparing the final SEA as appropriate. The SEA is also being reviewed by the state advisory committees of the programs contained in the SEA.

At the conclusion of the public review process, a summary of comments and state and EPA responses will be included in the SEA executive document and mailed to those who attended the public meeting and/or submitted written comments, to advisory committee members, and to anyone else requesting a copy. This responsiveness

summary will also be included in the final SEA to be submitted to EPA by June 15, 1985.

Table of WAC Sections Affected

KEY TO TABLE

Symbols:

- AMD = Amendment of existing section
- NEW = New section not previously codified
- OBJEC = Notice of objection by Joint Administrative Rules Review Committee
- RE-AD = Readoption of existing section
- REP = Repeal of existing section
- REAFF = Order assuming and reaffirming rules
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule
- STMT = Statement regarding previously adopted rule

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.

Suffixes:

- P = Proposed action
- C = Continuance of previous proposal
- E = Emergency action
- W = Withdrawal of proposed action
- No suffix means permanent action

| WAC # | WSR # | WAC # | WSR # | WAC # | WSR # |
|-------------|-----------------|--------------|-----------------|-------------|-----------------|
| 4-25-040 | AMD-P 85-02-066 | 16-400-007 | NEW-P 85-03-089 | 67-45-075 | REP-E 85-09-039 |
| 4-25-040 | AMD-C 85-06-008 | 16-400-007 | NEW 85-06-029 | 100-100-010 | NEW 85-03-011 |
| 4-25-040 | AMD-C 85-06-054 | 16-400-020 | REP-P 85-03-089 | 100-100-020 | NEW 85-03-011 |
| 4-25-140 | AMD-P 85-02-066 | 16-400-020 | REP 85-06-029 | 100-100-030 | NEW 85-03-011 |
| 4-25-140 | AMD-C 85-06-008 | 16-409-015 | AMD-P 85-03-090 | 100-100-040 | NEW 85-03-011 |
| 4-25-140 | AMD-C 85-06-054 | 16-409-015 | AMD 85-07-028 | 100-100-050 | NEW 85-03-011 |
| 4-25-260 | REP-P 85-02-066 | 16-409-020 | AMD-P 85-03-090 | 100-100-060 | NEW 85-03-011 |
| 4-25-260 | REP-C 85-06-008 | 16-409-020 | AMD 85-07-028 | 100-100-070 | NEW 85-03-011 |
| 4-25-260 | REP-C 85-06-054 | 16-409-030 | AMD-P 85-03-090 | 100-100-070 | AMD-P 85-04-063 |
| 16-42 | AMD-C 85-03-061 | 16-409-030 | AMD 85-07-028 | 100-100-070 | AMD 85-09-027 |
| 16-42-00101 | REP-P 85-09-061 | 16-409-035 | AMD-P 85-03-090 | 100-100-075 | NEW 85-09-027 |
| 16-42-005 | NEW-P 85-09-061 | 16-409-035 | AMD 85-07-028 | 100-100-080 | NEW 85-03-011 |
| 16-42-01001 | REP-P 85-09-061 | 16-409-060 | AMD-P 85-03-090 | 100-100-090 | NEW 85-03-011 |
| 16-42-015 | AMD-P 85-09-061 | 16-409-060 | AMD 85-07-028 | 100-100-100 | NEW 85-03-011 |
| 16-42-017 | NEW-P 85-09-061 | 16-409-065 | AMD-P 85-03-090 | 100-100-100 | AMD-P 85-04-063 |
| 16-42-02001 | REP-P 85-09-061 | 16-409-065 | AMD 85-07-028 | 106-120 | AMD-P 85-03-086 |
| 16-42-022 | NEW-P 85-09-061 | 16-409-070 | AMD-P 85-03-090 | 106-120 | AMD 85-07-032 |
| 16-42-025 | AMD-P 85-09-061 | 16-409-070 | AMD 85-07-028 | 106-120-001 | REP-P 85-03-086 |
| 16-42-03001 | REP-P 85-09-061 | 16-409-075 | AMD-P 85-03-090 | 106-120-001 | REP 85-07-032 |
| 16-42-035 | AMD-P 85-09-061 | 16-409-075 | AMD 85-07-028 | 106-120-003 | NEW-P 85-03-086 |
| 16-42-04001 | REP-P 85-09-061 | 16-409-085 | AMD-P 85-03-090 | 106-120-003 | NEW 85-07-032 |
| 16-42-045 | REP-P 85-09-061 | 16-409-085 | AMD 85-07-028 | 106-120-004 | NEW-P 85-03-086 |
| 16-42-05001 | REP-P 85-09-061 | 16-409-120 | REP-P 85-03-090 | 106-120-004 | NEW 85-07-032 |
| 16-42-060 | NEW-P 85-09-061 | 16-409-120 | REP 85-07-028 | 106-120-005 | NEW-P 85-03-086 |
| 16-230-190 | AMD-P 85-07-062 | 16-555-010 | NEW-P 85-05-038 | 106-120-005 | NEW 85-07-032 |
| 16-231 | AMD-C 85-06-042 | 16-555-020 | NEW-P 85-05-038 | 106-120-006 | NEW-P 85-03-086 |
| 16-231-413 | NEW-P 85-03-101 | 16-555-030 | NEW-P 85-05-038 | 106-120-006 | NEW 85-07-032 |
| 16-231-413 | NEW 85-07-029 | 16-555-040 | NEW-P 85-05-038 | 106-120-007 | NEW-P 85-03-086 |
| 16-231-613 | NEW-P 85-03-101 | 16-555-041 | NEW-P 85-05-038 | 106-120-007 | NEW 85-07-032 |
| 16-231-613 | NEW 85-07-029 | 16-555-050 | NEW-P 85-05-038 | 106-120-010 | REP-P 85-03-086 |
| 16-231-615 | AMD-P 85-03-101 | 16-555-060 | NEW-P 85-05-038 | 106-120-010 | REP 85-07-032 |
| 16-231-615 | AMD 85-07-029 | 16-555-070 | NEW-P 85-05-038 | 106-120-011 | REP-P 85-03-086 |
| 16-304-040 | AMD-P 85-06-051 | 16-555-080 | NEW-P 85-05-038 | 106-120-011 | REP 85-07-032 |
| 16-316-0601 | AMD-P 85-06-052 | 16-560-06001 | AMD-P 85-02-054 | 106-120-013 | REP-P 85-03-086 |
| 16-316-215 | AMD-P 85-06-052 | 16-750-010 | AMD-P 85-03-102 | 106-120-013 | REP 85-07-032 |
| 16-316-230 | AMD-P 85-06-052 | 16-750-010 | AMD 85-07-003 | 106-120-020 | REP-P 85-03-086 |
| 16-316-270 | AMD-P 85-06-052 | 51-10 | AMD-P 85-02-055 | 106-120-020 | REP 85-07-032 |
| 16-316-327 | AMD-P 85-06-052 | 51-10 | AMD 85-03-095 | 106-120-021 | NEW-P 85-03-086 |
| 16-316-350 | AMD-P 85-06-052 | 51-10 | AMD 85-07-036 | 106-120-021 | NEW 85-07-032 |
| 16-316-440 | AMD-P 85-06-052 | 67-25-005 | AMD-P 85-03-081 | 106-120-022 | NEW-P 85-03-086 |
| 16-316-474 | AMD-P 85-06-052 | 67-25-005 | AMD 85-06-030 | 106-120-022 | NEW 85-07-032 |
| 16-316-660 | AMD-P 85-06-052 | 67-25-257 | NEW-P 85-03-081 | 106-120-023 | NEW-P 85-03-086 |
| 16-316-724 | AMD-P 85-06-052 | 67-25-257 | NEW 85-06-030 | 106-120-023 | NEW 85-07-032 |
| 16-316-800 | AMD-P 85-06-052 | 67-25-420 | AMD-P 85-03-081 | 106-120-024 | NEW-P 85-03-086 |
| 16-316-820 | AMD-P 85-06-052 | 67-25-420 | AMD 85-06-030 | 106-120-024 | NEW 85-07-032 |
| 16-316-830 | AMD-P 85-06-052 | 67-45-010 | REP-E 85-09-039 | 106-120-025 | NEW-P 85-03-086 |
| 16-316-906 | AMD-P 85-07-058 | 67-45-020 | REP-E 85-09-039 | 106-120-025 | NEW 85-07-032 |
| 16-316-911 | AMD-P 85-07-058 | 67-45-030 | REP-E 85-09-039 | 106-120-026 | NEW-P 85-03-086 |
| 16-316-921 | AMD-P 85-07-058 | 67-45-040 | REP-E 85-09-039 | 106-120-026 | NEW 85-07-032 |
| 16-316-945 | NEW-P 85-07-058 | 67-45-045 | REP-E 85-09-039 | 106-120-027 | NEW-P 85-03-086 |
| 16-316-950 | NEW-P 85-07-058 | 67-45-050 | REP-E 85-09-039 | 106-120-027 | NEW 85-07-032 |
| 16-316-955 | NEW-P 85-07-058 | 67-45-060 | REP-E 85-09-039 | 106-120-028 | NEW-P 85-03-086 |
| 16-316-960 | NEW-P 85-07-058 | 67-45-070 | REP-E 85-09-039 | 106-120-028 | NEW 85-07-032 |

Table of WAC Sections Affected

| WAC # | WSR # | WAC # | WSR # | WAC # | WSR # | | | |
|--------------|-------|-----------|--------------|-------|-----------|--------------|-------|-----------|
| 106-120-030 | REP-P | 85-03-086 | 132C-120-060 | AMD-P | 85-07-051 | 132F-419-030 | NEW-P | 85-07-056 |
| 106-120-030 | REP | 85-07-032 | 132C-120-065 | AMD-P | 85-07-051 | 132F-419-040 | NEW-P | 85-07-056 |
| 106-120-031 | REP-P | 85-03-086 | 132C-120-070 | REP-P | 85-07-051 | 132F-419-050 | NEW-P | 85-07-056 |
| 106-120-031 | REP | 85-07-032 | 132C-120-075 | REP-P | 85-07-051 | 132F-419-060 | NEW-P | 85-07-056 |
| 106-120-032 | REP-P | 85-03-086 | 132C-120-080 | REP-P | 85-07-051 | 132F-419-070 | NEW-P | 85-07-056 |
| 106-120-032 | REP | 85-07-032 | 132C-120-085 | REP-P | 85-07-051 | 132R-128-010 | REP-P | 85-05-007 |
| 106-120-033 | NEW-P | 85-03-086 | 132C-120-090 | REP-P | 85-07-051 | 132R-128-020 | REP-P | 85-05-007 |
| 106-120-033 | NEW | 85-07-032 | 132C-120-095 | REP-P | 85-07-051 | 132R-128-030 | REP-P | 85-05-007 |
| 106-120-040 | REP-P | 85-03-086 | 132C-120-100 | AMD-P | 85-07-051 | 132R-128-040 | REP-P | 85-05-007 |
| 106-120-040 | REP | 85-07-032 | 132C-120-105 | AMD-P | 85-07-051 | 132R-128-050 | REP-P | 85-05-007 |
| 106-120-041 | REP-P | 85-03-086 | 132C-120-110 | AMD-P | 85-07-051 | 132R-128-060 | REP-P | 85-05-007 |
| 106-120-041 | REP | 85-07-032 | 132C-120-115 | AMD-P | 85-07-051 | 132R-128-070 | REP-P | 85-05-007 |
| 106-120-042 | REP-P | 85-03-086 | 132C-120-120 | AMD-P | 85-07-051 | 132R-128-080 | REP-P | 85-05-007 |
| 106-120-042 | REP | 85-07-032 | 132C-120-125 | AMD-P | 85-07-051 | 132R-128-090 | REP-P | 85-05-007 |
| 106-120-043 | REP-P | 85-03-086 | 132C-120-130 | AMD-P | 85-07-051 | 132R-128-100 | REP-P | 85-05-007 |
| 106-120-043 | REP | 85-07-032 | 132C-120-135 | AMD-P | 85-07-051 | 132R-128-110 | REP-P | 85-05-007 |
| 106-120-050 | REP-P | 85-03-086 | 132C-120-140 | AMD-P | 85-07-051 | 132R-128-120 | REP-P | 85-05-007 |
| 106-120-050 | REP | 85-07-032 | 132C-120-145 | AMD-P | 85-07-051 | 132R-128-121 | REP-P | 85-05-007 |
| 106-120-051 | REP-P | 85-03-086 | 132C-120-150 | AMD-P | 85-07-051 | 132R-128-122 | REP-P | 85-05-007 |
| 106-120-051 | REP | 85-07-032 | 132C-120-155 | REP-P | 85-07-051 | 132R-128-130 | REP-P | 85-05-007 |
| 106-120-053 | REP-P | 85-03-086 | 132C-120-160 | REP-P | 85-07-051 | 132R-180-010 | REP-P | 85-05-007 |
| 106-120-053 | REP | 85-07-032 | 132C-120-165 | REP-P | 85-07-051 | 132R-180-020 | REP-P | 85-05-007 |
| 106-120-055 | REP-P | 85-03-086 | 132C-120-170 | REP-P | 85-07-051 | 132R-180-030 | REP-P | 85-05-007 |
| 106-120-055 | REP | 85-07-032 | 132C-120-175 | REP-P | 85-07-051 | 132R-180-040 | REP-P | 85-05-007 |
| 106-120-056 | REP-P | 85-03-086 | 132C-120-180 | REP-P | 85-07-051 | 132R-180-050 | REP-P | 85-05-007 |
| 106-120-056 | REP | 85-07-032 | 132C-120-185 | REP-P | 85-07-051 | 132R-180-060 | REP-P | 85-05-007 |
| 106-120-057 | REP-P | 85-03-086 | 132C-120-190 | REP-P | 85-07-051 | 132R-180-070 | REP-P | 85-05-007 |
| 106-120-057 | REP | 85-07-032 | 132C-120-195 | REP-P | 85-07-051 | 132R-180-080 | REP-P | 85-05-007 |
| 106-120-058 | REP-P | 85-03-086 | 132C-120-200 | AMD-P | 85-07-051 | 132R-180-090 | REP-P | 85-05-007 |
| 106-120-058 | REP | 85-07-032 | 132C-120-205 | AMD-P | 85-07-051 | 136-18-064 | NEW-P | 85-07-055 |
| 106-120-060 | REP-P | 85-03-086 | 132C-120-210 | AMD-P | 85-07-051 | 136-18-066 | NEW-P | 85-07-055 |
| 106-120-060 | REP | 85-07-032 | 132C-120-215 | AMD-P | 85-07-051 | 136-160-024 | NEW-P | 85-07-053 |
| 106-120-061 | REP-P | 85-03-086 | 132C-120-220 | AMD-P | 85-07-051 | 136-190-010 | NEW-P | 85-07-054 |
| 106-120-061 | REP | 85-07-032 | 132C-120-225 | AMD-P | 85-07-051 | 136-190-020 | NEW-P | 85-07-054 |
| 106-120-062 | REP-P | 85-03-086 | 132C-120-230 | NEW-P | 85-07-051 | 136-190-030 | NEW-P | 85-07-054 |
| 106-120-062 | REP | 85-07-032 | 132C-120-235 | NEW-P | 85-07-051 | 136-190-040 | NEW-P | 85-07-054 |
| 106-120-064 | REP-P | 85-03-086 | 132E-116-001 | REP | 85-04-003 | 136-190-050 | NEW-P | 85-07-054 |
| 106-120-064 | REP | 85-07-032 | 132E-116-004 | REP | 85-04-003 | 137-28-030 | AMD-P | 85-05-048 |
| 106-120-066 | REP-P | 85-03-086 | 132E-116-008 | REP | 85-04-003 | 137-28-030 | AMD | 85-08-026 |
| 106-120-066 | REP | 85-07-032 | 132E-116-012 | REP | 85-04-003 | 137-52-005 | NEW-P | 85-03-104 |
| 106-120-131 | NEW-P | 85-03-086 | 132E-116-016 | REP | 85-04-003 | 137-52-005 | NEW | 85-07-042 |
| 106-120-131 | NEW | 85-07-032 | 132E-116-020 | REP | 85-04-003 | 137-52-010 | NEW-P | 85-03-104 |
| 106-120-132 | NEW-P | 85-03-086 | 132E-116-024 | REP | 85-04-003 | 137-52-010 | NEW | 85-07-042 |
| 106-120-132 | NEW | 85-07-032 | 132E-116-028 | REP | 85-04-003 | 137-52-015 | NEW-P | 85-03-104 |
| 106-120-143 | NEW-P | 85-03-086 | 132E-116-032 | REP | 85-04-003 | 137-52-015 | NEW | 85-07-042 |
| 106-120-143 | NEW | 85-07-032 | 132E-116-036 | REP | 85-04-003 | 137-52-020 | NEW-P | 85-03-104 |
| 106-120-200 | REP-P | 85-03-086 | 132E-116-040 | REP | 85-04-003 | 137-52-020 | NEW | 85-07-042 |
| 106-120-200 | REP | 85-07-032 | 132E-116-044 | REP | 85-04-003 | 137-52-025 | NEW-P | 85-03-104 |
| 106-120-210 | REP-P | 85-03-086 | 132E-116-048 | REP | 85-04-003 | 137-52-025 | NEW | 85-07-042 |
| 106-120-210 | REP | 85-07-032 | 132E-116-052 | REP | 85-04-003 | 137-52-030 | NEW-P | 85-03-104 |
| 106-120-220 | REP-P | 85-03-086 | 132E-116-056 | REP | 85-04-003 | 137-52-030 | NEW | 85-07-042 |
| 106-120-220 | REP | 85-07-032 | 132E-116-060 | REP | 85-04-003 | 137-52-035 | NEW-P | 85-03-104 |
| 106-120-230 | REP-P | 85-03-086 | 132E-116-064 | REP | 85-04-003 | 137-52-035 | NEW | 85-07-042 |
| 106-120-230 | REP | 85-07-032 | 132E-116-068 | REP | 85-04-003 | 137-52-040 | NEW-P | 85-03-104 |
| 106-120-240 | REP-P | 85-03-086 | 132E-116-072 | REP | 85-04-003 | 137-52-040 | NEW | 85-07-042 |
| 106-120-240 | REP | 85-07-032 | 132E-116-076 | REP | 85-04-003 | 137-52-045 | NEW-P | 85-03-104 |
| 106-120-250 | REP-P | 85-03-086 | 132E-116-080 | REP | 85-04-003 | 137-52-045 | NEW | 85-07-042 |
| 106-120-250 | REP | 85-07-032 | 132E-116-084 | REP | 85-04-003 | 137-52-050 | NEW-P | 85-03-104 |
| 106-120-700 | REP-P | 85-03-086 | 132E-116-088 | REP | 85-04-003 | 137-52-050 | NEW | 85-07-042 |
| 106-120-700 | REP | 85-07-032 | 132E-116-092 | REP | 85-04-003 | 137-54-010 | NEW-P | 85-02-067 |
| 106-120-800 | REP-P | 85-03-086 | 132E-116-096 | REP | 85-04-003 | 137-54-010 | NEW | 85-05-019 |
| 106-120-800 | REP | 85-07-032 | 132E-116-100 | REP | 85-04-003 | 137-54-020 | NEW-P | 85-02-067 |
| 106-120-900 | REP-P | 85-03-086 | 132E-116-104 | REP | 85-04-003 | 137-54-020 | NEW | 85-05-019 |
| 106-120-900 | REP | 85-07-032 | 132E-116-108 | REP | 85-04-003 | 137-54-030 | NEW-P | 85-02-067 |
| 132B-122-010 | NEW-P | 85-04-051 | 132E-116-112 | REP | 85-04-003 | 137-54-030 | NEW | 85-05-019 |
| 132B-122-010 | NEW | 85-08-025 | 132E-116-116 | REP | 85-04-003 | 137-54-040 | NEW-P | 85-02-067 |
| 132C-104-060 | AMD-P | 85-07-050 | 132E-116-120 | REP | 85-04-003 | 137-54-040 | NEW | 85-05-019 |
| 132C-120-010 | AMD-P | 85-07-051 | 132E-116-124 | REP | 85-04-003 | 137-60-020 | AMD | 85-04-015 |
| 132C-120-015 | AMD-P | 85-07-051 | 132F-148-010 | AMD-P | 85-09-057 | 137-70-040 | AMD-P | 85-09-056 |
| 132C-120-020 | AMD-P | 85-07-051 | 132F-148-020 | AMD-P | 85-09-057 | 137-70-060 | AMD-P | 85-03-103 |
| 132C-120-025 | AMD-P | 85-07-051 | 132F-148-030 | AMD-P | 85-09-057 | 137-70-060 | AMD | 85-07-017 |
| 132C-120-030 | AMD-P | 85-07-051 | 132F-148-040 | AMD-P | 85-09-057 | 137-70-070 | AMD-P | 85-03-103 |
| 132C-120-035 | AMD-P | 85-07-051 | 132F-148-050 | AMD-P | 85-09-057 | 137-70-070 | AMD | 85-07-017 |
| 132C-120-040 | AMD-P | 85-07-051 | 132F-148-060 | AMD-P | 85-09-057 | 139-04-010 | AMD-P | 85-03-076 |
| 132C-120-045 | AMD-P | 85-07-051 | 132F-148-070 | AMD-P | 85-09-057 | 139-04-010 | AMD | 85-08-010 |
| 132C-120-050 | AMD-P | 85-07-051 | 132F-419-010 | NEW-P | 85-07-056 | 139-08-005 | AMD-P | 85-03-077 |
| 132C-120-055 | AMD-P | 85-07-051 | 132F-419-020 | NEW-P | 85-07-056 | 139-08-005 | AMD | 85-08-011 |

Table of WAC Sections Affected

| WAC # | WSR # | WAC # | WSR # | WAC # | WSR # | | | |
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| 139-08-010 | REP-P | 85-03-077 | 140-09-030 | NEW | 85-03-004 | 173-144-030 | NEW-E | 85-09-067 |
| 139-08-010 | REP | 85-08-011 | 140-09-040 | NEW | 85-03-004 | 173-144-040 | NEW-E | 85-03-075 |
| 139-08-014 | NEW-W | 85-07-039 | 140-09-050 | NEW | 85-03-004 | 173-144-040 | NEW-E | 85-09-067 |
| 139-08-020 | REP-P | 85-03-077 | 140-09-058 | NEW | 85-03-004 | 173-144-050 | NEW-E | 85-03-075 |
| 139-08-020 | REP | 85-08-011 | 140-09-065 | NEW | 85-03-004 | 173-144-050 | NEW-E | 85-09-067 |
| 139-08-030 | REP-P | 85-03-077 | 140-09-080 | NEW | 85-03-004 | 173-144-060 | NEW-E | 85-03-075 |
| 139-08-030 | REP | 85-08-011 | 140-09-090 | NEW | 85-03-004 | 173-144-060 | NEW-E | 85-09-067 |
| 139-08-040 | AMD-P | 85-03-077 | 140-09-100 | NEW | 85-03-004 | 173-144-070 | NEW-E | 85-03-075 |
| 139-08-040 | AMD | 85-08-011 | 140-09-110 | NEW | 85-03-004 | 173-144-070 | NEW-E | 85-09-067 |
| 139-08-060 | REP-P | 85-03-077 | 140-09-120 | NEW | 85-03-004 | 173-144-080 | NEW-E | 85-03-075 |
| 139-08-060 | REP | 85-08-011 | 140-09-128 | NEW | 85-03-004 | 173-144-080 | NEW-E | 85-09-067 |
| 139-08-090 | AMD-P | 85-03-077 | 140-09-130 | NEW | 85-03-004 | 173-144-090 | NEW-E | 85-03-075 |
| 139-08-090 | AMD | 85-08-011 | 140-09-140 | NEW | 85-03-004 | 173-144-090 | NEW-E | 85-09-067 |
| 139-08-130 | AMD-P | 85-03-077 | 140-09-150 | NEW | 85-03-004 | 173-150 | NEW-C | 85-08-032 |
| 139-08-130 | AMD | 85-08-011 | 140-09-155 | NEW | 85-03-004 | 173-154 | NEW-C | 85-08-033 |
| 139-08-150 | AMD-P | 85-03-077 | 140-09-160 | NEW | 85-03-004 | 173-216-050 | AMD | 85-04-006 |
| 139-08-150 | AMD | 85-08-011 | 140-09-173 | NEW | 85-03-004 | 173-303-071 | AMD-P | 85-05-047 |
| 139-08-240 | AMD-P | 85-03-077 | 140-09-175 | NEW | 85-03-004 | 173-303-071 | AMD | 85-09-042 |
| 139-08-240 | AMD | 85-08-011 | 140-09-180 | NEW | 85-03-004 | 173-303-9904 | AMD-P | 85-05-047 |
| 139-08-270 | AMD-P | 85-03-077 | 140-09-185 | NEW | 85-03-004 | 173-303-9904 | AMD | 85-09-042 |
| 139-08-270 | AMD | 85-08-011 | 140-09-200 | NEW | 85-03-004 | 173-400-030 | AMD | 85-06-046 |
| 139-08-280 | AMD-P | 85-03-077 | 140-09-220 | NEW | 85-03-004 | 173-400-075 | AMD | 85-06-046 |
| 139-08-280 | AMD | 85-08-011 | 140-09-230 | NEW | 85-03-004 | 173-400-100 | AMD | 85-06-046 |
| 139-08-290 | AMD-P | 85-03-077 | 142-30-010 | AMD-E | 85-08-014 | 173-400-115 | AMD | 85-06-046 |
| 139-08-290 | AMD | 85-08-011 | 173-14-040 | AMD-P | 85-06-065 | 173-403-030 | AMD | 85-06-047 |
| 139-08-320 | AMD-P | 85-03-077 | 173-14-040 | AMD | 85-09-043 | 173-403-030 | AMD-E | 85-07-011 |
| 139-08-320 | AMD | 85-08-011 | 173-14-064 | AMD-P | 85-06-065 | 173-403-050 | AMD | 85-06-047 |
| 139-08-330 | AMD-P | 85-03-077 | 173-14-064 | AMD | 85-09-043 | 173-403-050 | AMD-E | 85-07-011 |
| 139-08-330 | AMD | 85-08-011 | 173-14-090 | AMD-P | 85-06-065 | 173-403-070 | AMD | 85-06-047 |
| 139-08-350 | AMD-P | 85-03-077 | 173-14-090 | AMD | 85-09-043 | 173-403-070 | AMD-E | 85-07-011 |
| 139-08-350 | AMD | 85-08-011 | 173-14-110 | AMD-P | 85-06-065 | 173-403-080 | AMD | 85-06-047 |
| 139-08-360 | AMD-P | 85-03-077 | 173-14-115 | AMD-P | 85-06-065 | 173-403-080 | AMD-E | 85-07-011 |
| 139-08-360 | AMD | 85-08-011 | 173-14-115 | AMD | 85-09-043 | 173-405-021 | AMD | 85-06-048 |
| 139-08-370 | AMD-P | 85-03-077 | 173-14-130 | AMD-P | 85-06-065 | 173-405-041 | NEW | 85-06-048 |
| 139-08-370 | AMD | 85-08-011 | 173-14-130 | AMD | 85-09-043 | 173-410-021 | AMD | 85-06-048 |
| 139-08-390 | REP-P | 85-03-077 | 173-16-030 | AMD-P | 85-06-065 | 173-410-042 | NEW | 85-06-048 |
| 139-08-390 | REP | 85-08-011 | 173-16-030 | AMD | 85-09-043 | 173-415-020 | AMD | 85-06-048 |
| 139-08-400 | REP-P | 85-03-077 | 173-16-070 | AMD-P | 85-06-065 | 173-415-041 | NEW | 85-06-048 |
| 139-08-400 | REP | 85-08-011 | 173-16-070 | AMD | 85-09-043 | 174-104-010 | AMD-P | 85-06-074 |
| 139-08-410 | REP-P | 85-03-077 | 173-18-380 | AMD-P | 85-06-065 | 174-116-040 | AMD | 85-03-048 |
| 139-08-410 | REP | 85-08-011 | 173-18-380 | AMD | 85-09-043 | 180-25-040 | AMD-P | 85-06-070 |
| 139-08-420 | REP-P | 85-03-077 | 173-19-2204 | AMD-P | 85-07-061 | 180-25-040 | AMD | 85-09-059 |
| 139-08-420 | REP | 85-08-011 | 173-19-240 | AMD-P | 85-06-065 | 180-25-040 | AMD-E | 85-09-063 |
| 139-08-430 | REP-P | 85-03-077 | 173-19-240 | AMD | 85-09-043 | 180-25-045 | AMD-P | 85-06-070 |
| 139-08-430 | REP | 85-08-011 | 173-19-2511 | AMD-P | 85-06-065 | 180-25-045 | AMD | 85-09-059 |
| 139-08-440 | REP-P | 85-03-077 | 173-19-2511 | AMD | 85-09-043 | 180-25-045 | AMD-E | 85-09-063 |
| 139-08-440 | REP | 85-08-011 | 173-19-260 | AMD-P | 85-05-044 | 180-25-055 | NEW-P | 85-06-070 |
| 139-08-450 | REP-P | 85-03-077 | 173-19-2901 | AMD-P | 85-06-065 | 180-25-055 | NEW | 85-09-059 |
| 139-08-450 | REP | 85-08-011 | 173-19-2901 | AMD | 85-09-043 | 180-25-055 | NEW-E | 85-09-063 |
| 139-08-460 | REP-P | 85-03-077 | 173-19-3210 | AMD | 85-04-039 | 180-27-053 | NEW | 85-04-008 |
| 139-08-460 | REP | 85-08-011 | 173-19-3210 | AMD-P | 85-05-045 | 180-27-054 | NEW | 85-04-008 |
| 139-08-470 | REP-P | 85-03-077 | 173-19-3210 | AMD | 85-08-016 | 180-27-055 | REP | 85-04-008 |
| 139-08-470 | REP | 85-08-011 | 173-19-3514 | AMD-P | 85-05-046 | 180-27-056 | NEW | 85-04-008 |
| 139-08-480 | REP-P | 85-03-077 | 173-19-3701 | AMD-P | 85-06-065 | 180-27-058 | NEW | 85-04-008 |
| 139-08-480 | REP | 85-08-011 | 173-19-3701 | AMD | 85-09-043 | 180-27-990 | NEW-P | 85-09-062 |
| 139-08-490 | REP-P | 85-03-077 | 173-19-3903 | AMD-P | 85-06-065 | 180-27-990 | NEW-E | 85-09-065 |
| 139-08-490 | REP | 85-08-011 | 173-19-3903 | AMD | 85-09-043 | 180-33-015 | AMD-P | 85-06-069 |
| 139-08-510 | REP-P | 85-03-077 | 173-19-450 | AMD-C | 85-03-046 | 180-33-015 | AMD | 85-09-060 |
| 139-08-510 | REP | 85-08-011 | 173-19-450 | AMD | 85-04-040 | 180-33-015 | AMD-E | 85-09-064 |
| 139-08-570 | AMD-P | 85-03-077 | 173-20-120 | AMD-P | 85-06-065 | 180-33-042 | NEW-P | 85-06-069 |
| 139-08-570 | AMD | 85-08-011 | 173-20-120 | AMD | 85-09-043 | 180-33-042 | NEW | 85-09-060 |
| 139-08-600 | NEW-P | 85-03-077 | 173-20-130 | AMD-P | 85-06-065 | 180-33-042 | NEW-E | 85-09-064 |
| 139-08-600 | NEW | 85-08-011 | 173-20-130 | AMD | 85-09-043 | 180-33-043 | NEW-P | 85-06-069 |
| 139-22-020 | NEW-P | 85-07-040 | 173-20-550 | AMD-P | 85-06-065 | 180-33-043 | NEW | 85-09-060 |
| 140-08-010 | REP | 85-03-004 | 173-20-550 | AMD | 85-09-043 | 180-33-043 | NEW-E | 85-09-064 |
| 140-08-020 | REP | 85-03-004 | 173-20-700 | AMD-P | 85-06-065 | 180-40-215 | AMD | 85-04-009 |
| 140-08-030 | REP | 85-03-004 | 173-20-700 | AMD | 85-09-043 | 180-40-227 | NEW | 85-04-009 |
| 140-08-040 | REP | 85-03-004 | 173-22-040 | AMD-P | 85-06-065 | 180-40-227 | AMD-E | 85-06-035 |
| 140-08-050 | REP | 85-03-004 | 173-22-040 | AMD | 85-09-043 | 180-40-227 | AMD-P | 85-06-071 |
| 140-08-060 | REP | 85-03-004 | 173-22-060 | AMD-P | 85-06-065 | 180-40-227 | AMD | 85-09-049 |
| 140-08-070 | REP | 85-03-004 | 173-22-060 | AMD | 85-09-043 | 180-40-245 | AMD-P | 85-09-058 |
| 140-08-080 | REP | 85-03-004 | 173-22-060 | AMD-P | 85-09-066 | 180-40-260 | AMD-P | 85-09-058 |
| 140-08-090 | REP | 85-03-004 | 173-144-010 | NEW-E | 85-03-075 | 180-40-275 | AMD-P | 85-09-058 |
| 140-08-100 | REP | 85-03-004 | 173-144-010 | NEW-E | 85-09-067 | 180-50-120 | AMD | 85-04-007 |
| 140-08-110 | REP | 85-03-004 | 173-144-020 | NEW-E | 85-03-075 | 180-50-120 | AMD-P | 85-09-052 |
| 140-09-010 | NEW | 85-03-004 | 173-144-020 | NEW-E | 85-09-067 | 180-50-315 | AMD-P | 85-09-052 |
| 140-09-020 | NEW | 85-03-004 | 173-144-030 | NEW-E | 85-03-075 | 180-51-050 | AMD-P | 85-09-053 |

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| 180-51-055 | AMD-P | 85-09-053 | 220-44-08000A | NEW-E | 85-09-011 | 220-56-198 | REP-C | 85-09-016 |
| 180-51-060 | AMD-P | 85-09-053 | 220-47-307 | AMD-P | 85-08-038 | 220-56-198 | REP | 85-09-017 |
| 180-51-062 | NEW-P | 85-09-053 | 220-47-311 | AMD-P | 85-08-038 | 220-56-199 | NEW-P | 85-03-110 |
| 180-51-065 | AMD-P | 85-09-053 | 220-47-312 | AMD-P | 85-08-038 | 220-56-199 | NEW-C | 85-09-016 |
| 180-51-070 | AMD-P | 85-09-053 | 220-47-313 | AMD-P | 85-08-038 | 220-56-199 | NEW | 85-09-017 |
| 180-51-075 | AMD-P | 85-09-053 | 220-47-319 | AMD-P | 85-08-038 | 220-56-201 | REP-P | 85-03-110 |
| 180-51-080 | AMD-P | 85-09-053 | 220-47-411 | AMD-P | 85-08-038 | 220-56-201 | REP-E | 85-08-005 |
| 180-51-085 | AMD-P | 85-09-053 | 220-47-412 | AMD-P | 85-08-038 | 220-56-201 | REP-C | 85-09-016 |
| 180-51-100 | AMD-P | 85-09-053 | 220-47-413 | AMD-P | 85-08-038 | 220-56-201 | REP | 85-09-017 |
| 180-51-110 | AMD-P | 85-09-053 | 220-47-414 | AMD-P | 85-08-038 | 220-56-235 | AMD-P | 85-03-110 |
| 180-78-050 | AMD | 85-04-010 | 220-47-930 | REP-E | 85-03-036 | 220-56-235 | AMD-C | 85-09-016 |
| 192-09-040 | AMD-P | 85-08-030 | 220-47-931 | NEW-E | 85-03-036 | 220-56-235 | AMD | 85-09-017 |
| 192-09-060 | AMD-P | 85-08-030 | 220-48-005 | AMD-P | 85-04-065 | 220-56-23500C | NEW-E | 85-08-005 |
| 192-09-063 | AMD-P | 85-08-030 | 220-48-005 | AMD | 85-08-023 | 220-56-240 | AMD-P | 85-03-110 |
| 192-12-040 | AMD-P | 85-08-030 | 220-48-00500B | NEW-E | 85-09-011 | 220-56-240 | AMD-C | 85-09-016 |
| 192-12-070 | AMD-P | 85-08-030 | 220-48-011 | AMD-P | 85-04-065 | 220-56-240 | AMD | 85-09-017 |
| 192-12-072 | NEW-P | 85-08-030 | 220-48-011 | AMD | 85-08-023 | 220-56-24000B | NEW-E | 85-08-005 |
| 192-12-074 | NEW-P | 85-08-030 | 220-48-01100A | NEW-E | 85-09-011 | 220-56-255 | AMD-P | 85-07-063 |
| 192-12-076 | NEW-P | 85-08-030 | 220-48-013 | NEW-P | 85-04-065 | 220-56-31000F | NEW-E | 85-09-038 |
| 196-04-030 | NEW | 85-04-030 | 220-48-013 | NEW | 85-08-023 | 220-56-320 | AMD-P | 85-03-110 |
| 196-04-040 | NEW | 85-04-030 | 220-48-015 | AMD-P | 85-04-065 | 220-56-320 | AMD-C | 85-09-016 |
| 220-12-020 | AMD-P | 85-03-110 | 220-48-015 | AMD | 85-08-023 | 220-56-320 | AMD | 85-09-017 |
| 220-12-020 | AMD-C | 85-09-016 | 220-48-01500M | NEW-E | 85-04-044 | 220-56-330 | AMD-P | 85-03-110 |
| 220-12-020 | AMD | 85-09-017 | 220-48-01500M | NEW-E | 85-06-013 | 220-56-330 | AMD-C | 85-09-016 |
| 220-12-02000A | NEW-E | 85-08-005 | 220-48-01500P | NEW-E | 85-09-011 | 220-56-330 | AMD | 85-09-017 |
| 220-16-340 | AMD-P | 85-03-110 | 220-48-06200A | NEW-E | 85-09-047 | 220-56-335 | AMD-P | 85-03-109 |
| 220-16-340 | AMD-C | 85-09-016 | 220-49-02000R | NEW-E | 85-09-012 | 220-56-335 | AMD | 85-07-023 |
| 220-16-340 | AMD | 85-09-017 | 220-56-100 | AMD-P | 85-03-110 | 220-56-335000A | NEW-E | 85-08-020 |
| 220-16-34000A | NEW-E | 85-08-005 | 220-56-100 | AMD-C | 85-09-016 | 220-56-360 | AMD-P | 85-09-032 |
| 220-20-010 | AMD-P | 85-03-110 | 220-56-100 | AMD | 85-09-017 | 220-56-36000H | NEW-E | 85-04-064 |
| 220-20-010 | AMD-P | 85-04-065 | 220-56-10000A | NEW-E | 85-08-005 | 220-56-400 | AMD-P | 85-03-110 |
| 220-20-010 | AMD | 85-08-023 | 220-56-105 | AMD-P | 85-03-110 | 220-56-400 | AMD-C | 85-09-016 |
| 220-20-010 | AMD-C | 85-09-016 | 220-56-105 | AMD-C | 85-09-016 | 220-56-400 | AMD | 85-09-017 |
| 220-20-010 | AMD | 85-09-017 | 220-56-105 | AMD | 85-09-017 | 220-56-40000A | NEW-E | 85-08-005 |
| 220-20-01000J | NEW-E | 85-08-005 | 220-56-10500B | NEW-E | 85-08-005 | 220-57-130 | AMD-P | 85-03-110 |
| 220-20-01000K | NEW-E | 85-09-011 | 220-56-110 | AMD-P | 85-07-065 | 220-57-130 | AMD-C | 85-09-016 |
| 220-20-016 | AMD-P | 85-07-065 | 220-56-110 | AMD-C | 85-09-034 | 220-57-130 | AMD | 85-09-017 |
| 220-20-016 | AMD-C | 85-09-034 | 220-56-115 | AMD-P | 85-03-110 | 220-57-135 | AMD-P | 85-06-066 |
| 220-20-021 | AMD-P | 85-04-065 | 220-56-115 | AMD-C | 85-09-016 | 220-57-135 | AMD | 85-09-048 |
| 220-20-021 | AMD | 85-08-023 | 220-56-115 | AMD | 85-09-017 | 220-57-160 | AMD-P | 85-03-110 |
| 220-20-02100B | NEW-E | 85-09-011 | 220-56-11500D | NEW-E | 85-08-005 | 220-57-160 | AMD-C | 85-09-016 |
| 220-20-02100B | REP-E | 85-09-036 | 220-56-116 | AMD-P | 85-03-110 | 220-57-160 | AMD | 85-09-017 |
| 220-20-02100C | NEW-E | 85-09-036 | 220-56-116 | AMD-C | 85-09-016 | 220-57-175 | AMD-P | 85-03-110 |
| 220-20-030 | REP-P | 85-08-038 | 220-56-116 | AMD | 85-09-017 | 220-57-175 | AMD-C | 85-09-016 |
| 220-22-030 | AMD-P | 85-08-038 | 220-56-11600C | NEW-E | 85-08-005 | 220-57-175 | AMD | 85-09-017 |
| 220-28-440 | REP-E | 85-03-037 | 220-56-126 | NEW-P | 85-03-110 | 220-57-17500N | NEW-E | 85-08-005 |
| 220-32-02200M | NEW-E | 85-04-012 | 220-56-126 | NEW-C | 85-09-016 | 220-57-215 | AMD-P | 85-03-110 |
| 220-32-02200M | REP-E | 85-04-049 | 220-56-126 | NEW | 85-09-017 | 220-57-215 | AMD-C | 85-09-016 |
| 220-32-02200N | NEW-E | 85-04-049 | 220-56-128 | AMD-P | 85-03-110 | 220-57-215 | AMD | 85-09-017 |
| 220-32-03000P | NEW-E | 85-05-035 | 220-56-128 | AMD-C | 85-09-016 | 220-57-28000F | REP-E | 85-03-074 |
| 220-32-03000P | REP-E | 85-07-002 | 220-56-128 | AMD | 85-09-017 | 220-57-285 | AMD-P | 85-06-066 |
| 220-32-03000Q | NEW-E | 85-07-002 | 220-56-156 | NEW-P | 85-03-110 | 220-57-285 | AMD | 85-09-048 |
| 220-32-04000W | NEW-E | 85-08-021 | 220-56-156 | NEW-C | 85-09-016 | 220-57-295 | AMD-P | 85-06-066 |
| 220-32-04200F | NEW-E | 85-03-044 | 220-56-156 | NEW | 85-09-017 | 220-57-295 | AMD | 85-09-048 |
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| 220-32-04200G | NEW-E | 85-06-014 | 220-56-175 | AMD-P | 85-07-065 | 220-57-310 | AMD-C | 85-09-016 |
| 220-32-04200G | REP-E | 85-06-034 | 220-56-175 | AMD-C | 85-09-034 | 220-57-310 | AMD | 85-09-017 |
| 220-32-04200H | NEW-E | 85-06-034 | 220-56-180 | AMD-P | 85-03-110 | 220-57-335 | AMD-P | 85-03-110 |
| 220-32-05100I | NEW-E | 85-08-001 | 220-56-180 | AMD-C | 85-09-016 | 220-57-335 | AMD-C | 85-09-016 |
| 220-36-03001 | AMD-C | 85-04-005 | 220-56-180 | AMD | 85-09-017 | 220-57-335 | AMD | 85-09-017 |
| 220-36-03001 | AMD-C | 85-06-032 | 220-56-18000S | NEW-E | 85-07-024 | 220-57-350 | AMD-P | 85-03-110 |
| 220-36-03001 | AMD | 85-06-033 | 220-56-185 | AMD-P | 85-03-110 | 220-57-350 | AMD-C | 85-09-016 |
| 220-36-031 | NEW-C | 85-04-005 | 220-56-185 | AMD-C | 85-09-016 | 220-57-350 | AMD | 85-09-017 |
| 220-36-031 | NEW-C | 85-06-032 | 220-56-185 | AMD | 85-09-017 | 220-57-385 | AMD-P | 85-06-066 |
| 220-36-031 | NEW | 85-06-033 | 220-56-18500A | NEW-E | 85-08-005 | 220-57-385 | AMD | 85-09-048 |
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| 220-40-030 | AMD-C | 85-06-032 | 220-56-190 | AMD-C | 85-09-016 | 220-57-400 | AMD-C | 85-09-016 |
| 220-40-030 | AMD | 85-06-033 | 220-56-190 | AMD | 85-09-017 | 220-57-400 | AMD | 85-09-017 |
| 220-40-031 | NEW-C | 85-04-005 | 220-56-19000N | NEW-E | 85-09-020 | 220-57-425 | AMD-P | 85-03-110 |
| 220-40-031 | NEW-C | 85-06-032 | 220-56-195 | AMD-P | 85-03-110 | 220-57-425 | AMD-C | 85-09-016 |
| 220-40-031 | NEW | 85-06-033 | 220-56-195 | AMD-C | 85-09-016 | 220-57-425 | AMD | 85-09-017 |
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| 220-44-050 | AMD-P | 85-04-035 | 220-56-19500C | NEW-E | 85-08-005 | 220-57-460 | AMD | 85-09-048 |
| 220-44-050 | AMD | 85-07-022 | 220-56-197 | NEW-P | 85-03-110 | 220-57-465 | AMD-P | 85-03-110 |
| 220-44-05000N | NEW-E | 85-09-035 | 220-56-197 | NEW-C | 85-09-016 | 220-57-465 | AMD-C | 85-09-016 |
| 220-44-080 | NEW-P | 85-04-065 | 220-56-197 | NEW | 85-09-017 | 220-57-465 | AMD | 85-09-017 |
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| 220-57-502 | NEW-P | 85-03-110 | 230-04-230 | AMD | 85-03-026 | 232-16-670 | AMD | 85-09-007 |
| 220-57-502 | NEW-C | 85-09-016 | 230-04-325 | AMD | 85-03-026 | 232-28-208 | REP-P | 85-08-036 |
| 220-57-502 | NEW | 85-09-017 | 230-08-025 | AMD-P | 85-09-041 | 232-28-20801 | REP-P | 85-08-036 |
| 220-57-505 | AMD-P | 85-03-110 | 230-08-028 | NEW-P | 85-09-041 | 232-28-20802 | REP-P | 85-08-036 |
| 220-57-505 | AMD-C | 85-09-016 | 230-08-035 | NEW-P | 85-09-041 | 232-28-209 | NEW-P | 85-05-056 |
| 220-57-505 | AMD | 85-09-017 | 230-08-095 | AMD | 85-03-026 | 232-28-210 | NEW-P | 85-08-036 |
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| 220-57-510 | AMD-P | 85-03-110 | 230-08-120 | AMD | 85-06-002 | 232-28-61402 | NEW | 85-03-041 |
| 220-57-510 | AMD-C | 85-09-016 | 230-08-125 | AMD | 85-06-002 | 232-28-61405 | NEW-E | 85-03-030 |
| 220-57-510 | AMD | 85-09-017 | 230-08-130 | AMD | 85-06-002 | 232-28-61406 | NEW-E | 85-03-017 |
| 220-57-52000F | REP-E | 85-03-074 | 230-08-140 | AMD | 85-06-002 | 232-28-61408 | NEW-E | 85-03-097 |
| 220-57-52500F | REP-E | 85-03-074 | 230-08-150 | AMD | 85-06-002 | 232-28-61409 | NEW-E | 85-03-098 |
| 220-57A-00100B | NEW-E | 85-08-005 | 230-08-160 | AMD | 85-06-002 | 232-28-61410 | NEW-E | 85-05-050 |
| 220-57A-010 | AMD-P | 85-03-110 | 230-08-240 | AMD | 85-06-002 | 232-28-61411 | NEW-E | 85-06-027 |
| 220-57A-010 | AMD-C | 85-09-016 | 230-08-250 | AMD | 85-06-002 | 232-28-61412 | NEW-E | 85-06-028 |
| 220-57A-010 | AMD | 85-09-017 | 230-08-260 | AMD | 85-03-025 | 232-28-61414 | NEW-E | 85-07-025 |
| 220-57A-012 | AMD-P | 85-03-110 | 230-08-260 | AMD-E | 85-03-029 | 232-28-706 | REP | 85-05-051 |
| 220-57A-012 | AMD-C | 85-09-016 | 230-08-260 | AMD | 85-06-002 | 232-28-707 | NEW | 85-05-051 |
| 220-57A-012 | AMD | 85-09-017 | 230-12-020 | AMD | 85-03-026 | 232-28-806 | REP-P | 85-05-057 |
| 220-57A-037 | AMD-P | 85-03-110 | 230-20-010 | AMD-P | 85-06-003 | 232-28-807 | NEW-P | 85-05-057 |
| 220-57A-037 | AMD-C | 85-09-016 | 230-20-010 | AMD | 85-09-040 | 236-20A-010 | AMD-P | 85-07-057 |
| 220-57A-037 | AMD | 85-09-017 | 230-20-063 | REP-P | 85-09-041 | 248-18-260 | AMD-P | 85-02-069 |
| 220-57A-040 | AMD-P | 85-03-110 | 230-20-064 | NEW-P | 85-09-041 | 248-18-260 | AMD | 85-05-034 |
| 220-57A-040 | AMD-C | 85-09-016 | 230-20-325 | AMD-P | 85-06-003 | 248-18-680 | AMD-P | 85-02-069 |
| 220-57A-040 | AMD | 85-09-017 | 230-20-325 | AMD | 85-09-040 | 248-18-680 | AMD | 85-05-034 |
| 220-57A-080 | AMD-P | 85-03-110 | 230-20-380 | AMD-P | 85-07-030 | 248-18-700 | AMD-P | 85-02-069 |
| 220-57A-080 | AMD-C | 85-09-016 | 230-20-605 | AMD-P | 85-06-003 | 248-18-700 | AMD | 85-05-034 |
| 220-57A-080 | AMD | 85-09-017 | 230-20-605 | AMD | 85-09-040 | 248-18-718 | AMD-P | 85-05-004 |
| 220-57A-112 | AMD-P | 85-03-110 | 230-25-065 | AMD | 85-03-025 | 248-18-99902 | AMD-P | 85-02-068 |
| 220-57A-112 | AMD-C | 85-09-016 | 230-25-065 | AMD-E | 85-03-029 | 248-18-99902 | AMD | 85-05-033 |
| 220-57A-112 | AMD | 85-09-017 | 230-25-120 | AMD | 85-03-019 | 248-19-200 | REP-P | 85-07-044 |
| 220-57A-152 | AMD-P | 85-03-110 | 230-25-220 | AMD-P | 85-07-030 | 248-19-210 | AMD-P | 85-07-044 |
| 220-57A-152 | AMD-C | 85-09-016 | 230-30-040 | NEW-P | 85-09-041 | 248-19-220 | AMD-P | 85-07-044 |
| 220-57A-152 | AMD | 85-09-017 | 230-30-050 | AMD-P | 85-07-030 | 248-19-230 | AMD-P | 85-07-044 |
| 220-57A-185 | AMD-P | 85-03-110 | 230-30-070 | AMD | 85-03-024 | 248-19-240 | AMD-P | 85-07-044 |
| 220-57A-185 | AMD-C | 85-09-016 | 230-30-070 | AMD-E | 85-03-028 | 248-19-260 | AMD-P | 85-07-044 |
| 220-57A-185 | AMD | 85-09-017 | 230-30-102 | AMD | 85-03-024 | 248-19-270 | AMD-P | 85-07-044 |
| 220-57A-190 | AMD-P | 85-03-110 | 230-30-102 | AMD-E | 85-03-028 | 248-19-280 | AMD-P | 85-07-044 |
| 220-57A-190 | AMD-C | 85-09-016 | 230-30-104 | AMD | 85-03-024 | 248-19-290 | REP-P | 85-07-044 |
| 220-57A-190 | AMD | 85-09-017 | 230-30-104 | AMD-E | 85-03-028 | 248-19-295 | NEW-P | 85-07-044 |
| 220-69-215 | AMD-P | 85-07-065 | 230-30-999 | NEW | 85-03-024 | 248-19-300 | AMD-P | 85-07-044 |
| 220-69-215 | AMD-C | 85-09-034 | 230-30-999 | NEW-E | 85-03-028 | 248-19-310 | AMD-P | 85-07-044 |
| 220-69-230 | AMD-P | 85-07-065 | 230-40-030 | AMD | 85-03-025 | 248-19-320 | AMD-P | 85-07-044 |
| 220-69-230 | AMD-C | 85-09-034 | 230-40-030 | AMD-E | 85-03-029 | 248-19-325 | REP-P | 85-07-044 |
| 220-69-234 | AMD-P | 85-07-065 | 230-40-050 | AMD | 85-03-026 | 248-19-326 | NEW-P | 85-07-044 |
| 220-69-234 | AMD-C | 85-09-034 | 230-40-055 | NEW | 85-03-026 | 248-19-327 | NEW-P | 85-07-044 |
| 220-69-240 | AMD-P | 85-07-065 | 230-46-010 | NEW-P | 85-06-003 | 248-19-330 | AMD-P | 85-07-044 |
| 220-69-240 | AMD-C | 85-09-034 | 230-46-010 | NEW | 85-09-040 | 248-19-340 | AMD-P | 85-07-044 |
| 220-69-250 | AMD-P | 85-07-065 | 230-46-020 | NEW-P | 85-06-003 | 248-19-350 | AMD-P | 85-07-044 |
| 220-69-250 | AMD-C | 85-09-034 | 230-46-020 | NEW | 85-09-040 | 248-19-360 | AMD | 85-05-032 |
| 220-69-254 | AMD-P | 85-07-065 | 230-46-030 | NEW-P | 85-06-003 | 248-19-370 | AMD | 85-05-032 |
| 220-69-254 | AMD-C | 85-09-034 | 230-46-030 | NEW | 85-09-040 | 248-19-373 | NEW | 85-05-032 |
| 220-69-264 | AMD-P | 85-07-065 | 230-46-040 | NEW-P | 85-06-003 | 248-19-400 | AMD-P | 85-07-044 |
| 220-69-264 | AMD-C | 85-09-034 | 230-46-040 | NEW | 85-09-040 | 248-19-403 | AMD-P | 85-07-044 |
| 220-69-272 | AMD-P | 85-07-065 | 230-46-050 | NEW-P | 85-06-003 | 248-19-405 | AMD-P | 85-07-044 |
| 220-69-272 | AMD-C | 85-09-034 | 230-46-050 | NEW | 85-09-040 | 248-19-410 | AMD-P | 85-07-044 |
| 220-69-274 | AMD-P | 85-07-065 | 230-46-060 | NEW-P | 85-06-003 | 248-19-415 | AMD-P | 85-07-044 |
| 220-69-274 | AMD-C | 85-09-034 | 230-46-060 | NEW | 85-09-040 | 248-19-420 | AMD-P | 85-07-044 |
| 220-69-280 | AMD-P | 85-07-065 | 230-60-015 | AMD-P | 85-03-058 | 248-19-430 | AMD-P | 85-07-044 |
| 220-69-280 | AMD-C | 85-09-034 | 230-60-015 | AMD | 85-07-031 | 248-19-440 | AMD-P | 85-07-044 |
| 220-69-300 | NEW-P | 85-07-064 | 232-12-017 | AMD-P | 85-05-049 | 248-19-450 | AMD-P | 85-07-044 |
| 220-69-300 | NEW-C | 85-09-033 | 232-12-017 | AMD | 85-09-014 | 248-19-460 | AMD-P | 85-07-044 |
| 220-95-012 | AMD-P | 85-04-043 | 232-12-018 | NEW-P | 85-05-049 | 248-19-470 | AMD-P | 85-07-044 |
| 220-95-012 | AMD-W | 85-07-059 | 232-12-025 | AMD | 85-04-042 | 248-19-475 | AMD-P | 85-07-044 |
| 220-95-012 | REP-P | 85-08-039 | 232-12-04503 | NEW-E | 85-02-057 | 248-19-480 | AMD-P | 85-07-044 |
| 220-95-01200A | NEW-E | 85-03-053 | 232-12-04504 | NEW-E | 85-03-056 | 248-30-080 | AMD | 85-03-063 |
| 220-95-021 | AMD-P | 85-08-039 | 232-12-064 | AMD-P | 85-05-052 | 248-30-110 | AMD | 85-03-063 |
| 220-130-010 | NEW | 85-04-045 | 232-12-064 | AMD | 85-09-008 | 248-30-115 | NEW | 85-03-063 |
| 220-130-020 | NEW | 85-04-045 | 232-12-091 | AMD-P | 85-05-049 | 248-30-130 | AMD | 85-03-063 |
| 220-130-030 | NEW | 85-04-045 | 232-12-091 | AMD | 85-09-014 | 248-31-001 | NEW | 85-04-054 |
| 220-130-040 | NEW | 85-04-045 | 232-12-129 | NEW-P | 85-05-054 | 248-31-002 | NEW | 85-04-054 |
| 220-130-050 | NEW | 85-04-045 | 232-12-129 | NEW | 85-09-006 | 248-31-010 | NEW | 85-04-054 |
| 220-130-060 | NEW | 85-04-045 | 232-12-131 | AMD-C | 85-08-034 | 248-31-020 | NEW | 85-04-054 |
| 230-02-020 | AMD | 85-03-026 | 232-12-157 | AMD-P | 85-08-035 | 248-31-030 | NEW | 85-04-054 |
| 230-04-201 | AMD | 85-03-024 | 232-16-120 | REP-P | 85-05-055 | 248-31-040 | NEW | 85-04-054 |

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| 248-31-050 | NEW | 85-04-054 | 275-32-065 | REP-P | 85-05-031 | 275-38-745 | AMD-P | 85-03-006 |
| 248-31-060 | NEW | 85-04-054 | 275-32-065 | REP | 85-09-003 | 275-38-745 | AMD-E | 85-03-007 |
| 248-31-070 | NEW | 85-04-054 | 275-32-075 | REP-P | 85-05-031 | 275-38-745 | AMD | 85-06-063 |
| 248-31-075 | NEW | 85-04-054 | 275-32-075 | REP | 85-09-003 | 275-38-785 | AMD-P | 85-03-006 |
| 248-31-080 | NEW | 85-04-054 | 275-32-080 | REP-P | 85-05-031 | 275-38-785 | AMD-E | 85-03-007 |
| 248-31-090 | NEW | 85-04-054 | 275-32-080 | REP | 85-09-003 | 275-38-785 | AMD | 85-06-063 |
| 248-31-100 | NEW | 85-04-054 | 275-32-085 | REP-P | 85-05-031 | 275-38-831 | AMD-P | 85-03-006 |
| 248-31-110 | NEW | 85-04-054 | 275-32-085 | REP | 85-09-003 | 275-38-831 | AMD-E | 85-03-007 |
| 248-31-120 | NEW | 85-04-054 | 275-32-095 | REP-P | 85-05-031 | 275-38-831 | AMD | 85-06-063 |
| 248-31-130 | NEW | 85-04-054 | 275-32-095 | REP | 85-09-003 | 275-38-850 | AMD-P | 85-03-006 |
| 248-31-140 | NEW | 85-04-054 | 275-32-105 | REP-P | 85-05-031 | 275-38-850 | AMD-E | 85-03-007 |
| 248-31-150 | NEW | 85-04-054 | 275-32-105 | REP | 85-09-003 | 275-38-850 | AMD | 85-06-063 |
| 248-31-160 | NEW | 85-04-054 | 275-32-115 | REP-P | 85-05-031 | 275-38-860 | AMD-P | 85-03-006 |
| 248-63-010 | AMD-P | 85-06-006 | 275-32-115 | REP | 85-09-003 | 275-38-860 | AMD-E | 85-03-007 |
| 248-63-020 | AMD-P | 85-06-006 | 275-32-135 | REP-P | 85-05-031 | 275-38-860 | AMD | 85-06-063 |
| 248-63-060 | AMD-P | 85-06-006 | 275-32-135 | REP | 85-09-003 | 275-38-863 | NEW-P | 85-03-006 |
| 248-63-080 | AMD-P | 85-06-006 | 275-32-145 | REP-P | 85-05-031 | 275-38-863 | NEW-E | 85-03-007 |
| 248-63-120 | AMD-P | 85-06-006 | 275-32-145 | REP | 85-09-003 | 275-38-863 | NEW | 85-06-063 |
| 248-63-150 | AMD-P | 85-06-006 | 275-32-155 | REP-P | 85-05-031 | 275-38-865 | AMD-P | 85-03-006 |
| 248-63-160 | AMD-P | 85-06-006 | 275-32-155 | REP | 85-09-003 | 275-38-865 | AMD-E | 85-03-007 |
| 248-63-170 | AMD-P | 85-06-006 | 275-32-165 | REP-P | 85-05-031 | 275-38-865 | AMD | 85-06-063 |
| 248-63-180 | AMD-P | 85-06-006 | 275-32-165 | REP | 85-09-003 | 275-38-870 | AMD-P | 85-03-006 |
| 248-84-120 | NEW-E | 85-07-026 | 275-32-175 | REP-P | 85-05-031 | 275-38-870 | AMD-E | 85-03-007 |
| 248-84-120 | NEW-P | 85-08-037 | 275-32-175 | REP | 85-09-003 | 275-38-870 | AMD | 85-06-063 |
| 248-100-163 | AMD-E | 85-03-055 | 275-34-010 | REP-P | 85-05-031 | 275-38-875 | AMD-P | 85-03-006 |
| 248-100-163 | AMD-P | 85-03-062 | 275-34-010 | REP | 85-09-003 | 275-38-875 | AMD-E | 85-03-007 |
| 248-100-163 | RESCIND | 85-07-027 | 275-34-020 | REP-P | 85-05-031 | 275-38-875 | AMD | 85-06-063 |
| 248-100-164 | AMD-E | 85-03-055 | 275-34-020 | REP | 85-09-003 | 275-38-886 | AMD-P | 85-03-006 |
| 248-100-164 | AMD-P | 85-03-062 | 275-34-030 | REP-P | 85-05-031 | 275-38-886 | AMD-E | 85-03-007 |
| 248-100-164 | RESCIND | 85-07-027 | 275-34-030 | REP | 85-09-003 | 275-38-886 | AMD | 85-06-063 |
| 250-44-040 | AMD-P | 85-06-058 | 275-34-040 | REP-P | 85-05-031 | 275-85-005 | REP-P | 85-03-104 |
| 250-44-050 | AMD-P | 85-06-058 | 275-34-040 | REP | 85-09-003 | 275-85-005 | REP | 85-07-042 |
| 250-44-110 | AMD-P | 85-06-058 | 275-34-050 | REP-P | 85-05-031 | 275-85-010 | REP-P | 85-03-104 |
| 250-44-120 | AMD-P | 85-06-058 | 275-34-050 | REP | 85-09-003 | 275-85-010 | REP | 85-07-042 |
| 250-44-130 | AMD-P | 85-06-058 | 275-34-060 | REP-P | 85-05-031 | 275-85-015 | REP-P | 85-03-104 |
| 251-04-020 | AMD | 85-04-019 | 275-34-060 | REP | 85-09-003 | 275-85-015 | REP | 85-07-042 |
| 251-06-010 | AMD-P | 85-06-067 | 275-34-070 | REP-P | 85-05-031 | 275-85-020 | REP-P | 85-03-104 |
| 251-06-012 | NEW-P | 85-06-067 | 275-34-070 | REP | 85-09-003 | 275-85-020 | REP | 85-07-042 |
| 251-06-014 | NEW-P | 85-06-067 | 275-34-080 | REP-P | 85-05-031 | 275-85-025 | REP-P | 85-03-104 |
| 251-06-090 | AMD-P | 85-06-067 | 275-34-080 | REP | 85-09-003 | 275-85-025 | REP | 85-07-042 |
| 251-06-092 | NEW-P | 85-06-067 | 275-34-090 | REP-P | 85-05-031 | 275-85-030 | REP-P | 85-03-104 |
| 251-06-094 | NEW-P | 85-06-067 | 275-34-090 | REP | 85-09-003 | 275-85-030 | REP | 85-07-042 |
| 251-09-040 | AMD-P | 85-03-008 | 275-34-100 | REP-P | 85-05-031 | 275-85-035 | REP-P | 85-03-104 |
| 251-09-040 | AMD-E | 85-04-058 | 275-34-100 | REP | 85-09-003 | 275-85-035 | REP | 85-07-042 |
| 251-09-090 | AMD-P | 85-06-067 | 275-34-110 | REP-P | 85-05-031 | 275-85-040 | REP-P | 85-03-104 |
| 251-09-092 | NEW-P | 85-06-067 | 275-34-110 | REP | 85-09-003 | 275-85-040 | REP | 85-07-042 |
| 251-10-025 | NEW | 85-04-019 | 275-34-120 | REP-P | 85-05-031 | 275-85-045 | REP-P | 85-03-104 |
| 251-10-112 | NEW | 85-04-019 | 275-34-120 | REP | 85-09-003 | 275-85-045 | REP | 85-07-042 |
| 251-10-120 | AMD-P | 85-03-008 | 275-34-140 | REP-P | 85-05-031 | 275-85-050 | REP-P | 85-03-104 |
| 251-10-120 | AMD | 85-06-017 | 275-34-140 | REP | 85-09-003 | 275-85-050 | REP | 85-07-042 |
| 251-14-035 | REP-P | 85-06-067 | 275-35-010 | NEW-P | 85-05-031 | 275-92-407 | REP-P | 85-05-018 |
| 251-14-040 | AMD-P | 85-06-067 | 275-35-010 | NEW | 85-09-003 | 275-92-407 | REP | 85-08-022 |
| 251-14-050 | AMD-P | 85-06-067 | 275-35-020 | NEW-P | 85-05-031 | 275-110-040 | AMD-P | 85-05-031 |
| 251-14-052 | AMD-P | 85-06-067 | 275-35-020 | NEW | 85-09-003 | 275-110-040 | AMD | 85-09-003 |
| 251-14-054 | AMD-P | 85-06-067 | 275-35-030 | NEW-P | 85-05-031 | 284-52-050 | AMD | 85-03-035 |
| 251-18-140 | AMD-C | 85-04-018 | 275-35-030 | NEW | 85-09-003 | 284-52-060 | AMD | 85-03-035 |
| 251-18-190 | AMD | 85-04-019 | 275-35-040 | NEW-P | 85-05-031 | 289-12-030 | AMD | 85-05-002 |
| 251-18-200 | AMD | 85-04-019 | 275-35-040 | NEW | 85-09-003 | 289-15-225 | AMD | 85-05-001 |
| 251-18-285 | NEW-P | 85-06-067 | 275-35-050 | NEW-P | 85-05-031 | 289-15-225 | AMD-P | 85-06-001 |
| 260-70-100 | AMD-P | 85-09-051 | 275-35-050 | NEW | 85-09-003 | 296-15-030 | AMD-C | 85-04-059 |
| 261-20 | AMD | 85-04-026 | 275-35-060 | NEW-P | 85-05-031 | 296-15-030 | AMD | 85-06-031 |
| 261-20-057 | NEW | 85-04-026 | 275-35-060 | NEW | 85-09-003 | 296-15-050 | AMD-C | 85-04-059 |
| 261-20-090 | AMD | 85-04-026 | 275-35-070 | NEW-P | 85-05-031 | 296-15-050 | AMD | 85-06-031 |
| 275-32-005 | REP-P | 85-05-031 | 275-35-070 | NEW | 85-09-003 | 296-15-215 | AMD-C | 85-04-059 |
| 275-32-005 | REP | 85-09-003 | 275-35-080 | NEW-P | 85-05-031 | 296-15-215 | AMD | 85-06-031 |
| 275-32-010 | REP-P | 85-05-031 | 275-35-080 | NEW | 85-09-003 | 296-15-230 | AMD-C | 85-04-059 |
| 275-32-010 | REP | 85-09-003 | 275-35-090 | NEW-P | 85-05-031 | 296-15-230 | AMD | 85-06-031 |
| 275-32-015 | REP-P | 85-05-031 | 275-35-090 | NEW | 85-09-003 | 296-16-010 | AMD-P | 85-06-038 |
| 275-32-015 | REP | 85-09-003 | 275-35-100 | NEW-P | 85-05-031 | 296-17-310 | AMD-P | 85-02-052 |
| 275-32-025 | REP-P | 85-05-031 | 275-35-100 | NEW | 85-09-003 | 296-17-310 | AMD | 85-06-026 |
| 275-32-025 | REP | 85-09-003 | 275-37-010 | NEW-P | 85-05-031 | 296-17-320 | AMD-P | 85-02-052 |
| 275-32-035 | REP-P | 85-05-031 | 275-37-010 | NEW | 85-09-003 | 296-17-320 | AMD | 85-06-026 |
| 275-32-035 | REP | 85-09-003 | 275-37-020 | NEW-P | 85-05-031 | 296-17-350 | AMD-P | 85-02-052 |
| 275-32-045 | REP-P | 85-05-031 | 275-37-020 | NEW | 85-09-003 | 296-17-350 | AMD | 85-06-026 |
| 275-32-045 | REP | 85-09-003 | 275-38-001 | AMD-P | 85-03-006 | 296-17-352 | AMD-P | 85-02-052 |
| 275-32-060 | REP-P | 85-05-031 | 275-38-001 | AMD-E | 85-03-007 | 296-17-352 | AMD | 85-06-026 |
| 275-32-060 | REP | 85-09-003 | 275-38-001 | AMD | 85-06-063 | 296-17-360 | AMD-P | 85-02-052 |

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| 296-17-695 | AMD | 85-06-026 | 296-17-758 | AMD | 85-06-026 | 296-56-60099 | AMD-P | 85-05-043 |
| 296-17-696 | AMD-P | 85-02-052 | 296-17-760 | AMD-P | 85-02-052 | 296-56-60115 | AMD-P | 85-05-043 |
| 296-17-696 | AMD | 85-06-026 | 296-17-760 | AMD | 85-06-026 | 296-56-60117 | AMD-P | 85-05-043 |
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| 296-17-697 | AMD | 85-06-026 | 296-17-763 | AMD | 85-06-026 | 296-56-60137 | REP-P | 85-05-043 |
| 296-17-698 | AMD-P | 85-02-052 | 296-17-764 | AMD-P | 85-02-052 | 296-56-60182 | REP-P | 85-05-043 |
| 296-17-698 | AMD | 85-06-026 | 296-17-764 | AMD | 85-06-026 | 296-56-60209 | AMD-P | 85-05-043 |
| 296-17-699 | AMD-P | 85-02-052 | 296-17-778 | AMD-P | 85-02-052 | 296-56-60211 | AMD-P | 85-05-043 |
| 296-17-699 | AMD | 85-06-026 | 296-17-778 | AMD | 85-06-026 | 296-56-60217 | AMD-P | 85-05-043 |
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| 296-17-700 | AMD | 85-06-026 | 296-17-885 | AMD | 85-06-026 | 296-56-60227 | AMD-P | 85-05-043 |
| 296-17-701 | AMD-P | 85-02-052 | 296-17-895 | AMD-P | 85-02-052 | 296-56-60233 | AMD-P | 85-05-043 |
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| 296-17-703 | AMD | 85-06-026 | 296-17-910 | AMD | 85-06-025 | 296-62-05403 | AMD-P | 85-05-043 |
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| 296-17-704 | AMD | 85-06-026 | 296-17-913 | AMD | 85-06-025 | 296-62-05411 | AMD-P | 85-05-043 |
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| 296-17-706 | AMD | 85-06-026 | 296-17-915 | AMD | 85-06-025 | 296-62-05421 | AMD-P | 85-05-043 |
| 296-17-707 | AMD-P | 85-02-052 | 296-17-916 | AMD | 85-06-025 | 296-62-05425 | AMD-P | 85-05-043 |
| 296-17-707 | AMD | 85-06-026 | 296-17-917 | AMD | 85-06-025 | 296-62-07302 | AMD-P | 85-05-043 |
| 296-17-708 | AMD-P | 85-02-052 | 296-17-919 | AMD | 85-06-025 | 296-62-07306 | AMD-P | 85-05-043 |
| 296-17-708 | AMD | 85-06-026 | 296-17-91901 | AMD | 85-06-025 | 296-62-07353 | AMD-P | 85-05-043 |
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| 296-17-709 | AMD | 85-06-026 | 296-18-040 | AMD-P | 85-03-019 | 296-124-010 | NEW | 85-03-065 |
| 296-17-710 | AMD-P | 85-02-052 | 296-18-040 | AMD-E | 85-04-038 | 296-124-020 | NEW | 85-03-065 |
| 296-17-710 | AMD | 85-06-026 | 296-18-200 | AMD-P | 85-06-040 | 296-124-021 | NEW | 85-03-065 |
| 296-17-711 | AMD-P | 85-02-052 | 296-18-205 | NEW-P | 85-06-039 | 296-124-022 | NEW | 85-03-065 |
| 296-17-711 | AMD | 85-06-026 | 296-18-210 | AMD-P | 85-06-039 | 296-124-040 | NEW | 85-03-065 |
| 296-17-714 | AMD-P | 85-02-052 | 296-18-340 | AMD-P | 85-03-019 | 296-124-050 | NEW | 85-03-065 |
| 296-17-714 | AMD | 85-06-026 | 296-18-340 | AMD-E | 85-04-038 | 296-150A-005 | AMD | 85-05-026 |
| 296-17-715 | AMD-P | 85-02-052 | 296-18-345 | NEW-P | 85-03-019 | 296-150A-016 | AMD | 85-05-026 |
| 296-17-715 | AMD | 85-06-026 | 296-18-345 | NEW-E | 85-04-038 | 296-150A-040 | AMD | 85-05-026 |
| 296-17-716 | AMD-P | 85-09-046 | 296-18-350 | AMD-P | 85-03-019 | 296-150A-100 | AMD | 85-05-026 |
| 296-17-717 | AMD-P | 85-02-052 | 296-18-350 | AMD-E | 85-04-038 | 296-150A-105 | AMD | 85-05-026 |
| 296-17-717 | AMD | 85-06-026 | 296-18-360 | AMD-P | 85-03-019 | 296-150A-125 | AMD | 85-05-026 |
| 296-17-718 | AMD-P | 85-02-052 | 296-18-360 | AMD-E | 85-04-038 | 296-150A-300 | AMD | 85-05-026 |
| 296-17-718 | AMD | 85-06-026 | 296-18-370 | AMD-P | 85-03-019 | 296-150B-300 | AMD | 85-05-028 |
| 296-17-719 | AMD-P | 85-02-052 | 296-18-370 | AMD-E | 85-04-038 | 296-150B-305 | AMD | 85-05-028 |
| 296-17-719 | AMD | 85-06-026 | 296-18-380 | NEW-P | 85-03-019 | 296-150B-310 | AMD | 85-05-028 |
| 296-17-721 | AMD-P | 85-02-052 | 296-18-380 | NEW-E | 85-04-038 | 296-150B-990 | AMD | 85-05-027 |
| 296-17-721 | AMD | 85-06-026 | 296-18-390 | NEW-P | 85-03-019 | 296-155-665 | AMD-P | 85-05-043 |
| 296-17-722 | AMD-P | 85-02-052 | 296-18-390 | NEW-E | 85-04-038 | 296-360-040 | AMD-P | 85-05-043 |
| 296-17-722 | AMD | 85-06-026 | 296-24-19003 | AMD-P | 85-05-043 | 308-04-001 | AMD-E | 85-03-082 |
| 296-17-723 | AMD-P | 85-02-052 | 296-24-31503 | AMD-P | 85-05-043 | 308-11-010 | AMD | 85-03-045 |
| 296-17-723 | AMD | 85-06-026 | 296-24-31505 | AMD-P | 85-05-043 | 308-11-050 | AMD | 85-03-045 |
| 296-17-724 | AMD-P | 85-02-052 | 296-24-32003 | AMD-P | 85-05-043 | 308-11-100 | AMD | 85-03-045 |
| 296-17-724 | AMD | 85-06-026 | 296-24-33009 | AMD-P | 85-05-043 | 308-11-120 | AMD | 85-03-045 |
| 296-17-725 | AMD-P | 85-02-052 | 296-24-33011 | AMD-P | 85-05-043 | 308-12-031 | AMD | 85-05-010 |
| 296-17-725 | AMD | 85-06-026 | 296-24-33013 | AMD-P | 85-05-043 | 308-12-040 | AMD | 85-05-010 |
| 296-17-726 | AMD-P | 85-02-052 | 296-24-33015 | AMD-P | 85-05-043 | 308-12-050 | AMD | 85-05-010 |
| 296-17-726 | AMD | 85-06-026 | 296-24-33017 | AMD-P | 85-05-043 | 308-12-110 | AMD | 85-05-010 |
| 296-17-727 | AMD-P | 85-02-052 | 296-24-37005 | AMD-P | 85-05-043 | 308-12-320 | AMD | 85-05-010 |
| 296-17-727 | AMD | 85-06-026 | 296-24-37019 | AMD-P | 85-05-043 | 308-13-005 | NEW | 85-04-029 |
| 296-17-729 | AMD-P | 85-02-052 | 296-24-37023 | AMD-P | 85-05-043 | 308-13-010 | AMD | 85-04-029 |
| 296-17-729 | AMD | 85-06-026 | 296-24-40509 | AMD-P | 85-05-043 | 308-13-015 | AMD | 85-04-029 |
| 296-17-730 | AMD-P | 85-02-052 | 296-24-47505 | AMD-P | 85-05-043 | 308-13-020 | AMD | 85-04-029 |
| 296-17-730 | AMD | 85-06-026 | 296-30-010 | NEW | 85-03-060 | 308-13-022 | NEW | 85-04-029 |
| 296-17-735 | AMD-P | 85-02-052 | 296-30-020 | NEW | 85-03-060 | 308-13-025 | NEW | 85-04-029 |
| 296-17-735 | AMD | 85-06-026 | 296-30-050 | NEW | 85-03-060 | 308-13-030 | REP | 85-04-029 |
| 296-17-736 | AMD-P | 85-02-052 | 296-30-060 | NEW | 85-03-060 | 308-13-032 | NEW | 85-04-029 |
| 296-17-736 | AMD | 85-06-026 | 296-30-080 | NEW | 85-03-060 | 308-13-040 | AMD | 85-04-029 |
| 296-17-740 | AMD-P | 85-02-052 | 296-30-130 | NEW | 85-03-060 | 308-13-050 | AMD | 85-04-029 |
| 296-17-740 | AMD | 85-06-026 | 296-30-170 | NEW | 85-03-060 | 308-13-070 | REP | 85-04-029 |
| 296-17-742 | AMD-P | 85-02-052 | 296-30-900 | NEW | 85-03-060 | 308-13-080 | REP | 85-04-029 |
| 296-17-742 | AMD | 85-06-026 | 296-56-60001 | AMD-P | 85-05-043 | 308-13-090 | REP | 85-04-029 |
| 296-17-744 | AMD-P | 85-02-052 | 296-56-60019 | AMD-P | 85-05-043 | 308-13-100 | AMD | 85-04-029 |
| 296-17-744 | AMD | 85-06-026 | 296-56-60045 | AMD-P | 85-05-043 | 308-13-110 | AMD | 85-04-029 |
| 296-17-747 | AMD-P | 85-02-052 | 296-56-60069 | AMD-P | 85-05-043 | 308-25-030 | AMD-P | 85-06-053 |
| 296-17-747 | AMD | 85-06-026 | 296-56-60073 | AMD-P | 85-05-043 | 308-31-200 | NEW | 85-04-028 |
| 296-17-753 | AMD-P | 85-02-052 | 296-56-60077 | AMD-P | 85-05-043 | 308-37-160 | NEW-P | 85-02-062 |
| 296-17-753 | AMD | 85-06-026 | 296-56-60081 | AMD-P | 85-05-043 | 308-37-160 | NEW | 85-05-040 |
| 296-17-755 | AMD-P | 85-02-052 | 296-56-60083 | AMD-P | 85-05-043 | 308-37-170 | NEW-P | 85-02-062 |
| 296-17-755 | AMD | 85-06-026 | 296-56-60085 | AMD-P | 85-05-043 | 308-37-170 | NEW | 85-05-040 |
| 296-17-756 | AMD-P | 85-02-052 | 296-56-60089 | AMD-P | 85-05-043 | 308-37-180 | NEW-P | 85-02-062 |
| 296-17-756 | AMD | 85-06-026 | 296-56-60093 | AMD-P | 85-05-043 | 308-37-180 | NEW | 85-05-040 |

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| 308-37-190 | NEW-P | 85-02-062 | 308-171-001 | NEW | 85-05-008 | 315-04-132 | AMD | 85-09-004 |
| 308-37-190 | NEW | 85-05-040 | 308-171-001 | AMD-P | 85-07-070 | 315-04-133 | REP-P | 85-05-058 |
| 308-40-111 | REP-C | 85-06-007 | 308-171-010 | NEW-W | 85-02-053 | 315-04-133 | REP | 85-09-004 |
| 308-40-111 | REP | 85-07-046 | 308-171-010 | NEW-P | 85-02-065 | 315-04-134 | REP-P | 85-05-058 |
| 308-42-122 | NEW-P | 85-03-107 | 308-171-010 | NEW | 85-05-008 | 315-04-134 | REP | 85-09-004 |
| 308-42-136 | NEW-P | 85-03-107 | 308-171-020 | NEW-W | 85-02-053 | 315-04-140 | AMD-P | 85-05-058 |
| 308-42-136 | NEW-P | 85-08-042 | 308-171-020 | NEW-P | 85-02-065 | 315-04-140 | AMD | 85-09-004 |
| 308-50-060 | REP-P | 85-06-055 | 308-171-020 | NEW | 85-05-008 | 315-04-200 | AMD-P | 85-05-058 |
| 308-50-070 | REP-P | 85-06-055 | 308-171-030 | NEW-P | 85-02-063 | 315-04-200 | AMD | 85-09-004 |
| 308-50-080 | REP-P | 85-06-055 | 308-171-030 | NEW | 85-06-012 | 315-06-035 | NEW-P | 85-05-058 |
| 308-50-270 | AMD | 85-05-020 | 308-171-040 | NEW-P | 85-02-063 | 315-06-035 | NEW | 85-09-004 |
| 308-50-300 | REP-P | 85-06-055 | 308-171-040 | NEW | 85-06-012 | 315-10-030 | AMD-P | 85-05-058 |
| 308-50-320 | AMD-P | 85-06-055 | 308-171-100 | NEW-W | 85-02-053 | 315-10-030 | AMD | 85-09-004 |
| 308-50-380 | NEW | 85-05-020 | 308-171-100 | NEW-P | 85-02-065 | 315-10-060 | AMD-P | 85-05-058 |
| 308-50-390 | NEW-P | 85-06-055 | 308-171-100 | NEW | 85-05-008 | 315-10-060 | AMD | 85-09-004 |
| 308-50-400 | NEW-P | 85-06-055 | 308-171-101 | NEW-W | 85-02-053 | 315-11-140 | NEW-P | 85-03-099 |
| 308-50-410 | NEW-P | 85-06-055 | 308-171-101 | NEW-P | 85-02-065 | 315-11-140 | NEW-E | 85-07-004 |
| 308-52-138 | AMD | 85-03-083 | 308-171-101 | NEW | 85-05-008 | 315-11-140 | NEW | 85-07-005 |
| 308-52-255 | AMD-P | 85-07-066 | 308-171-102 | NEW-W | 85-02-053 | 315-11-141 | NEW-P | 85-03-099 |
| 308-52-260 | AMD | 85-03-084 | 308-171-102 | NEW-P | 85-02-065 | 315-11-141 | NEW-E | 85-07-004 |
| 308-52-270 | AMD | 85-03-084 | 308-171-102 | NEW | 85-05-008 | 315-11-141 | NEW | 85-07-005 |
| 308-53-211 | REP | 85-04-055 | 308-171-103 | NEW-P | 85-07-070 | 315-11-142 | NEW-P | 85-03-099 |
| 308-53-290 | NEW | 85-05-009 | 308-171-200 | NEW-W | 85-02-053 | 315-11-142 | NEW-E | 85-07-004 |
| 308-56A-150 | AMD-P | 85-02-064 | 308-171-200 | NEW-P | 85-02-065 | 315-11-142 | NEW | 85-07-005 |
| 308-56A-150 | AMD | 85-06-011 | 308-171-200 | NEW | 85-05-008 | 315-11-142 | NEW | 85-07-005 |
| 308-78-010 | AMD | 85-04-027 | 308-171-201 | NEW-W | 85-02-053 | 315-11-150 | NEW-P | 85-05-058 |
| 308-78-040 | AMD | 85-04-027 | 308-171-201 | NEW-P | 85-02-065 | 315-11-150 | NEW-E | 85-07-004 |
| 308-78-045 | AMD | 85-04-027 | 308-171-201 | NEW | 85-05-008 | 315-11-150 | NEW | 85-09-004 |
| 308-78-050 | AMD | 85-04-027 | 308-171-202 | NEW-W | 85-02-053 | 315-11-151 | NEW-P | 85-05-058 |
| 308-78-070 | AMD | 85-04-027 | 308-171-202 | NEW-P | 85-02-065 | 315-11-151 | NEW-E | 85-07-004 |
| 308-78-080 | AMD | 85-04-027 | 308-171-202 | NEW | 85-05-008 | 315-11-151 | NEW | 85-09-004 |
| 308-96A-080 | NEW-P | 85-07-045 | 308-171-300 | NEW-W | 85-02-053 | 315-11-152 | NEW-P | 85-05-058 |
| 308-96A-085 | NEW-P | 85-07-045 | 308-171-300 | NEW-P | 85-02-065 | 315-11-152 | NEW-E | 85-07-004 |
| 308-96A-090 | NEW-P | 85-07-045 | 308-171-300 | NEW | 85-05-008 | 315-11-152 | NEW | 85-09-004 |
| 308-96A-095 | NEW-P | 85-07-045 | 308-171-301 | NEW-P | 85-07-070 | 315-30-020 | AMD-P | 85-05-058 |
| 308-96A-097 | NEW-P | 85-07-045 | 308-175-010 | NEW | 85-06-018 | 315-30-020 | AMD | 85-09-004 |
| 308-120-170 | AMD-P | 85-07-067 | 308-175-020 | NEW | 85-06-018 | 315-30-060 | AMD-P | 85-05-058 |
| 308-120-300 | AMD-P | 85-07-067 | 308-175-030 | NEW | 85-06-018 | 315-30-060 | AMD | 85-09-004 |
| 308-120-305 | AMD-P | 85-07-067 | 308-175-040 | NEW | 85-06-018 | 315-30-080 | AMD-P | 85-05-058 |
| 308-120-315 | AMD-P | 85-07-067 | 308-175-050 | NEW | 85-06-018 | 315-30-080 | AMD | 85-09-004 |
| 308-120-325 | AMD-P | 85-07-067 | 308-175-060 | NEW | 85-06-018 | 315-30-090 | AMD-P | 85-05-058 |
| 308-120-335 | AMD-P | 85-07-067 | 308-175-070 | NEW | 85-06-018 | 315-30-090 | AMD | 85-09-004 |
| 308-120-345 | AMD-P | 85-07-067 | 308-175-080 | NEW | 85-06-018 | 315-32-040 | AMD-E | 85-07-004 |
| 308-120-355 | REP-P | 85-07-067 | 308-175-090 | NEW | 85-06-018 | 316-02-100 | AMD-E | 85-09-015 |
| 308-120-360 | AMD-P | 85-07-067 | 314-16-040 | AMD-P | 85-03-105 | 316-02-103 | AMD-E | 85-09-015 |
| 308-120-365 | AMD-P | 85-07-067 | 314-16-040 | AMD | 85-06-023 | 316-02-130 | REP-E | 85-09-015 |
| 308-120-400 | AMD-P | 85-07-067 | 314-16-190 | AMD-P | 85-05-042 | 316-02-135 | NEW-E | 85-09-015 |
| 308-120-410 | AMD-P | 85-07-067 | 314-16-190 | AMD-W | 85-09-026 | 316-02-140 | REP-E | 85-09-015 |
| 308-120-420 | AMD-P | 85-07-067 | 314-16-196 | AMD-P | 85-04-061 | 326-20-170 | AMD-P | 85-03-032 |
| 308-120-430 | AMD-P | 85-07-067 | 314-16-196 | AMD-W | 85-07-034 | 326-20-170 | AMD-E | 85-03-043 |
| 308-120-440 | AMD-P | 85-07-067 | 314-16-197 | NEW-P | 85-05-042 | 326-20-170 | AMD | 85-07-006 |
| 308-120-450 | AMD-P | 85-07-067 | 314-16-197 | NEW-W | 85-09-026 | 326-20-185 | NEW-P | 85-03-032 |
| 308-120-700 | NEW-P | 85-07-068 | 314-18-040 | AMD-P | 85-03-093 | 326-20-185 | NEW-E | 85-03-043 |
| 308-120-710 | NEW-P | 85-07-068 | 314-18-040 | AMD | 85-06-021 | 326-20-185 | NEW | 85-07-006 |
| 308-120-720 | NEW-P | 85-07-068 | 314-24-220 | NEW-P | 85-07-052 | 326-20-190 | AMD-P | 85-03-032 |
| 308-120-800 | NEW-P | 85-07-069 | 314-40-040 | AMD-P | 85-03-094 | 326-20-190 | AMD-E | 85-03-043 |
| 308-122-210 | REP | 85-06-043 | 314-40-040 | AMD | 85-06-020 | 326-20-190 | AMD | 85-07-006 |
| 308-122-215 | NEW | 85-06-043 | 314-44-005 | AMD-P | 85-03-106 | 326-20-210 | REP-P | 85-03-032 |
| 308-122-600 | NEW | 85-06-044 | 314-52-015 | AMD-P | 85-03-106 | 326-20-210 | REP | 85-07-006 |
| 308-122-610 | NEW | 85-06-044 | 314-52-030 | AMD-P | 85-03-106 | 326-40-020 | AMD-P | 85-03-032 |
| 308-122-620 | NEW | 85-06-044 | 315-02-020 | AMD-P | 85-03-099 | 326-40-020 | AMD-E | 85-03-043 |
| 308-122-640 | NEW | 85-06-044 | 315-02-020 | AMD | 85-07-005 | 326-40-020 | AMD | 85-07-006 |
| 308-122-650 | NEW | 85-06-044 | 315-04-010 | AMD-P | 85-05-058 | 332-14 | NEW-C | 85-08-017 |
| 308-122-660 | NEW | 85-06-044 | 315-04-010 | AMD | 85-09-004 | 332-14-010 | NEW-P | 85-04-062 |
| 308-122-680 | NEW | 85-06-044 | 315-04-040 | AMD-P | 85-05-058 | 332-14-020 | NEW-P | 85-04-062 |
| 308-122-690 | NEW | 85-06-044 | 315-04-040 | AMD | 85-09-004 | 332-14-030 | NEW-P | 85-04-062 |
| 308-122-695 | NEW | 85-06-044 | 315-04-060 | AMD-P | 85-05-058 | 332-14-040 | NEW-P | 85-04-062 |
| 308-122-700 | NEW | 85-06-043 | 315-04-060 | AMD | 85-09-004 | 332-14-050 | NEW-P | 85-04-062 |
| 308-122-710 | NEW | 85-06-043 | 315-04-070 | AMD-P | 85-05-058 | 332-14-060 | NEW-P | 85-04-062 |
| 308-138-055 | AMD-P | 85-06-009 | 315-04-070 | AMD | 85-09-004 | 332-14-070 | NEW-P | 85-04-062 |
| 308-151-080 | AMD | 85-03-085 | 315-04-110 | AMD-P | 85-05-058 | 332-14-080 | NEW-P | 85-04-062 |
| 308-151-100 | AMD | 85-03-085 | 315-04-110 | AMD | 85-09-004 | 332-14-090 | NEW-P | 85-04-062 |
| 308-151-100 | AMD-P | 85-03-108 | 315-04-125 | AMD-P | 85-05-058 | 332-14-100 | NEW-P | 85-04-062 |
| 308-151-100 | AMD | 85-07-021 | 315-04-125 | AMD | 85-09-004 | 332-14-110 | NEW-P | 85-04-062 |
| 308-156-070 | AMD | 85-03-085 | 315-04-130 | AMD-P | 85-05-058 | 332-14-120 | NEW-P | 85-04-062 |
| 308-171-001 | NEW-W | 85-02-053 | 315-04-130 | AMD | 85-09-004 | 332-14-130 | NEW-P | 85-04-062 |
| 308-171-001 | NEW-P | 85-02-065 | 315-04-132 | AMD-P | 85-05-058 | 332-14-140 | NEW-P | 85-04-062 |

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| 332-14-160 | NEW-P | 85-04-062 | 356-14-220 | AMD-P | 85-08-013 | 388-18-090 | NEW | 85-03-069 |
| 332-14-170 | NEW-P | 85-04-062 | 356-15-060 | AMD-P | 85-04-031 | 388-18-100 | NEW | 85-03-069 |
| 332-14-180 | NEW-P | 85-04-062 | 356-15-060 | AMD-E | 85-04-032 | 388-18-110 | NEW | 85-03-069 |
| 332-14-190 | NEW-P | 85-04-062 | 356-15-060 | AMD-C | 85-07-035 | 388-18-120 | NEW | 85-03-069 |
| 332-14-200 | NEW-P | 85-04-062 | 356-15-060 | RESCIND | 85-09-029 | 388-18-130 | NEW | 85-03-069 |
| 332-14-210 | NEW-P | 85-04-062 | 356-15-070 | AMD-E | 85-03-047 | 388-28-435 | AMD | 85-04-024 |
| 332-14-220 | NEW-P | 85-04-062 | 356-15-070 | AMD | 85-05-030 | 388-28-475 | AMD | 85-04-024 |
| 332-14-230 | NEW-P | 85-04-062 | 356-15-130 | AMD-E | 85-05-029 | 388-28-480 | AMD | 85-04-024 |
| 332-14-240 | NEW-P | 85-04-062 | 356-15-130 | AMD-P | 85-06-036 | 388-28-482 | AMD | 85-04-024 |
| 332-14-250 | NEW-P | 85-04-062 | 356-15-130 | AMD | 85-09-030 | 388-28-483 | AMD-P | 85-03-067 |
| 332-14-260 | NEW-P | 85-04-062 | 356-18-080 | AMD-E | 85-09-031 | 388-28-483 | AMD | 85-06-060 |
| 332-14-270 | NEW-P | 85-04-062 | 356-18-090 | AMD-P | 85-06-036 | 388-28-484 | AMD | 85-04-024 |
| 332-14-280 | NEW-P | 85-04-062 | 356-18-090 | AMD | 85-09-030 | 388-28-500 | AMD | 85-04-024 |
| 332-22-105 | AMD-P | 85-07-033 | 356-18-140 | AMD-P | 85-08-013 | 388-28-515 | AMD | 85-04-024 |
| 332-26-080 | NEW-E | 85-09-010 | 356-22-210 | AMD-P | 85-08-013 | 388-28-535 | AMD | 85-04-024 |
| 332-30-166 | AMD-E | 85-07-041 | 356-26-030 | AMD | 85-05-030 | 388-28-570 | AMD | 85-04-024 |
| 332-30-166 | AMD-P | 85-08-040 | 356-26-130 | AMD-P | 85-04-031 | 388-28-575 | AMD | 85-04-024 |
| 344-12-015 | AMD | 85-03-018 | 356-26-130 | AMD | 85-07-060 | 388-28-590 | AMD | 85-03-068 |
| 344-12-030 | AMD | 85-03-018 | 356-30-330 | AMD-P | 85-06-036 | 388-29-001 | NEW-P | 85-03-054 |
| 344-12-035 | AMD | 85-03-018 | 356-30-330 | AMD | 85-09-030 | 388-29-001 | NEW | 85-07-020 |
| 344-12-040 | AMD | 85-03-018 | 356-46-130 | REP-P | 85-06-036 | 388-29-005 | NEW-P | 85-03-054 |
| 344-12-045 | AMD | 85-03-018 | 356-46-130 | REP | 85-09-030 | 388-29-005 | NEW | 85-07-020 |
| 344-12-050 | AMD | 85-03-018 | 360-12-125 | NEW-P | 85-02-061 | 388-29-010 | AMD-P | 85-03-054 |
| 344-12-060 | AMD | 85-03-018 | 360-12-125 | NEW | 85-06-010 | 388-29-010 | AMD | 85-07-020 |
| 344-12-070 | AMD | 85-03-018 | 360-12-130 | AMD-P | 85-02-061 | 388-29-020 | AMD-P | 85-03-054 |
| 344-12-080 | AMD | 85-03-018 | 360-12-130 | AMD | 85-06-010 | 388-29-020 | AMD | 85-07-020 |
| 344-12-087 | AMD | 85-03-018 | 360-16-170 | REP-P | 85-08-041 | 388-29-025 | REP-P | 85-03-054 |
| 344-12-098 | AMD | 85-03-018 | 360-16-200 | AMD-P | 85-08-041 | 388-29-025 | REP | 85-07-020 |
| 344-12-112 | AMD | 85-03-018 | 360-16-230 | AMD-P | 85-08-041 | 388-29-030 | REP-P | 85-03-054 |
| 344-12-125 | AMD | 85-03-018 | 360-16-255 | AMD-P | 85-02-061 | 388-29-030 | REP | 85-07-020 |
| 344-12-131 | AMD | 85-03-018 | 360-16-255 | AMD | 85-06-010 | 388-29-040 | REP-P | 85-03-054 |
| 344-12-140 | AMD | 85-03-018 | 360-17-060 | AMD-P | 85-08-041 | 388-29-040 | REP | 85-07-020 |
| 344-12-205 | AMD | 85-03-018 | 360-18-020 | AMD-P | 85-02-061 | 388-29-080 | AMD-P | 85-03-054 |
| 344-12-230 | AMD | 85-03-018 | 360-18-020 | AMD | 85-06-010 | 388-29-080 | AMD | 85-07-020 |
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