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DENNIS W. COOPER  
Code Reviser

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# WASHINGTON STATE REGISTER

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## STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

### 1. ARRANGEMENT OF THE REGISTER

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

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

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

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

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

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

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

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

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

### 5. EFFECTIVE DATE OF RULES

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

### 6. EDITORIAL CORRECTIONS

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

### 7. INDEX AND TABLES

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

1985

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

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

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

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

**WSR 85-14-027**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Filed June 26, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Ecology intends to adopt, amend, or repeal rules concerning minimum functional standards for solid waste handling;

that the agency will at 7:00 p.m., September 16, 1985, in the Spokane County Health Center Auditorium, West 1101 College Avenue, and at 7:00 p.m., September 17, 1985, in the Department of Ecology Central Regional Office, 3601 West Washington, Yakima, WA, and at 7:00 p.m., September 19, 1985, in the Port of Seattle Commission Chambers, 2201 Alaskan Way, and at 7:00 p.m., September 26, 1985, in the City of Bellingham Council Chambers, City Hall, 210 Lottie Street, and at 7:00 p.m., October 2, 1985, in the Clark County PUD Auditorium, 1200 Fort Vancouver Way, Vancouver, WA, conduct public hearings on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 25, 1985.

The authority under which these rules are proposed is chapter 34.04 RCW.

The specific statute these rules are intended to implement is chapter 70.95 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 4, 1985.

Dated: June 24, 1985  
 By: Andrea Beatty Riniker  
 Director

#### STATEMENT OF PURPOSE

Title: Chapter 173-304 WAC, regulations related to minimum functional standards for solid waste handling.

Description of Purpose: To establish minimum standards for solid waste handling statewide. To develop criteria for solid waste handling expressed in terms of technical requirements to achieve necessary performance standards. To address the planning, management, storage, collection, transportation, treatment, utilization, processing, and final disposal of solid wastes, including the recovery and recycling of material from solid wastes.

Statutory Authority: Chapter 70.95 RCW.

Summary of Rule: This regulation (chapter 173-304 WAC) addresses the responsibilities of everyone associated with the generation, disposal and/or reuse of solid waste materials by describing: The applicable laws and/or authorities; the necessary planning requirements; the necessary siting requirements; the permitting procedures; the permitting requirements; and the technical requirements for a variety of solid waste facilities including, but not limited to, landfills, transfer stations, drop boxes, waste piles, surface impoundments, land spreading and other facilities as well as landfills for demolition waste, inert waste, woodwastes, and other wastes.

Reasons Supporting Proposed Action: Passage of House Bill 1164 resulted in additional requirements in chapter 70.95 RCW that need further explanation and clarification. Additional solid waste handling requirements need to be added for the protection of health and the environment. Identification and control of solid waste facilities and other than landfills is needed to reflect current trends of recycling, reuse and energy recovery of solid waste materials.

Agency Personnel Responsible for Drafting: Avery Wells, Solid Waste Section, 459-6291; Implementation: Lynda Brothers, Office of Hazardous Substances and Air Quality Programs, 459-6290; and Enforcement: Regional Managers, Operations.

Person or Organization Proposing Rule, Whether Public, Private, or Governmental: Department of Ecology, state government.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: This action is needed to update and clarify the current solid waste regulations (chapter 173-301 WAC) established in 1972.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: Yes, as a result of the passage of Substitute Bill No. 1164, chapter 123, Laws of 1984 in the 48th legislative session.

Small Business Economic Impact Statement: The Regulatory Fairness Act, chapter 19.85 RCW, requires that rules which have an economic impact on more than 20% of all industries or more than 10% of the businesses in any one industry be reviewed and altered to minimize their impact upon small businesses. This regulatory proposal has been reviewed in light of that requirement. The conclusions of this review are summarized below.

This proposed regulatory action adopts minimum functional standards for solid waste handling. Their form and content reflect legislative directions contained in chapter 70.95 RCW. A careful examination indicates that, as these standards become incorporated into the design, construction and operation of new and expanded landfills and other waste handling facilities, waste handling costs — and corresponding fees and charges — will likely increase. We cannot say by how much in any specific case at this time, since this will depend on the degree and kinds of differences between current practice and these standards in any given situation, as well as the policies and practices adopted by the waste handling entity regarding the passing along of these costs to users.

These cost/charge increases will affect two, general, groups — solid waste generators (including both large and small businesses) and owners/operators of solid waste handling facilities and operations (including both private sector firms and businesses and public agencies). As to the first of these, we would expect that the amount of impacted solid waste generated (and resulting waste disposal costs) would be at least roughly proportional to business or operation size. Thus, this regulation would not seem to place a disproportionate burden upon small business in this regard.

As to public and private owners/operators of landfills, incinerators, waste piles, surface impoundments, etc., this regulation gives ample consideration to any special

problems and burdens which small units might face. Recycling activities, other than those directly affecting the environment (such as land spreading of sludges, storage of recyclable wastes in unconfined piles, etc.) have been excluded. Thus, no burdens are placed upon "buy back" recycling centers or any other recycling activity involving storage of wastes in containers. Virtually all regulatory requirements either exclude small units or operations of all kinds, provide for exemptions, or allow less costly alternative procedures for satisfaction of requirements or standards. Design options for landfill liners have been provided, as has the possibility for exemption for small landfills. In addition, a clear and straightforward variance procedure has been provided to allow for handling any cases of undue burden or cost in excess of demonstrable benefits which might not have been taken into account elsewhere in the regulation.

After a careful review, it is judged that this regulatory proposal satisfies the intent of the Regulatory Fairness Act.

MINIMUM FUNCTIONAL STANDARDS FOR SOLID WASTE HANDLING WAC 173-304 DEPARTMENT OF ECOLOGY

- WAC 173-304-010 Authority and Purpose. 173-304-011 County Planning Requirements. 173-304-015 Applicability. 173-304-100 Definitions. 173-304-130 Locational Standards for Disposal Sites. 173-304-190 Owner Responsibility for Solid Waste. 173-304-195 Permit Required. 173-304-200 On-Site Containerized Storage Collection and Transportation Standards for Solid Waste. 173-304-300 Waste Recycling Standards. 173-304-400 Solid Waste Handling Facility Standards. 173-304-405 General Facility Requirements. 173-304-410 Transfer Stations, Baling and Compaction Systems and Drop Box Facilities. 173-304-420 Piles Used for Storage and Treatment. 173-304-430 Surface Impoundment Standards. 173-304-440 Energy Recovery and Incinerator Standards. 173-304-450 Landspreading Standards. 173-304-460 Landfill Standards. 173-304-461 Inert and Demolition Waste Landfill Standards. 173-304-462 Woodwaste Landfills. 173-304-463 Problem Waste Landfills (Reserved). 173-304-470 Other Methods of Solid Waste Handling. 173-304-490 Ground water Monitoring Requirements. 173-304-600 Permit Requirements for Solid Waste Facilities. 173-304-700 Variances. 173-304-9901 Maximum Contaminant Levels for Ground water.

NEW SECTION

WAC 173-304-010 AUTHORITY AND PURPOSE. This regulation is promulgated under the authority of chapter 70.95 RCW to protect public health, to prevent land, air, and water pollution, and conserve the state's natural and energy resources by:

- (1) Setting minimum functional standards for the proper handling of all solid waste materials originating from residences, commercial, agricultural and industrial operations and other sources; (2) Identifying those functions necessary to assure effective solid waste handling programs at both the state and local level; (3) Following the direction set by the legislature for the management of solid waste in order of descending priority as applicable: (a) Waste reduction;

- (b) Waste recycling; (c) Energy recovery or incineration; (d) Landfill. (4) Describing the responsibility of persons, municipalities, regional agencies, state and local government under existing laws and regulations related to solid waste; (5) Requiring use of the best available technology for siting, designing, constructing, operating and closing solid waste handling facilities; and (6) Establishing these standards as minimum standards for solid waste handling to provide a statewide consistency and expectation as to the level at which solid waste is managed throughout the state. Local ordinances setting standards for solid waste handling shall not be less stringent than these minimum standards, and shall be adopted six months after the effective date of this regulation. Local ordinances need not adopt WAC 173-304-011, County Planning Requirements, but shall otherwise comply with the requirements of WAC 173-304-011. Solid waste regulations or ordinances adopted by counties, cities, or jurisdictional boards of health shall be filed with the department.

NEW SECTION

WAC 173-304-011 COUNTY PLANNING REQUIREMENTS. The concept of "solid waste management" includes in addition to proper storage, collection, and disposal of discards, other management functions or operational activities including transportation, processing, treatment, landfilling, source separation, resource recovery, energy recovery, waste recycling and waste reduction. Under the State Waste Management Act, chapter 70.95 RCW, primary responsibility for managing solid waste is assigned to local government (RCW 70.95.020). The state, however, is responsible for assuring that effective local programs are established throughout Washington State. Therefore, state and local solid waste planning for the aforementioned activities is an essential part of proper solid waste management.

- (1) State responsibility. As described in RCW 70.95.260, the department shall coordinate the development of a state solid waste management plan for all areas of the state in cooperation with local government, the department of community development, and other appropriate state and regional agencies. The state plan shall be reviewed biennially, revised as necessary, and extended so that the plan shall look to the future for twenty years as a guide in carrying out a state coordinated solid waste management program. (2) Local government responsibility. The overall purpose of local comprehensive solid waste planning is to determine the nature and extent of the various solid waste categories and to establish management concepts for their handling, utilization, and disposal consistent with the priorities established in RCW 70.95.010 for waste reduction, waste recycling, energy recovery and landfilling. Each local plan shall be prepared in accordance with RCW 70.95.080, -.090, -.100, and -.110. Additionally, the department has available "Guidelines for the Development of Local or Regional Solid Waste Management Plans and Plan Revisions" to be followed by local government. RCW 70.95.165 also requires counties to establish a local solid waste advisory committee to assist in the development of programs and policies concerning solid waste handling and disposal and to review and comment upon proposed rules, policies, or ordinances prior to their adoption.

NEW SECTION

WAC 173-304-015 APPLICABILITY. The regulations apply to solid wastes as defined in WAC 173-304-100 except:

- (1) Overburden from mining operations intended for return to the mine; (2) Liquid wastes whose discharge or potential discharge is regulated under federal, state or local water pollution permits; (3) Dangerous wastes as defined by chapter 70.105 RCW and chapter 173-303 WAC; (4) Woodwaste used for ornamental, feed lot bedding, mulch and plant bedding and roadbuilding purposes; (5) Agricultural wastes, limited to manures and crop residues, returned to the soils at agronomic rates; (6) Clean soils and clean dredge spoils as defined in WAC 173-304-100; (7) Septage taken to a permitted sewage treatment plant; and (8) Radioactive wastes, defined by Chapter 402-12 WAC and Chapter 402-19 WAC.

NEW SECTION

WAC 173-304-100 DEFINITIONS. When used in this regulation, the following terms have the meanings given below.

(1) "Active area" means that portion of a facility where solid waste recycling, reuse, treatment, storage or disposal operations is being or has been conducted. Buffer zones shall not be considered part of the active area of a facility.

(2) "Agricultural wastes" means wastes resulting from the production of agricultural products on farms, including but not limited to manures, and carcasses of dead animals weighing each or collectively in excess of 15 pounds.

(3) "Agronomic rates" means the rates of application of sludges in accordance with rates specified by the appropriate fertilizer guide for the crop under cultivation.

(4) "Air quality standard" means a standard set for maximum allowable contamination in ambient air as set forth in chapter 173-400 WAC, General Regulations for Air Pollution Sources.

(5) "Aquifer" means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of ground water to wells or springs.

(6) "Ashes" means the residue including any air pollution flue dusts from combustion or incineration of material including solid wastes.

(7) "Balefill" means a landfill which uses compacted bales of solid waste to form discrete lifts as the landfill is filled.

(8) "Buffer zone" means that part of a facility that lies between the active area and the property boundary.

(9) "Bulky waste" means large items of refuse, such as appliances, furniture, and other oversize wastes which would typically not fit into a reusable or disposable individual storage container.

(10) "Clean soils and clean dredge spoils" means soils and dredge spoils which are not dangerous wastes or problem wastes as defined in WAC 173-304-100.

(11) "Closure" means those actions taken by the owner or operator of a solid waste site or facility to cease disposal operations and to ensure that all such facilities are closed in an acceptable manner, to prepare the site for long-term care and to make it suitable for other uses after its active life.

(12) "Collecting agency" means any agency, business or service operated by a person for the collecting of solid waste.

(13) "Compliance schedule" means a written schedule of required measures in a permit including an enforceable sequence leading to compliance with these regulations.

(14) "Composting" means the controlled degradation of organic solid waste yielding a product for use as a soil conditioner, or to facilitate handling of that solid waste.

(15) "Container" means a device used for the collection, storage, and/or transportation of solid waste including but not limited to reusable containers, disposable containers, detachable containers and tanks, fixed or detachable.

(16) "Contamination" means to introduce a substance into ground water that would cause:

(a) The concentration of that substance in the ground water to exceed the maximum contamination level specified in WAC 173-304-9901, or

(b) An increase in the concentration of that substance in the ground water where the existing concentration of that substance exceeds the maximum contaminant level specified in WAC 173-304-9901, or

(c) A measurable increase above background in the concentration of a substance which:

(i) Is not specified in WAC 173-304-9901, and

(ii) Is present in substantial quantities and concentrations in the solid waste, or

(iii) Has been determined to present a substantial risk to human health by the jurisdictional health department in consultation with the department and the department of social and health services.

(17) "Cover material" means soil or other suitable material that has been approved by the jurisdictional health department as cover for wastes. Daily cover shall mean at least six inches of compacted soil. Final cover shall have the meaning set forth in WAC 173-304-460 (3)(c).

(18) "Dangerous wastes" means any solid waste designated as dangerous waste by the department under chapter 173-303 WAC.

(19) "Demolition waste" means solid waste, largely inert waste, resulting from the demolition or razing of buildings, roads and other man-made structures. Demolition waste consists of, but is not limited to, concrete, brick, bituminous concrete, wood and masonry, steel and

minor amounts of other metals like copper. Plaster or any other material, other than wood, that is likely to produce gases or a leachate during the decomposition process is not considered to be demolition waste for the purposes of this regulation.

(20) "Department" means the department of ecology.

(21) "Detachable containers" means reusable containers that are equipped for mechanical loading or handling such as a "dumpster" or drop box.

(22) "Disposable containers" means containers that are used once to handle solid waste such as plastic bags, cardboard boxes and paper bags.

(23) "Disposal" or "deposition" means the discharge, deposit, injection, dumping, leaking, or placing of any solid waste into or on any land or water.

(24) "Disposal site" means the location where any final treatment, utilization, processing, or deposition of solid waste occurs. See also the definition of interim solid waste handling site.

(25) "Drop box facility" means a facility used for the placement of a detachable container including the area adjacent for necessary entrance and exit roads, unloading and turn-around areas. Drop box facilities normally serve the general public with loose loads and receive waste from off-site.

(26) "Energy recovery" means the recovery of energy in a useable form from mass burning or refuse derived fuel incineration, pyrolysis or any other means of using the heat of combustion of solid waste that involves high temperature processing.

(27) "Existing facility" means a facility which is owned, and in operation, or for which construction has begun, on or before the effective date of this regulation and the owner or operator has obtained permits or approvals necessary under federal, state and local statutes, regulations and ordinances. A facility has commenced construction of either:

(a) A continuous on-site physical construction program has begun, or

(b) The owner or operator has entered into contractual obligations which cannot be cancelled or modified without substantial financial loss for physical construction of the facility to be completed within a reasonable time.

Lateral extensions of a landfill's active area on land purchased and permitted by the jurisdictional health department for the purpose of landfilling before the effective date of this regulation shall be considered existing facilities.

(28) "Expanded facility" means a facility adjacent to an existing facility for which the land is purchased and approved by the jurisdictional health department after the effective date of this regulation.

(29) "Facility" means all contiguous land and structures, other appurtenances, and improvements on the land used for solid waste handling.

(30) "Facility structures" means buildings, sheds, utility lines, and drainage pipes on the facility.

(31) "Final treatment" means the act of processing or preparing solid waste for disposal, utilization, reclamation, or other approved method of use.

(32) "Free liquids" means any solid waste which produces measurable liquids when the Paint Filter Liquids Test, Method 9095 of EPA Publication Number SW-846, is used.

(33) "One hundred-year floodplain" means any land area which is subject to one percent or greater chance of flooding in any given year from any source.

(34) "Garbage" means unwanted animal and vegetable wastes and animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food, swill and carcasses of dead animals, and of such a character and proportion as to be capable of attracting or providing food for vectors, except sewage and sewage sludge.

(35) "Ground water" means that part of the subsurface water which is in the zone of saturation.

(36) "Holocene fault" means a fracture along which rocks on one side have been displaced with respect to those on the other side and that has occurred in the most recent epoch of the quaternary period extending from the end of the pleistocene to the present.

(37) "Incineration" means reducing the volume of solid wastes by use of an enclosed device using controlled flame combustion.

(38) "Interim solid waste handling site" means any interim treatment, utilization or processing site engaged in solid waste handling which is not the final site of disposal. Transfer stations, drop boxes, baling and compaction sites, source separation centers, and treatment are considered interim solid waste handling sites.

(39) "Industrial solid wastes" means waste by-products from manufacturing operations such as scraps, trimmings, packing, and other discarded materials.

(40) "Inert wastes" means noncombustible, nondangerous solid wastes that are likely to retain their physical and chemical structure under expected conditions of disposal, including biological attack and chemical attack such as acidic rainwater leaching.

(41) "Jurisdictional health department" means city, county, city-county or district health officer, or his duly authorized representative.

(42) "Landfill" means a disposal facility or part of a facility at which solid waste is permanently placed in or on land and which is not a land spreading facility.

(43) "Land spreading facility" means a facility that applies solid waste onto or incorporates solid waste into the soil surface so that it will degrade or decompose.

(44) "Leachate" means water or other liquid that has been contaminated by dissolved or suspended materials due to contact with solid waste or gases therefrom.

(45) "Local fire control agency" means a public or private agency or corporation providing fire protection such as a local fire department, the department of natural resources or the U.S. forest service.

(46) "Lower explosive limits" means the lowest percentage by volume of a mixture of explosive gases which will propagate a flame in air at twenty-five degrees centigrade and atmospheric pressure.

(47) "Medical waste" means all the infectious, and injurious waste originating from a medical, and/or intermediate care facility.

(48) "New facility" means a facility which begins operation or construction after the effective date of this regulation (See also definition of "existing facility").

(49) "Nonconforming site" means a solid waste handling facility which does not currently comply with the facility requirements of WAC 173-304-400 but does comply with a compliance schedule issued in a solid waste permit by the jurisdictional health department.

(50) "Nuisance" consists in unlawfully doing an act, or omitting to perform a duty, which act or omission either annoys, injures, or endangers the comfort, repose, health or safety of others, offends decency, or unlawfully interferes with, obstructs or tends to obstruct, any lake or navigable river, bay, stream, canal, or basin, or any public park, square, street or highway; or in any way renders other persons insecure in life, or in the use of property.

(51) "Open burning" means the burning of solid waste materials in an open area, piles, barrels, or furnace without the control of residues or air emissions.

(52) "Performance standard" means the criteria for the performance of solid waste handling facilities.

(53) "Permeability" means the property of a porous material which allows liquid or gaseous fluids to flow through it. For liquids, this is usually expressed as a rate of penetration in centimeters per second under a unit hydraulic gradient. Soils with a permeability for water of  $1 \times 10^{-7}$  cm/sec or less and synthetic liners may be considered impermeable.

(54) "Permit" means an authorization issued by the jurisdictional health department which allows a person to perform solid waste activities at a specific location and which includes specific conditions for such facility operations.

(55) "Person" means an individual, firm, association, co-partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

(56) "Pile" means any noncontainerized accumulation of solid waste that is used for treatment or storage.

(57) "Plan of Operation" means the written plan developed by an owner or operator of a facility detailing how a facility is to be operated during its active life and during closure and post-closure.

(58) "Point of compliance" means that part of ground water that lies beneath the perimeter of a solid waste facilities' active area as that active area would exist at closure of the facility.

(59) "Post-closure" means the requirements placed upon disposal facilities after closure to ensure their environmental safety for a number of years after closure.

(60) "Premises" means a tract or parcel of land with or without habitable buildings.

(61) "Problem wastes" means: (a) Soils removed during the cleanup of a remedial action site, or a dangerous waste site closure or other cleanup efforts and actions and which contain possible harmful substances but are not designated dangerous wastes, or (b) Dredge spoils

resulting from the dredging of surface waters of the state where contaminants are present in the dredge spoils at concentrations not suitable for open water disposal and the dredge spoils are not dangerous wastes.

(62) "Processing" means an operation to convert a solid waste into a useful product or to prepare it for disposal.

(63) "Putrescible waste" means solid waste which contains organic matter capable of being decomposed by micro-organisms.

(64) "Pyrolysis" means the process in which solid wastes are heated in an enclosed device in the absence of oxygen to vaporization, producing a hydrocarbon-rich gas capable of being burned for recovery of energy.

(65) "Reclamation site" means a location used for the processing or the storage of recycled waste.

(66) "Reusable containers" means containers that are used more than once to handle solid waste such as garbage cans.

(67) "Run-off" means any rainwater, leachate or other liquid which drains over land from any part of the facility.

(68) "Run-on" means any rainwater or other liquid which drains over land onto any part of a facility.

(69) "Scavenging" means the removal of materials at a disposal site or transfer station, or interim solid waste handling site without the approval of the owner or operator.

(70) "Septage" means a semisolid consisting of settled sewage solids combined with varying amounts of water and dissolved materials generated from a septic tank system.

(71) "Sludge" means a semisolid substance consisting of settled sewage solids combined with varying amounts of water and dissolved materials generated from a wastewater treatment plant or other source.

(72) "Sole source aquifer" means an aquifer designated by the Environmental Protection Agency pursuant to Section 1424e of the Safe Drinking Water Act (PL 93-523).

(73) "Solid waste" means all putrescible and nonputrescible solid and semisolid wastes, including but not limited to garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities. This includes all liquid, solid and semisolid, materials not presently used, needed, or wanted, resulting from public, private, industrial, commercial, mining, and agricultural operations, including but not limited to sludge from wastewater treatment plants and septage, from septic tanks, woodwaste and problem wastes.

(74) "Solid waste handling" means the management, storage, collection, transportation, treatment, utilization, processing or final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from such wastes or the conversion of the energy in such wastes to more useful forms or combinations thereof.

(75) "Solid waste management" means the systematic administration of activities which provide for the collection, source separation, storage, transportation, transfer, processing, treatment, and disposal of solid waste.

(76) "Storage" means the holding of solid waste materials for a temporary period.

(77) "Twenty-five year storm" means a storm of a particular duration and of such an intensity that it can be expected to be equalled or exceeded on an average of at least once every twenty-five years.

(78) "Twenty-four hour, twenty-five year storm" means a twenty-five year storm in which the rain falls for twenty-four hours.

(79) "Stream" means the point at which any confined freshwater body of surface water reaches a mean annual flow of twenty cubic feet per second.

(80) "Surface impoundment" means a facility or part of a facility which is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials), and which is designed to hold an accumulation of liquids or semi-solid wastes. The term includes holding, storage, settling, and aeration pits, ponds, or lagoons, but does not include injection wells.

(81) "Surface water" means all lakes, rivers, ponds, streams, inland waters, salt waters and all other water and water courses within the jurisdiction of the State of Washington.

(82) "Transfer station" means a permanent fixed, supplemental collection and transportation facility, used by persons and route collection vehicles to deposit collected solid waste from off-site into a larger transfer vehicle for transport to a solid waste handling facility. Transfer stations may also include recycling facilities.

(83) "Treatment" means the physical, chemical or biological processing of solid waste to make such solid wastes safer for storage or disposal, amenable for energy or material resource recovery or reduced in volume.

(84) "Utilization" means to benefit by consuming, expending, or exhausting by use, solid waste materials.

(85) "Vadose Zone" means that portion of a geologic formation or soil layer directly below the land's surface that is unsaturated or partly saturated with moisture.

(86) "Vector" means a living animal, insect or other arthropod which transmits an infectious disease from one organism to another.

(87) "Waste recycling" means reusing waste materials and extracting valuable materials from a waste stream.

(88) "Waste reduction" means reducing the amount or type of waste generated.

(89) "Water quality standard" means a standard set for maximum allowable contamination in surface waters as set forth in chapter 173-201 WAC, water quality standards for waters of the state of Washington.

(90) "Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, estuaries, and similar areas.

(91) "Woodwaste" means solid waste consisting mostly of wood pieces or particles generated as a by-product or waste from the manufacturing of wood products, handling and storage of raw materials and trees and stumps. This includes but is not limited to sawdust, chips, shavings, bark, pulp, hog fuel, and log sort yard waste, but does not include wood pieces or particles containing chemical preservatives such as creosote or pentachlorophenol.

(92) "Zone of Saturation" means that part of a geologic formation or soil layer below the land's surface that is saturated with moisture.

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

#### NEW SECTION

WAC 173-304-130 **LOCATIONAL STANDARDS FOR DISPOSAL SITES.** (1) Applicability. These standards apply to all new and expanded disposal sites including landfills, and piles and surface impoundments that are closed as landfills. These standards do not apply to:

- (a) Existing facilities;
- (b) Interim solid waste handling sites;
- (c) Energy recovery and incineration sites;
- (d) Piles and surface impoundments used for storage, unless otherwise referred to WAC 173-304-400, Solid waste handling facility standards;
- (e) Utilization of sludge and other waste on land;
- (f) Inert wastes and demolition wastes as defined in WAC 173-304-100 unless otherwise referred to in WAC 173-304-400, Solid waste handling facility standards; and
- (g) Problem wastes, as defined in WAC 173-304-100.

(2) Locational Standards. All applicable solid waste facilities shall be subject to the following locational standards:

- (a) Geology. No facility shall be located over a holocene fault, in subsidence areas, or on or adjacent to geologic features which could compromise the structural integrity of the facility.
- (b) Ground water.
  - (i) No facility shall be located at a site where the bottom of the lowest liner is any less than ten feet above the seasonal high level of ground water in the uppermost aquifer, or five feet when a hydraulic gradient control system has been installed to control ground water fluctuations;
  - (ii) No landfill shall be located over a sole source aquifer; and
  - (iii) No facility's active area shall be located closer than one thousand feet to a down gradient drinking water supply well, in use and existing at the time of the county's adoption of the comprehensive solid waste management plan unless the owner or operator can show that the active area is no less than ninety days travel time hydraulically to the nearest down gradient drinking water supply well in the uppermost useable aquifer.
- (c) Natural Soils. See WAC 173-304-400, such as WAC 173-304-460 (3)(c)(i), Landfill liners;

(d) Flooding. See WAC 173-304-400 such as WAC 173-304-460 (3)(d), Landfill, floodplains;

(e) Surface Water. No facility's active area shall be located within two hundred feet of a stream, lake, pond, river, or salt water body, nor in any wetland nor any public land that is being used as a watershed for municipal drinking water purposes;

(f) Slope. No facility's active area shall be located on any hill whose slope are unstable;

(g) Cover Material. See WAC 173-304-400, such as WAC 173-304-460 (3)(e), Landfills, closure;

(h) Capacity. See WAC 173-304-400, such as WAC 173-304-460, Landfill standards, (For standards applicable to small landfills);

(i) Climatic Factors. See WAC 173-304-400 such as WAC 173-304-460(3) Landfill standards, (For standards applicable to arid climates);

(j) Land Use. No facility shall be located:

(i) Within ten thousand feet of any airport runway currently used by turbojet aircraft or five thousand feet of any airport runway currently used by only piston-type aircraft unless a waiver is granted by the federal aviation administration. This requirement is only applicable where such facility is used for disposing of garbage such that a bird hazard to aircraft would be created.

(ii) In areas designated by the U.S. fish and wildlife service as critical habitat for endangered or threatened species of plants, fish, or wildlife;

(iii) So that the active area is any closer than one hundred feet to the facility property line for land zoned as non-residential, except that the active area may be no closer than two hundred and fifty feet to the property line of adjacent land zoned as residential existing at the time of the county's adoption of the comprehensive solid waste management plan;

(iv) So as to be at variance with any local land use plan or zoning requirement unless otherwise provided by local law or ordinance; and

(v) so that the active area is any closer than one thousand feet to any state or national park.

(k) Toxic Air Emissions. See WAC 173-304-400 such as WAC 173-304-460 (2)(b), Landfill Performance Standards.

#### NEW SECTION

WAC 173-304-190 **OWNER RESPONSIBILITIES FOR SOLID WASTE.** The owner and/or occupant of any premise, business establishment, or industry shall be responsible for the satisfactory and legal arrangement for the solid waste handling of all solid waste accumulated by them on their property at that premise.

#### NEW SECTION

WAC 173-304-195 **PERMIT REQUIRED.** After approval by the department of the comprehensive solid waste plan required by RCW 70.95.100, no solid waste disposal site or facility shall be maintained, established, substantially altered expanded or improved until the county, city or other person operating or owning such site has obtained a permit from the jurisdictional health department pursuant to the provisions of WAC 173-304-600.

#### NEW SECTION

WAC 173-304-200 **ON-SITE CONTAINERIZED STORAGE, COLLECTION AND TRANSPORTATION STANDARDS FOR SOLID WASTE** (1) Applicability. These standards apply to all persons storing containerized solid waste generated on-site, and to all persons who are engaged in the collection and transportation of solid waste of more than one single family residence or single family farm including collection and transportation of septage and septic tank pumpings.

(2) On-site storage standards. (a) The owner or occupant of any premises, business establishment, or industry shall be responsible for the safe and sanitary storage of all containerized solid wastes accumulated at that premises. (b) Container Requirements. Owners or occupants shall store containerized solid wastes in containers that meet the following requirements:

(i) Disposable containers shall be sufficiently strong to allow lifting without breakage and shall be thirty-two gallons in capacity or less where manual handling is practiced;

(ii) Reusable containers, except for detachable containers, shall be:

- (A) Rigid and durable;
- (B) Corrosion resistant;

- (C) Nonabsorbant and water tight;
- (D) Rodent-proof and easily cleanable;
- (E) Equipped with a close fitting cover;
- (F) Suitable for handling with no sharp edges or other hazardous conditions, and

(G) Equal to or less than thirty-two gallons in volume where manual handling is practiced;

(iii) Detachable containers shall be durable, corrosion-resistant, nonabsorbant, nonleaking and having either a solid cover or screen cover to prevent littering.

(3) Collection and Transportation Standards.

(a) All persons collecting or transporting solid waste shall be responsible for prevention of littering, or the creation of other nuisances at the loading point, during transport and for the proper unloading of the solid waste at a permitted transfer station, or other permitted solid waste handling site.

(b) Vehicles or containers used for the collection and transportation of solid waste shall be tightly covered or screened where littering may occur, durable and of easily cleanable construction. Where garbage is being collected or transported, containers shall be cleaned as necessary to prevent nuisances, odors and insect breeding and shall be maintained in good repair.

(c) Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such manner that the contents will not fall, leak excessively or spill therefrom. Where spillage does occur, the waste shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area otherwise properly cleaned.

(d) All persons commercially collecting or transporting solid waste shall inspect collection and transportation vehicles monthly, for repairs to containers such as missing or loose-fitting covers or screens, leaking containers, etc., and maintain such inspection records at the facility normally used to park such vehicles or such other location that maintenance records are kept. Such records shall be kept for a period of at least two years, and be made available upon the request of the jurisdictional health department.

**Reviser's note:** Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

#### NEW SECTION

##### WAC 173-304-300 WASTE RECYCLING FACILITY STANDARDS. (1) Applicability.

(a) These standards apply to facilities engaged in recycling or utilization of solid waste on the land, including but not limited to:

- (i) Non-containerized composting in piles;
- (ii) Utilization of sewage sludge, septage and other organic wastes on land for beneficial use;
- (iii) Accumulation of wastes in piles or surface impoundments for recycling or utilization.

(b) These standards do not apply to:

- (i) Single family residences and single family farms engaged in composting of their own wastes;
- (ii) Facilities engaged in the recycling of solid waste containing garbage, such as garbage composting, which are subject to the WAC 173-304-400 standards;

(iii) Facilities engaged in the storage of tires which are subject to the WAC 173-304-400 standards; and

(iv) Problem wastes as defined in WAC 173-304-100.

(c) These standards do not apply to any facility that recycles or utilizes solid wastes in containers, tanks, vessels, or in any enclosed building, including buy-back recycling centers.

(2) Effective Dates. All existing facilities recycling solid waste not in conformance with this section shall be placed upon a compliance schedule under WAC 173-304-600(1) to assure compliance within two years of the effective date of this regulation.

(3) Waste Recycling Requirements.

(a) All applicable solid waste recycling facilities shall apply for and obtain a solid waste permit under WAC 173-304-600, Permits.

(b) Applicable waste recycling facilities shall submit annual reports to the jurisdictional health department and the department by March 1 of the following year on forms supplied by the department. The annual reports shall include quantities and types of waste recycled for purposes of determining progress towards achieving the goals of waste reduction, waste recycling, and treatment in accordance with RCW

70.95.010(4). Such facilities may request and be assured of confidentiality for their reports in accordance with chapter 42.17 RCW and chapter 43.21A.160 RCW.

(c) Any facilities storing solid waste in outdoor piles or surface impoundments for the purpose of waste recycling shall be considered to be storing or disposing of solid waste if:

(i) At least fifty percent of the material has not been shown to have been recycled in the past three years and any material has been on-site more than five years; or

(ii) Actual or potential likelihood of ground or surface water, air, and/or land contamination has occurred or will occur under current conditions of storage or in case of fire, or flood.

Upon such a determination by the jurisdictional health department that WAC 173-304-300 (3)(c)(i) or (ii) are met, the jurisdictional health department may require a permit application and issuance of a permit under WAC 173-304-600 of these rules.

(d) Waste recycling facilities shall allow jurisdictional health department and department representatives entry for inspection purposes and to determine compliance with these rules at reasonable times.

(e) All applicable waste recycling facilities shall be consistent with the county comprehensive solid waste management plan required by WAC 173-304-011 of these rules.

(f) All waste recycling facilities shall comply with applicable local, state and federal laws and regulations, including but not limited to environmental regulations and laws.

(4) Sewage Sludge Utilization Requirements.

In addition to the requirements of WAC 173-304-300(3), all facilities utilizing sewage sludge, including septage shall comply with the department's "Municipal and Domestic Sludge Utilization Guidelines" WDOE 82-11, dated September 1982 or as hereafter amended. Facilities utilizing sewage sludge on the land in a manner not consistent with nor meeting the requirement of the guidelines are required to meet the land spreading standards of WAC 173-304-450.

(5) Woodwaste and Other Organic Sludge Utilization Requirements.

(a) Facilities utilizing woodwaste not otherwise excluded under WAC 173-304-015, shall comply with these recycling standards. Applying woodwaste and other primarily organic sludges such as pulp and paper mill treatment sludges to the land shall be in a manner consistent with the "Municipal and Domestic Sludge Utilization Guidelines" WDOE 82-11 dated September 1982 or as hereafter amended. Only agricultural or silvicultural sites where such sludges are demonstrated to have soil conditioning or fertilizer value shall be acceptable, provided that the woodwaste and other primarily organic sludges are applied as a soil conditioner or fertilizer in accordance with accepted agricultural and silvicultural practice. Facilities utilizing woodwaste or other primarily organic sludges on the land in a manner not consistent with nor meeting the meeting the requirement of the guidelines are required to meet WAC 173-304-450.

(b) Facilities utilizing woodwaste or other primarily organic sludges shall also comply with WAC 173-304-300(3) standards.

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

#### NEW SECTION

WAC 173-304-400 SOLID WASTE HANDLING FACILITY STANDARDS. (1) Applicability. The standards of WAC 173-304-405 to WAC 173-304-490 are the solid waste handling facility standards and apply to all solid waste handling facilities, except for:

(a) Waste recycling facilities, whose standards are spelled out in WAC 173-304-300, and

(b) On-site containerized storage, collection and transportation facilities which are spelled out in WAC 173-304-200;

(c) Single family residences and single family farms whose year round occupants engage in solid waste handling of the single family's solid waste on-site; and

(d) Problem wastes as defined in WAC 173-304-100.

(2) Standards for Permits. The standards of WAC 173-304-405 to WAC 173-304-490 shall be used as the basis for permitting as required in WAC 173-304-600.

(3) Effective Dates.

(a) All existing facilities not in conformance with the following sections of the facility standards shall be placed upon compliance schedules under WAC 173-304-600(1) to assure full compliance within one year of the effective date of this regulation:

- (i) The general facility standards, WAC 173-304-405;
- (ii) Transfer stations, baling and compaction standards, WAC 173-304-410;
- (iii) Ground water monitoring required in:
  - (A) WAC 173-304-420 (3)(c)(i),
  - (B) WAC 173-304-430 (2)(c)(v), and
  - (C) WAC 173-304-450 (2)(c)(v);
- (iv) Landfill operating and maintenance standards, WAC 173-304-460(4);
  - (v) Monitoring under WAC 173-304-460 (3)(g)(ii); and
  - (vi) Ground water monitoring requirements, WAC 173-304-490.
- (b) All existing solid waste facilities not in conformance with facility standards other than those in WAC 173-304-400 (3)(a) shall be placed upon compliance schedules under WAC 173-304-600(1) to assure full compliance within three years of the effective date of this regulation.

#### NEW SECTION

WAC 173-304-405 GENERAL FACILITY REQUIREMENTS. (1) Applicability. All applicable solid waste handling facilities shall meet the requirements of this section.

(2) Plan of Operation. Each owner or operator shall develop, keep and abide by a plan of operation. The plan of operation shall be available for inspection at the request of the jurisdictional health officer. The facility must be operated in accordance with the plan or the plan must be so modified with the approval of the jurisdictional health department. Owners or operators of drop boxes may develop a generic plan of operation applicable to all such drop boxes, owned or operated.

Each plan of operation shall include:

- (a) How solid wastes are to be handled on-site during its active life;
- (b) How the facility will be closed and, for land disposal facilities, how post-closure will be carried out;
- (c) How inspections and monitoring are conducted and their frequency;
- (d) Actions to take if there is a fire or explosion;
- (e) Actions to take if leaks are detected;
- (f) Corrective action programs to take if ground water is contaminated;
- (g) Actions to take for other releases (e.g. failure of runoff containment system);
- (h) How equipment such as leachate collection and gas collection equipment are to be maintained; and
- (i) Other such details as required by the jurisdictional health department.

(3) Recordkeeping. Each owner or operator shall maintain daily operating records on the weights (or volumes), number of vehicles entering and if available the types of wastes received. Major deviations from the plan of operation shall also be noted on the operating record.

(4) Reporting. Each owner or operator shall prepare and submit a copy of an annual report to the jurisdictional health department and the department by March 1 of each year. The annual report shall cover facility activities during the previous year and must include the following information:

- (a) Name and address of the facility;
- (b) Calendar year covered by the report; and
- (c) Annual quantity, in tons, of solid waste handled, by type of solid waste if available, for each type of treatment, storage, or disposal facility, including applicable recycling facilities.

(5) Inspections. The owner or operator or his designee shall inspect his facility to prevent malfunctions and deterioration, operator errors and discharges which may cause or lead to the release of wastes to the environment or a threat to human health. The owner or operator must conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment. The owner or operator shall keep an inspection log or summary including at least the date and time of inspection, the printed name and the handwritten signature of the inspector, a notation of observations made and the date and nature of any repairs or corrective action. The log or summary must be kept at the facility or other convenient location if permanent office facilities are not on-site, for at least three years from the date of inspection.

(6) Closure. Each owner or operator shall close his facility according to plans spelled out in the plan of operation. Solid waste facilities shall be restored by the owner/operator to be as compatible as possible with the surrounding environs following the closure. Closure includes but is not limited to grading, seeding, landscaping, contouring, and screening. For interim solid waste handling sites, closure includes waste removal

and decontamination. For disposal facilities, post-closure includes ground water monitoring and gas monitoring, the maintenance of the site for its intended use, and other activities deemed appropriate by the jurisdictional health department until the site becomes stabilized (i.e. little or no settlement, gas production and leachate generation) and monitoring ground water and gases can be safely discontinued.

(7) Recording with county auditor. Maps and statement of fact concerning the disposal sites shall be recorded as part of the deed with the county auditor not later than three months after closure. Records and plans specifying solid waste amounts, location and periods of operation shall be submitted to the local zoning authority or the authority with jurisdiction over land use and be made available for inspection.

(8) State and Local Requirements. All solid waste disposal facilities shall comply with all state and local requirements such as zoning land use, fire protection, water pollution prevention, air pollution prevention, nuisance and aesthetics.

#### NEW SECTION

WAC 173-304-410 TRANSFER STATIONS, BALING AND COMPACTION SYSTEMS, AND DROP BOX FACILITIES. (1) Applicability. All transfer stations, baling and compaction systems and drop boxes receiving solid waste from off-site shall meet the requirements of this section. Facilities receiving solid waste from on-site shall meet the requirements of WAC 173-304-200.

(2) Transfer Stations, Baling and Compacting Systems Standards. Transfer stations, and baling and compaction systems shall be designed, constructed, and operated so as to:

(a) Be surrounded by a fence, trees, shrubbery, or natural features so as to control access and be screened from the view of immediately adjacent neighbors, unless the tipping floor is fully enclosed by a building;

(b) Be sturdy and constructed of easily cleanable materials;

(c) Be free of rats and potential rat harborages, and provide effective means to control insects, birds and other vermin;

(d) Be adequately screened to prevent blowing of litter and to provide effective means to control litter;

(e) Provide protection of the tipping floor from wind, rain or snow other than below grade bins or detachable containers;

(f) Have an adequate buffer zone around the operating area to minimize noise and dust nuisances, and for transfer stations, baling, or compaction systems, a buffer zone of fifty feet from the active area to the nearest property line in areas zoned residential;

(g) Comply with local zoning and building codes including approved local variances and waivers;

(h) Provide pollution control measures to protect surface and ground waters, including runoff collection and discharge designed and operated to handle a twenty-four hour, twenty-five year storm and equipment cleaning and washdown water;

(i) Provide all-weather approach and exit roads, and all other vehicular areas;

(j) Provide pollution control measures to protect air quality including a prohibition against all burning and the development of odor and dust control plans to be made a part of the plan of operation in WAC 173-304-405(3);

(k) Prohibit scavenging;

(l) Provide attendant(s) on-site during hours of operation;

(m) Have a sign that identifies the facility and shows at least the name of the site, and, if applicable, hours during which the site is open for public use, what constitutes materials not to be accepted and other necessary information posted at the site entrance;

(n) Have communication capabilities to immediately summon fire, police, or emergency service personnel in the event of an emergency; and

(o) Remove all wastes at closure, as defined in WAC 173-304-100, from the facility to a permitted facility.

(3) Drop Box Facility Standards. Drop box facilities, as defined in WAC 173-304-100, shall:

(a) Be constructed of durable water tight materials with a lid or screen on top that prevents the loss of materials during transport and access by rats, birds and other vermin;

(b) Be located in an easily identifiable place accessible by all-weather roads;

(c) Be designed and serviced as often as necessary to ensure adequate dumping capacity at all times. Storage of solid waste outside the drop boxes is prohibited;

(d) Comply with WAC 173-304-410 (2)(m), signs; and

(e) Remove all remaining wastes at closure, as defined in WAC 173-304-100, to a permitted facility, and remove the drop box from the facility.

#### NEW SECTION

WAC 173-304-420 PILES USED FOR STORAGE AND TREATMENT – FACILITY STANDARDS. (1) Applicability. (a) This section is applicable to solid wastes stored or treated in piles as defined in WAC 173-304-100 where putrescible wastes are in place for more than three weeks, other wastes as in place for more than three months, and garbage is in place for more than three days. These standards are also applicable to composting or storing of garbage and sludge in piles, and to tire piles where more than 200 tires are stored at one facility.

(b) Other solid wastes stored or treated in piles prior to waste recycling including compost piles of vegetative waste are subject to WAC 173-304-300.

(c) Waste piles stored in fully-enclosed buildings are not subject to these standards, provided that no wastes with free liquids are added to the pile.

(d) Inert wastes and demolition wastes are not subject to these standards.

(2) Requirements. All owners and operators shall:

(a) Comply with the requirements of the General Facility Standards, WAC 173-304-405;

(b) Design piles to avoid washout or restriction of flow when placed in one hundred year floodplains; and

(c) Remove all solid wastes from the pile at closure to another permitted facility.

(d) Inert wastes and demolition wastes are not subject to these standards.

(3) Requirements for Putrescible Wastes or Wastes Likely to Produce Contaminated Leachate.

(a) Waste piles shall be placed upon a surface such as sealed concrete, asphalt, clay or an artificial liner underlying the pile, to prevent subsurface soil and potential ground water contamination and to allow collection of runoff and leachate. The liner shall be designed of sufficient thickness and strength to withstand stresses imposed by pile handling vehicles and the pile itself;

(b) Runoff systems shall be installed, designed and maintained to handle a twenty-four hour, twenty-five year storm event;

(c) Waste piles having a capacity of greater than ten thousand cubic yards shall have either:

(i) A ground water monitoring system that complies with WAC 173-304-490; or

(ii) A leachate detection, collection and treatment system.

For purposes of this subsection capacity refers to the total capacity of all putrescible or leachate generating piles at one facility (i.e. two, five thousand cubic yard piles will subject the facility to the requirements of this sub-section).

(d) Run-on prevention systems shall be designed and maintained to handle a maximum twenty-five year storm event; and

(e) A jurisdictional health department may require that the entire base or liner shall be inspected for wear and integrity and repaired or replaced by removing stored wastes or otherwise providing inspection access to the base or liner; the request shall be in writing and cite the reasons leading the jurisdictional health department to request such an inspection repair or replacement.

(4) Requirements for Tire Piles.

(a) Tire piles shall be limited to a maximum of one-half acre in size with twenty feet fire lanes between adjacent piles.

#### NEW SECTION

WAC 173-304-430 SURFACE IMPOUNDMENT STANDARDS. (1) Applicability.

(a) These standards are applicable to solid wastes that contain free liquids as defined in WAC 173-304-100 and applicable under WAC 173-304-015(2) and are stored or treated in surface impoundments; and

(b) These standards are also applicable to sludges and septage stored or treated in surface impoundments.

(2) Requirements. All surface impoundments must be designed, constructed, and operated so as to:

(a) Meet the performance standards of WAC 173-304-460(2);

(b) Have an in-place or imported soil liner of at least two feet of  $1 \times 10^{-7}$  cm/sec permeability or an equivalent combination of any thickness greater than two feet and a greater permeability to protect the underlying aquifers or a thirty mil reinforced artificial liner placed on top of a structurally stable foundation to support the liners and solid waste and to prevent settlement that would destroy the liner; natural soils shall be recompacted to achieve an equivalent permeability;

(c) Avoid washout including the use of an extended liner or dikes or restriction of flow in the one hundred year flood plain;

(d) Have dikes with a slope equal to or greater than of 3 feet horizontal to 1 foot vertical, capable of withstanding structural failure under conditions of a leaking liner and capable of withstanding erosion from wave action;

(e) Have the freeboard equal to or greater than 18 inches to avoid overtopping from wave action, overflowing, or precipitation;

(f) Have either a ground water monitoring system, or a leachate detection, collection and treatment system, for surface impoundments having a capacity of more than two million gallons capacity unless either is required for smaller surface impoundments by the jurisdictional health department or the department. For purposes of this subsection, capacity refers to the total capacity of all surface impoundments on-site (i.e., two, one million gallon surface impoundments on one site will trigger these monitoring requirements);

(g) Be closed in a manner which removes all solid wastes including liners, etc. to another permitted facility and the site returned to its original or acceptable topography except that surface impoundments closed with the waste remaining in place shall meet the requirements of WAC 173-304-460(5); and

(h) A jurisdictional health department may require that the liner be inspected for wear and integrity and repaired or replaced by removing stored solid wastes or otherwise inspecting the liner or base at any time. The request shall be in writing and cite the reasons leading to such an inspection and repair.

#### NEW SECTION

WAC 173-304-440 ENERGY RECOVERY AND INCINERATOR STANDARDS. (1) Applicability. These standards apply to all facilities designed to burn solid waste above twelve tons per day, except for facilities burning woodwaste and gases recovered at a landfill.

(2) Requirements for Energy Recovery Facilities and Incinerators.

(a) Incinerators and energy recovery facilities storing putrescible wastes shall be confined to storage compartments specifically designed to store wastes temporarily in piles, surface impoundments, tanks or containers. The storage facilities shall meet the facility standards of WAC 173-304-400. Storage of wastes other than in the specifically designed storage compartments is prohibited. Equipment and space shall be provided in the storage and charging areas, and elsewhere as needed, to allow periodic cleaning as may be required in order to maintain the plant in a sanitary and clean condition;

(b) All residues from energy recovery facilities or incinerator facilities shall be used, handled or disposed of as solid or dangerous wastes according to these standards or the standards of the dangerous waste regulation, chapter 173-303 WAC;

(c) Each energy recovery facility or incinerator facility shall comply with WAC 173-304-405. The plan of operation shall address alternative storage, and/or disposal plans for all breakdowns that would result in overflowing of the storage facility;

(d) Energy recovery facilities and incinerators must be designed, constructed and operated in a manner to comply with appropriate state and local air pollution control authority emission and operating requirements;

(e) Each owner or operator shall close their energy recovery facility or incinerator by removing all ash, solid wastes and other residues to another permitted facility; and

(f) Owners or operators of energy recovery facilities shall be required to provide recycling facilities in a manner equivalent to WAC 173-304-460 (4)(f).

#### NEW SECTION

WAC 173-304-450 LANDSPREADING STANDARDS. (1) Applicability. These standards apply to facilities that landspread solid wastes except for:

(a) Facilities utilizing sludge, woodwaste or other primarily organic sludges according to WAC 173-304-300 (4) and (5);

(b) Agricultural solid wastes resulting from the operation of a farm including farm animal manure and agricultural residues; and

- (c) Inert wastes and demolition wastes.
- (2) Minimum Functional Standards for Design.
- (a) Owners or operators of landspreading facilities shall meet the minimum functional standards for performance of WAC 173-304-460(2);
- (b) Owners or operators of landspreading facilities shall meet the locational standards of WAC 173-304-130;
- (c) Owners or operators of landspreading facilities shall design landspreading facilities so as to:
- (i) Provide interim waste storage facilities that meet the requirements of WAC 173-304-400 standards (i.e., for piles, surface impoundments, etc.);
- (ii) Collect and treat all runoff from a twenty-four hour, twenty-five year storm, and divert all run-on from a maximum twenty-five year storm around the active area;
- (iii) Avoid standing water anywhere on the active area;
- (iv) Avoid slopes and other features that will lead to soil and waste erosion, unless contour plowing or other measures are taken to avoid erosion;
- (v) Monitor ground water according to WAC 173-304-490; and
- (vi) Control access to site by fencing and signs.
- (d) Owners or operators of landspreading facilities shall maintain and operate the facilities so as to:
- (i) Avoid applying wastes at rates greater than ten times agronomic rates using the proposed cover crop, or depths greater than would allow for discing the soil by tracted vehicles;
- (ii) Adjust the soil's acidity to pH 6.5 before, during and after application as needed;
- (iii) Provide discing of soils weekly during the growing season and after each application of waste to maintain aerobic soil conditions, minimize odors and lessen runoff.
- (iv) Avoid applying waste to any active area having standing water;
- (v) Conform to the operating plan and the requirements of WAC 173-304-405;
- (vi) Avoid food chain crops during the active life of the facility and until demonstrated to be safe, after closure, according to the closure and post-closure plans filed with the plan of operation. Specific approval in writing from the jurisdiction health department is required for any landspreading facility that is used to raise food crops after closure; and
- (vii) Provide for a written contract between landowners, waste generators, waste haulers and waste operators requiring compliance with rules as a condition of the contract.
- (e) Closure
- (i) All owners or operators of landspreading facilities shall close in such a manner as to comply with WAC 173-304-405(6);
- (ii) All owners or operators of landspreading facilities shall also close such facilities in a manner that:
- (A) Minimizes the need for further maintenance;
- (B) Controls, minimizes or eliminates, to the extent necessary, threats to human health and the environment, post-closure escape of solid waste, constituents, leachate, contaminated rainfall or waste decomposition products to the ground, surface water, ground water or the atmosphere;
- (C) Returns the land to the appearance and use of surrounding land areas to the degree possible; and
- (D) Allows for continued monitoring of all media (air, land and water) as long as necessary to protect human health and the environment during the post-closure period.

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

#### NEW SECTION

WAC 173-304-460 LANDFILLING STANDARDS. (1) Applicability. These standards apply to facilities that dispose of solid waste in landfills except for:

- (a) Inert wastes and demolition wastes landfills, that must meet WAC 173-304-461 standards; and
- (b) Woodwaste landfills that must meet WAC 173-304-462 standards.
- (2) Minimum Functional Standards for Performance.
- (a) Ground water. An owner or operator of a landfill shall not contaminate the ground water underlying the landfill, beyond the point of compliance.

- (b) Air quality and toxic air emissions.
- (i) An owner or operator of a landfill shall not allow explosive gases generated by the facility whose concentration exceeds:
- (A) Twenty-five percent of the lower explosive limit for the gases in facility structures (excluding gas control or recovery system components);
- (B) The lower explosive limit for the gases at the property boundary or beyond; and
- (C) Detectable levels in off-site structures.
- (ii) An owner or operator of a landfill shall not cause a violation of any ambient air quality or emission standard from any emission of landfill gases, combustion or any other emission associated with a landfill.
- (c) Surface waters. An owner or operator of a landfill shall not cause a violation of any receiving water quality standard from discharge of surface run-off, leachate or any other liquid associated with a landfill.
- (3) Minimum Functional Standards for Design.
- (a) Minimizing Liquids. All owners or operators of landfills shall minimize liquids admitted to landfills by:
- (i) Covering each cell as it is completed during months when infiltration is expected to exceed actual evapotranspiration;
- (ii) Prohibiting the disposal of noncontainerized solid wastes containing free liquids in landfills;
- (iii) Designing the landfill to prevent all the run-on of surface waters and other liquids resulting from a maximum twenty-five year storm into the active area of the landfill;
- (iv) Designing the landfill to collect the runoff of surface waters and other liquids resulting from a twenty-four hour, twenty-five year storm from the active area and the closed portions of a landfill;
- (b) Leachate Systems. All owners or operators of landfills shall:
- (i) Install a leachate collection system sized according to water balance calculations or using other accepted engineering methods either of which shall be approved by the department;
- (ii) Install a leachate collection system so as to prevent no more than two feet of leachate developing at the topographical low point of the active area; and
- (iii) Install a leachate treatment, or a pretreatment system if necessary in the case of discharge to a municipal waste water treatment plant, to meet the requirements for permitted discharge under chapter 90.48 RCW and the federal clean water act (PL 95-217).
- (c) Liner designs. All owners or operators of landfills shall use liners of one of the following designs:
- (i) Standard Design. The liner shall:
- (A) Be placed upon a structurally stable foundation having a minimum slopes of two percent to support the liner and solid wastes, and to prevent settlement that would adversely affect the integrity of the liner;
- (B) Use bottom and side recompacted in-place or imported soil liners that are a minimum of four feet thick measured perpendicular to the slope having a maximum permeability of  $1 \times 10^{-7}$  cm/sec after emplacement;
- (C) Use a sand layer on top of the soil liner, of at least one foot in thickness and a minimum permeability of  $10^{-3}$  cm/sec after emplacement; and
- (d) Have a leachate collection system that has no more than one hundred and fifty feet between collection pipes in the drainage layer; or
- (ii) Equivalent Efficiency Design. The soil liner shall be of a design that differs from the standard design provided that:
- (A) The minimum soil liner thickness is three feet;
- (B) Liner efficiency is eighty-nine percent, when using saturated flow equations and initial conditions approved by the department;
- (C) All in-place soils are recompacted;
- (D) The liner is placed upon a structurally stable foundation to prevent settlement;
- (E) The ratio of soil liner permeability to drainage layer permeability is one to ten thousand.
- (iii) Alternative Design. The liner shall:
- (A) Be placed upon a structurally stable foundation having a minimum slope of two percent to support the liner and solid wastes, and to prevent settlement that would adversely affect the integrity of the liner;
- (B) Use bottom and side recompacted in-place or imported soil liners that are a minimum of two feet thick measured perpendicular to the slope having a maximum permeability of  $1 \times 10^{-6}$  cm/sec after emplacement;
- (C) Use a drainage layer on top of the soil liner at least one foot in thickness and minimum permeability of  $10^{-3}$  cm/sec;

(D) Use an artificial membrane liner of at least fifty mils thickness on the bottom and sides; and

(E) Use a second drainage layer above the artificial membrane liner at least one foot thick and a minimum permeability of  $10^{-3}$  cm/sec, and having a leachate collection system placed in the second drainage layer; or

(ii) Arid Design. For locations having less than 10 inches of rainfall annually, the liner shall:

(A) Be underlain by a structurally stable foundation of at least two percent slope;

(B) Consist of a thirty mil thickness artificial membrane liner on bottom and side slopes;

(C) Use a drainage layer on top of the artificial liner of at least one foot in thickness and a minimum permeability of  $10^{-3}$  cm/sec; and

(D) Have a leachate detection system placed in the drainage layer; or

(v) Small Landfill Designs. For a landfill whose design and permit allow a total capacity at closure of one hundred thousand cubic yards or less, the need for a liner and leachate collection system shall be determined on a case-by-case basis by the jurisdictional health department in consultation with the department.

(d) Floodplains. All owners and operators shall design landfills that may be located in one hundred year floodplains so that the landfill entrance or exit roads or practices shall not restrict the flow of the base flood, reduce the temporary water storage capacity of the floodplain or result in washout of solid waste, so as to pose a hazard to human life, wildlife or land or water resources.

(e) Closure. All owners and operators shall design landfills so that at closure:

(i) At least two feet of  $1 \times 10^{-6}$  cm/sec or lower permeability soil or equivalent shall be placed upon the final lifts unless the landfill is located in an area having mean annual precipitation of less than ten inches in which case at least two feet of  $1 \times 10^{-5}$  cm/sec or lower permeability soil or equivalent shall be placed upon the final lifts;

(ii) The grade of surface slopes shall not be less than two percent, nor the grade of side slopes more than thirty-three percent; and

(iii) Final cover of at least six inches of topsoil be placed over the soil cover and seeded with grass, other shallow rooted vegetation or other native vegetation.

(f) Gas Control. (i) All owners and operators shall design landfills having a total capacity designed and permitted to have a capacity of greater than one hundred thousand cubic yards at closure so that methane and other gases are continuously collected, and

(A) Purified for sale; or

(B) Flared; or

(C) Otherwise utilized for its energy value.

(ii) Collection and handling of landfill gases shall not be required if it can be shown that little or no landfill gases will be produced or that landfill gases will not support combustion; in such cases installation of vents shall be required.

(g) Other Requirements. All owners and operators of landfills shall design landfills to:

(i) Be fenced at the property boundary or use other means to impede entry by the public and animals. A lockable gate shall be required at the entry to the landfill.

(ii) Monitor ground water according to WAC 173-304-490 using a design approved by the local jurisdictional health department with the guidance of the department. All owners or operators of landfills shall also consider and may be required by the jurisdictional health department and the department to also monitor:

(A) Surface waters, including runoff;

(B) Leachate;

(C) Gaseous emissions and ambient air, and

(D) Noise.

(iii) Weigh all incoming waste on scales for landfills having a total capacity designed and permitted to have a capacity of greater than one hundred thousand cubic yards at closure or provide an equivalent method of measuring waste tonnage capable of estimating total annual solid waste tonnage to within plus or minus five percent;

(iv) Provide for employee facilities including shelter, toilets, hand washing facilities and potable drinking water for landfills having the equivalent of three or more full-time employees;

(v) Erect a sign at the site entrance that identifies at least the name of site, if applicable, the hours during which the site is open for public use, unacceptable materials and an emergency telephone number. Other pertinent information may be required by the jurisdictional health department;

(vi) Provide on-site fire protection as determined by the local and state fire control jurisdiction;

(vii) Prevent potential rat and other vectors (such as insects, birds, and burrowing animals) harborage in buildings, facilities, and active areas;

(viii) Provide the unloading area(s) to be as small as possible, consistent with good traffic patterns and safe operation;

(ix) Provide approach and exit roads to be of all-weather construction, with traffic separation and traffic control on-site, and at the site entrance;

(x) Provide communication on-site and off-site (such as telephones) to handle emergencies so as to minimize injury to personnel and harm to the environment.

(4) Minimum Functional Standards for Maintenance and Operation.

(a) Operating Plans. All owners or operators of landfills shall maintain and operate the facility so as to conform to the approved plan of operation.

(b) Operating Details. All owners or operators of landfill shall operate the facility so as to:

(i) Control road dust;

(ii) Perform no open burning unless permitted by the jurisdictional air pollution control agency or the department under the state clean air act, Chapter 70.94 RCW. Garbage shall not be open burned.

(iii) Collect scattered litter as necessary to avoid a fire hazard or an aesthetic nuisance;

(iv) Prohibit scavenging;

(v) Conduct on-site reclamation in an orderly sanitary manner, and in a way that does not interfere with the disposal site operation;

(vi) Insure that at least two landfill personnel are on-site with one employee at the active face when the site is open to the public for landfills designed and permitted to have a total capacity of greater than five hundred thousand cubic yards at closure;

(vii) Control insects, rodents and other vectors; and

(viii) Insure that reserve operational equipment shall be available to maintain and meet these standards.

(c) Boundary Posts. All owners or operators of landfills shall clearly mark the active area boundaries authorized in the permit, with permanent posts or using equivalent method clearly visible for inspection purposes.

(d) Compaction and Daily Cover. All owners or operators of landfills shall:

(i) Thoroughly compact the solid waste before succeeding layers are added; and

(ii) Cover compacted waste containing garbage fully with at least six inches of cover material after each day of operation, for landfills designed and permitted to have a total capacity of greater than one hundred thousand cubic yards at closure. The cover requirement does not apply to landfills filling with baled waste, nor waste that is not putrescible. Owners or operators of landfills designed and permitted to have a total capacity equal to or less than one hundred thousand cubic yards at closure shall cover with at least six inches of cover material weekly.

(e) Monitoring Systems. All owners and operators of landfills shall maintain the monitoring system required in WAC 173-304-460 (3)(g)(ii).

(f) Recycling required. (i) All owners or operators of landfills at which the general public delivers household solid waste shall provide the opportunity for the general public to recycle cans, bottles, paper and other material brought to the landfill site:

(A) During the normal hours of operation;

(B) In facilities convenient to the public (i.e., near entrance to the gate).

(ii) Owners or operators may demonstrate alternative means to providing an opportunity to the general public to recycle household solid waste.

(g) Disposal of dangerous waste prohibited. Owners or operators of landfills shall not dispose, treat, store, or otherwise handle dangerous waste unless the requirements of the dangerous waste regulation, 173-303 WAC are met.

(5) Minimum Functional Standards for Closure and Post-Closure.

(a) All owners or operators of landfills shall close landfills in such a manner as to comply with WAC 173-304-405(6).

(b) All owners or operators of landfills shall close landfills in a manner that:

(i) Minimizes the need for further maintenance;

(ii) Controls, minimizes or eliminates to the extent necessary threats to human health and the environment from post-closure escape of solid waste, constituents, leachate, landfill gases, contaminated rainfall or waste decomposition products to the ground, surface water, ground water or the atmosphere;

(iii) Returns the land to the appearance and use of surrounding land areas to the degree possible; and

(iv) Allows for continued monitoring of all media (air, land and water) as long as necessary for the waste to stabilize and to protect human health and the environment.

#### NEW SECTION

WAC 173-304-461 INERT WASTE AND DEMOLITION WASTE LANDFILLING FACILITY REQUIREMENTS. (1) Applicability. These standards apply to facilities that landfill more than five hundred cubic yards of inert wastes and demolition wastes, as defined in WAC 173-304-100, including facilities that use inert waste and demolition waste as a component of fill. Inert wastes and demolition wastes used as road building materials are excluded from this section. These standards do not apply to asbestos containing waste regulated under the federal 40 CFR Part 61 rules and the dangerous waste regulation, chapter 173-303 WAC.

(2) Inert wastes and demolition waste landfilling facilities shall not be subject to the Locational Standards for Disposal Sites, WAC 173-304-130 except for WAC 173-304-130 (2)(f), slope.

(3) Owners or operators of inert waste and demolition waste landfill shall maintain a record of the weights or volumes and types of waste disposed of at each site.

(4) Owners or operators of inert wastes and demolition landfills shall employ measures to prevent emission of fugitive dusts, when weather conditions or climate indicate that transport of dust off-site is liable to create a nuisance. Preventative measures include watering of roads and covering.

(5) Timbers, wood and other combustible waste shall be covered as needed during the summer months to avoid a fire hazard.

(6) Owners or operators of inert wastes and demolition landfills shall close the facility by leveling the wastes to the extent practicable and shall fill any voids posing a physical hazard for persons after closure and to maintain an aesthetic appearance. A minimum of one foot of soil cover shall be used to close landfills.

(7) Owners or operators of inert waste and demolition waste landfills shall obtain a permit, as set forth in WAC 173-304-600 from the jurisdictional health department;

(8) Owners or operators of inert wastes and demolition landfills shall meet the requirements of WAC 173-304-405(6), recording with the county auditor.

(9) Owners or operators of inert waste or demolition waste landfills shall not accept any other form of waste except inert waste and demolition waste.

(10) Owners or operators of inert waste and demolition waste landfills shall prevent unauthorized disposal during off-hours by controlling entry (i.e., lockable gate or barrier) when the facility is not being used.

#### NEW SECTION

WAC 173-304-462 WOODWASTE LANDFILLING FACILITY REQUIREMENTS. (1) Applicability. These requirements apply to facilities that landfill more than five hundred cubic yards of woodwaste including facilities that use woodwaste as a component of fill. Woodwaste is defined in WAC 173-304-100.

(2) Minimum Functional Standards.

(a) Woodwaste landfills are not subject to WAC 173-304-130 standards, locational standards for disposal sites, except for WAC 173-304-130 (2)(e) - surface water locational standards and WAC 173-304-130 (2)((b)(iii)) - downgradient drinking water supply wells. Woodwastes may be used as a component of fill within a shoreline and associated wetlands only if a demonstrated and proven technology to prevent ground and surface water contamination is used.

(b) Owners or operators of woodwaste landfills shall maintain a record of the weights or volumes of waste disposed of at each facility.

(c) Owners or operators of woodwaste landfills shall not accept any other wastes except woodwaste.

(d) Owners or operators of woodwaste landfills shall construct dikes around the perimeter of the active area sufficient to contain runoff and to prevent run-on from a maximum twenty-five year storm. The dikes shall be designed of materials to prevent failure from settlement and washout.

(e) Owners or operators of woodwaste landfills shall not deposit woodwaste in lifts to a height of more than ten feet per lift to avoid hot spots and fires in the summer and to avoid excessive buildup of leachate in the winter.

(f) Owners or operators of woodwaste landfills shall prevent unauthorized disposal during off-hours by controlling entry (i.e., lockable gate or barrier), when the facility is not being used.

(g) Owners or operators of woodwaste landfills shall close the facility by leveling the wastes and applying a compacted soil cover of at least one foot thickness.

(h) Owners or operators of woodwaste landfills shall obtain a permit as set forth in WAC 173-304-600 from the jurisdictional health department.

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

#### NEW SECTION

WAC 173-304-463 PROBLEM WASTE LANDFILLS (RESERVED)

#### NEW SECTION

WAC 173-304-470 OTHER METHODS OF SOLID WASTE HANDLING. (a) Applicability. This section applies to other methods of solid waste handling not specifically identified elsewhere in this regulation, nor excluded in any section.

(b) Requirements. Owners and operators of other methods of solid waste handling shall:

(i) Comply with the requirements at WAC 173-304-405;

(ii) Obtain a permit under WAC 173-304-600 from the jurisdictional health department, by submitting an application containing information required in WAC 173-304-600 (3)(a), and such other information as may be required by the jurisdictional health department and the department, including:

(A) Engineering reports and plans and specifications; and

(B) A closure plan.

#### NEW SECTION

WAC 173-304-490 GROUND WATER MONITORING REQUIREMENTS. (1) Applicability. These requirements apply to owners and operators of landfills, piles, land spreading facilities, and surface impoundments that are required to perform ground water monitoring under WAC 173-304-400.

(2) Ground water Monitoring Requirements.

(a) The ground water monitoring system must consist of at least one background or upgradient well and three down gradient wells, installed at appropriate locations and depths to yield ground water samples from all hydraulically connected aquifers below the active portion or the facility.

(i) Represent the quality of background water that has not been affected by leakage from active area; and

(ii) Represent the quality of ground water passing the point of compliance.

Additional wells may be required by the jurisdictional health department in complicated hydrogeological settings or to define the extent of contamination detected.

(b) All monitoring wells must be cased in a manner that maintains the integrity of the monitoring well bore hole. This casing must allow collection of representative ground water samples. Wells must be constructed in such a manner as to prevent contamination of the samples, the sampled strata, and between aquifers and water bearing strata.

(c) The ground water monitoring program must include at a minimum, procedures and techniques for:

(i) Decontamination of drilling and sampling equipment;

(ii) Sample collection;

(iii) Sample preservation and shipment;

(iv) Analytical procedures and quality assurance;

(v) Chain of custody control; and

(vi) Procedures to ensure employee health and safety during well installation and monitoring.

(d) Sample Constituents

(i) All facilities shall test for the following parameters:

(A) Temperature;

(B) Conductivity;

(C) pH;

- (D) Chloride;
- (E) Nitrate, nitrite, nitrogen;
- (F) Sulfate;
- (G) Dissolved Iron;
- (H) Dissolved Zinc;
- (I) Chemical Oxygen Demand;
- (J) Total Organic Carbon; and
- (K) Fecal Coliform.

(ii) The jurisdictional health department in consultation with the department may specify additional constituents depending upon the nature of the waste; and

(iii) Test methods used to detect the parameters of WAC 173-304-490 (2)(d)(i) shall be EPA Publication Number SW-846, "Test Methods for Evaluating Solid Waste - Physical/Chemical Methods" except for fecal coliform which shall use the latest edition of "Standard Methods."

(e) The ground water monitoring program must include a determination of the ground water surface elevation each time ground water is sampled.

(f) The owner or operator shall use an equivalent statistical procedure for determining whether a statistically significant change over background has occurred. The jurisdictional health department will approve such a procedure with the guidance of the department.

(g) The owner or operator must determine ground water quality at each monitoring well at the compliance point at least quarterly during the life of an active area (including the closure period) and the post-closure care period. The owner or operator must express the ground water quality at each monitoring well in a form necessary for the determination of statistically significant increases.

(h) The owner or operator must determine the ground water flow rate and direction in the uppermost aquifer at least annually.

(i) If the owner or operator determines that there is a statistically significant increase for parameters or constituents at any monitoring well at the compliance point, he must:

(i) Notify the jurisdictional health department of this finding in writing within seven days. The notification must indicate what parameters or constituents have shown statistically significant increases;

(ii) Immediately resample the ground water in all monitoring wells and determine the concentration of all constituents listed in the definition of contamination in WAC 173-304-100 including additional constituents identified in the permit and whether there is a statistically significant increase such that the ground water performance standard has been exceeded, and notify the jurisdictional health department within fourteen days.

(j) The jurisdictional health department may require corrective action programs if the performance standard of WAC 173-304-460 (2)(a) is exceeded and, in addition, may revoke any permit and require reapplication under WAC 173-304-600.

(3) Corrective Action Program. An owner or operator required to establish a corrective action program under this section must, at a minimum, discharge the responsibilities described in this section.

(a) The owner or operator must implement a corrective action program that prevents constituents from exceeding their respective concentration limits at the compliance point by removing the constituents, treating them in place, or other remedial measures.

(b) The owner or operator must begin corrective action with a reasonable time period after the ground water performance standard is exceeded.

(c) Corrective action measures under this subsection may be terminated once the concentration of constituents under WAC 173-304 (2)(i)(ii) is reduced to levels below the limits under WAC 173-304-460 (2)(a).

#### NEW SECTION

WAC 173-304-600 PERMIT REQUIREMENTS FOR SOLID WASTE FACILITIES. (1) Applicability. (a) These permit requirements of WAC 173-304-600 apply to all solid waste handling facilities, upon the effective date of this regulation. Applicable existing facilities that do not comply with the standards of this regulation and wish to continue to operate may do so if a compliance schedule accompanies the issued permit. All facilities which are subject to the standards of WAC 173-304-130, -300, and -400 are required to be permitted except for facilities receiving solid waste generated on-site. Permits are not required for persons dumping or depositing solid waste resulting from his own activities on to or under the surface of land owned or leased by him when such action does not violate statutes,

ordinances, or regulations, including this regulation or create a nuisance.

(b) Permits are not required for corrective actions at solid waste handling facilities performed by the state and/or in conjunction with the U.S. environmental protection agency to implement the comprehensive environmental response compensation and liability act of 1980 (CERCLA), or corrective actions taken by others to comply with a state and/or federal cleanup order provided that:

(i) The action results in an overall improvement of the environmental impact of the site;

(ii) The action does not require or result in additional waste being delivered to the site or increase the amount of waste or contamination present at the site;

(iii) The facility standards of WAC 173-304-400 are met; and

(iv) The jurisdictional health department is informed of the actions to be taken and is given the opportunity to review and comment upon the proposed corrective action plans.

(2) Procedures for Permits.

(a) Any owner or operator subject to the permit requirements who intends to operate a facility must apply for a permit with the jurisdictional health department. Filing shall not be complete until two copies of the application have been signed by the owner and operator and received by the jurisdictional health department, and the applicant has filed an environmental checklist required under the state environmental policy act rules, chapter 197-11 WAC.

(b) Applications for a permit must contain the information set forth in WAC 173-304-600(3).

(c) Once the jurisdictional health department determines that an application for a permit is complete, it shall refer one copy to the appropriate regional office of the department for review and comment.

(d) The jurisdictional health department shall investigate every application, as may be necessary, to determine whether the facilities meet all applicable laws and regulations, conforms with the approved comprehensive solid waste handling plan and complies with all zoning requirements.

(e) The jurisdictional health department may establish reasonable fees for permits and renewal of permits. All permit fees collected by the health department shall be deposited in the treasury and to the account from which the health department's operating expenses are paid.

(f) The department shall report to the jurisdictional health department its findings on each permit application within 45 days of receipt of a complete application or inform the jurisdictional health department as to the status of the application. Additionally, the department shall recommend for or against the issuance of each permit by the jurisdictional health department.

(g) When the jurisdictional health department has evaluated all pertinent information, it may issue a permit. Every completed solid waste permit application shall be approved or disapproved within ninety days after its receipt by the jurisdictional health department or the applicant shall be informed as to the status of the application.

(h) Every permit issued by a jurisdictional health department shall be on a format prescribed by the department and shall contain specific requirements necessary for the proper operation of the permitted site or facility.

(i) All issued permits must be filed with the department no more than seven days after the date of issuance.

(j) The owner or operator of a facility shall apply for renewal of the facility's permit annually. The jurisdictional health department shall annually:

(i) Review the original application for compliance with these regulations;

(ii) Review information collected from inspections, complaints, or known changes in the operations;

(iii) Notify the department of the intent to renew before issuance;

(iv) Collect the renewal fee;

(v) Review the permit; and

(vi) File the renewed permit with the department no more than seven days after the date of issuance. The department shall review and may appeal the renewal as set forth in chapter 70.95.185 and 70.95.195 RCW.

(3) Application Contents for Permits.

(a) All permit applications except for inert waste, demolition waste, woodwaste landfill and recycling facilities applications, which are specified in WAC 173-304-600 (3)(h), shall contain the following:

(i) A general description of the facility;

(ii) The types of waste to be handled at the facility;

(iii) The plan of operation required by WAC 173-304-405(2);

(iv) The form used to record weights or volumes required by WAC 173-304-405(3); and

(v) An inspection schedule and inspection log required by WAC 173-304-405(5).

(b) Application contents for permits for landfill facilities. In addition to the requirements of WAC 173-304-600 (3)(a), each landfill application for a permit must contain:

(i) A geohydrological assessment of the facility that addresses:

(A) Local/regional geology and hydrology, including faults, unstable slopes and subsidence areas on site;

(B) Evaluation of bedrock and soil types and properties;

(C) Depths to ground water and/or aquifer(s);

(D) Direction and flow rate of local ground water;

(E) Direction of regional ground water;

(F) Quantity and location and construction (where available) of private and public wells within a two thousand foot radius of site;

(G) Tabulation of all water rights for ground water and surface water within a two thousand foot radius of site;

(H) Identification and description of all surface waters within a one-mile radius of site;

(I) Background ground and surface water quality assessment including identification of impacts of existing facilities to date upon ground and surface waters from landfill leachate discharges;

(J) Calculation of a site water balance; and

(K) Conceptual design of a ground water and surface water monitoring system, including proposed installation methods for these devices;

(L) Land use in the area, including nearby residences; and

(M) Topography of the site and drainage patterns.

(ii) Engineering report/plans and specifications that address:

(A) How the facility will meet the locational standards of WAC 173-304-130;

(B) Relationship of facility to county solid waste comprehensive plan and the basis for calculating the facility's life;

(C) The design of bottom and side liners and gas collection or venting devices to be incorporated in the facility for leachate and/or methane mitigation;

(D) Identification of borrow sources for daily and final cover, and soil liners;

(E) Interim/final leachate collection, treatment, and disposal;

(F) A ground water and surface water monitoring program;

(G) Landfill gas control and monitoring;

(H) Trench design, fill methods, elevation of final cover and bottom liner, and equipment requirements; and

(I) Closure/post-closure design, construction, maintenance, and land use.

(iii) An operation plan that addresses:

(A) Operation and maintenance of leachate collection, treatment, and disposal system;

(B) Operation and maintenance of landfill gas control systems;

(C) Monitoring plans for ground water, surface water, and landfill gases to include sampling technique, frequency, handling, and analyses requirements;

(D) Safety and emergency accident/fire plans;

(E) Routine filling, grading, cover, and housekeeping;

(F) Record system to address records on weights (or volumes), number of vehicles and the types of waste received;

(G) Vector control plans; and

(H) Noise control.

(iv) Closure plan to address:

(A) Estimate of closure season/year;

(B) Capacity of site in volume and tonnage;

(C) Maintenance of active fill vs. completed, final covered acreage;

(D) Estimated closure construction timing and notification procedures;

(E) Inspection by regulatory agencies;

(v) Post-closure plan to address:

(A) Estimated time period for post-closure activities;

(B) Site monitoring of landfill gas, ground water, and surface water;

(C) Deed clause changes, land use, and zoning restrictions; and

(D) Maintenance activities to maintain cover and runoff systems.

(c) Application Contents for Transfer Stations, Drop Box Facilities, and Baling and Compaction Systems Requiring a Permit. In addition to the requirements of WAC 173-304-600 (3)(a), each applicable application for a permit must contain:

(i) Engineering report/plans and specifications that address:

(A) The proposed facility's zoning status;

(B) The relationship to the county solid waste comprehensive plan and the area to be served by the facility; and

(C) The facility design to address how the facility shall meet requirements of WAC 173-304-410, including closure.

(d) Application Contents for Surface Impoundments Requiring a Permit. In addition to the requirements of WAC 173-304-600 (3)(a), each applicable application for a permit must contain:

(i) A geohydrological assessment of the facility that addresses all of the factors of WAC 173-304-600 (3)(b)(i);

(ii) Engineering report/plans and specifications that address, where applicable:

(A) How the proposed facility will meet the Locational Standards of WAC 173-304-130;

(B) Relationship of facility to county solid waste comprehensive plan;

(C) The design of liners and foundation to be incorporated in the facilities design including the design leachate of collection and treatment systems;

(D) The design of ground water monitoring or vadose zone monitoring;

(E) The design of dikes including calculations on dike stability analyses under conditions of liner failure;

(F) Other design details, including sludge cleanout, overflowing alarms and inlet design; and

(G) Closure/post-closure design, construction maintenance and land use.

(iii) An operation plan that addresses:

(A) Operation and maintenance of leachate collection system, or ground water monitoring or vadose zone monitoring systems;

(B) Operation and maintenance of overflowing equipment or details of filling and emptying techniques;

(C) Inspection of dikes and liners for integrity; and

(D) Safety and emergency plans.

(iv) A closure plan to address:

(A) Estimate of closure year and cost;

(B) Methods of removing wastes, liners and any contaminated soils, and location of final disposal;

(C) Closure timing and notification procedures; and

(D) Final inspection by regulatory agencies;

(e) Application Contents for Piles Requiring a Permit. In addition to the requirements of WAC 173-304-600 (3)(b), each application for a permit must contain:

(i) Engineering reports/plans and specifications that address:

(A) How the proposed facility will meet the locational standards of WAC 173-304-130;

(B) Relationship of the facility to the county solid waste comprehensive plan and zoning;

(C) The design of the liner or sealed surface upon which the liner rests, including an analysis of the liners ability to withstand the stress;

(D) The design of the run-on and runoff system; and

(E) The design to avoid washout when the pile is located in a one hundred year flood plain.

(F) Maximum Elevation and Boundaries of the waste pile.

(ii) An operation plan that addresses:

(A) Methods of adding or removing wastes from the pile and equipment used;

(B) Inspection of the liner for integrity; and

(C) Safety and emergency plans.

(iii) A closure plan to address:

(A) Estimate of closure year and cost;

(B) Methods of removing wastes, liners and any contaminated soils, and location of final disposal;

(C) Closure timing and notification procedures; and

(D) Final inspection by regulatory agencies;

(f) Application Contents for Energy Recovery and Incinerator Facilities Requiring a Permit. In addition to the requirements of WAC 173-304-600 (3)(b), each application for a permit must contain:

(i) Engineering reports/plans and specifications that address:

(A) The relationship of the facility to the county solid waste comprehensive plan and zoning;

(B) The design of the storage and handling facilities on-site for incoming waste as well as fly ash, bottom ash and any other wastes produced by air or water pollution controls; and

(C) The design of the incinerator or thermal treater, including changing or feeding systems, combustion air systems, combustion or

reaction chambers, including heat recovery systems, ash handling systems, and air pollution and water pollution control systems. Instrumentation and monitoring systems design shall also be included.

(ii) An operation plan that addresses:  
(A) Cleaning of storage areas as required by WAC 173-304-440 (2)(a);

(B) Alternative storage plans for breakdowns as required in WAC 173-304-440 (2)(c); and

(C) Inspection to insure compliance with state and local air pollution laws and to comply with WAC 173-304-405(5); the inspection log or summary must be submitted with the application.

(iii) A closure plan to address:

(A) Estimate of closure year and cost;

(B) Methods of closure and methods of removing wastes, equipment, and location of final disposal;

(C) Closure timing and notification procedures; and

(D) Final inspection by regulatory agencies;

(g) Application Contents for Landspreading Facilities Requiring a Permit. In addition to the requirements of WAC 173-304-600 (3)(b), each application for a permit must contain:

(i) A geohydrological assessment of the facility that addresses all of the factors of WAC 173-304-600 (3)(b)(i);

(ii) Engineering reports/plans and specifications that address:

(A) How the proposed facility will meet the locational standards of WAC 173-304-130;

(B) The relationship of facility to county solid waste comprehensive plan and the basis for calculating the facility's life;

(C) Waste analyses;

(D) Design of interim waste storage facilities;

(E) Design of run-on and run-off systems;

(F) A contour map of the active area showing contours to the nearest one-half foot;

(G) A ground water and surface water monitoring program; and

(H) Access barriers such as fences, and warning signs.

(iii) An operation plan that addresses:

(A) Operation and maintenance of run-off and run-on systems;

(B) Methods of taking ground water samples and for maintaining ground water monitoring systems;

(C) Methods of applying wastes to meet the requirements of WAC 173-304-450 (2)(d):

(I) Estimated multiples of agronomic rates;

(II) How pH is to be adjusted;

(III) Frequency of discing;

(IV) Avoidance of standing water; and

(V) Plans for food chain crops being grown on the active areas.

(D) The written contract required between landowners, waste generators and waste operators.

(iv) Closure plan to address:

(A) Estimate of closure season/year;

(B) Capacity of site in volume and tonnage;

(C) Year-to-year maintenance of active fill versus completed, final covered acreage;

(D) Closure construction timing and notification procedures; and

(E) Final inspection by regulatory agencies;

(v) Post-closure plan to address:

(A) Estimated time period for post-closure activities;

(B) Site monitoring of ground water;

(C) Deed clause changes, land use, and zoning restrictions; and

(D) Maintenance activities to maintain cover and runoff systems.

(h) Application contents for inert waste and demolition waste, woodwaste landfills and recycling facilities.

Applications for permits subject to the standards of WAC 173-304-300, WAC 173-304-461, and WAC 173-304-462 shall be on forms whose content shall be specified by the jurisdictional health department.

(4) Inspections. As a minimum annual inspections of all permitted solid waste facilities shall be performed by the jurisdictional health department. Any duly authorized officer, employee, or representative of the jurisdictional health officer or his designee having jurisdiction may enter and inspect any property, premises or place at any reasonable time for the purpose of determining compliance with this chapter, and relevant laws and regulations. Findings shall be noted and kept on file. A copy of the inspection report or annual summary shall be furnished to the site operator.

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

#### NEW SECTION

WAC 173-304-700 VARIANCES. (1) Any person who owns or operates a solid waste facility may apply to the jurisdictional health officer for a variance from this regulation. The application shall be accompanied by such information as the jurisdictional health department may require. The jurisdictional health department may grant such variance, but only after due notice or a public hearing if requested, if it finds that:

(a) The solid waste handling practices or location do not endanger public health, safety or the environment, and

(b) Compliance with the regulation from which variance is sought would produce serious hardship without equal or greater benefits to the public.

(2) No variance shall be granted pursuant to this section until the jurisdictional health department has considered the relative interests of the applicant, other owners of property likely to be affected by the handling practices and the general public.

(3) Any variance or renewal shall be granted within the requirements of WAC 173-304-700(1) and for time period and conditions consistent with the reasons therefor, and within the following limitations:

(a) If the variance is granted on the ground that there is no practicable means known or available for the adequate prevention, abatement, or control become known and available and subject to the taking of any substitute or alternative measures that the jurisdictional health department may prescribe.

(b) If the variance is granted on the ground that compliance with the particular requirement or requirements from which variance is sought will require the taking of measures which because of their extent or cost must be spread over a considerable period of time, it shall be for a period not to exceed such reasonable time as, in the view of the jurisdictional health department, is needed for the taking of the necessary measures. A variance granted on the ground specified herein shall contain a time table for taking of action in an expeditious manner and shall be conditioned on adherence to such time table.

(4) Any variance granted pursuant to this section may be renewed on terms and conditions and for periods which would be appropriate on initial granting of a variance. If complaint is made to the jurisdictional health department on account of the variance, no renewal thereof shall be granted, unless following a public hearing on the complaint or due notice, the jurisdictional health department finds the renewal is justified. No renewal shall be granted except on application. Any such application shall be made at least sixty days prior to the expiration of the variance. Immediately upon receipt of an application for renewal, the jurisdictional health department shall give public notice of such application in accordance with rules and regulations of the jurisdictional health department.

(5) An application for a variance, or for the renewal thereof, submitted to the jurisdictional health department pursuant to this section shall be approved or disapproved by the jurisdictional health department within ninety days of receipt unless the applicant and the jurisdictional health department agree to a continuance.

(6) No variance shall be granted by a jurisdictional health department except with the approval and written concurrence of the department.

(7) Variances granted by a jurisdictional health department will be accepted as variances under this regulation.

#### NEW SECTION

WAC 173-304-9901 MAXIMUM CONTAMINANT LEVELS FOR GROUND WATER. Maximum contaminant levels for ground water shall be those specified in chapter 248-54 WAC, the primary and secondary drinking water standards. Analytical methods for these contaminants may be found in the code of federal regulations 40 CFR Part 141.

**WSR 85-15-001**  
**EMERGENCY RULES**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Order R-227, Cause No. TV-1897—Filed July 5, 1985]

In the matter of amending WAC 480-12-033 relating to temporary permits.

The Washington Utilities and Transportation Commission finds that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest. A statement of the facts constituting such emergency is without emergency adoption, the amended rule would not go into effect in time to be available for this agricultural season.

This rule amendment is being promulgated pursuant to RCW 80.01.040 and 81.80.170.

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

This amendment to WAC 480-12-033 affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-12-033 should be amended, to read as set forth in Appendix A shown below and made a part hereof by this reference. WAC 480-12-033 as amended, will expedite the issuance of approximately 300 temporary permits annually and will enable the commission to get those permits to the carriers more efficiently in order to assure growers adequate transportation services during the harvest season.

**ORDER**

WHEREFORE, IT IS ORDERED That WAC 480-12-033 as set forth in Appendix A, be amended, as emergency rules of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.030 and 34.04.040(2).

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

DATED at Olympia, Washington, this 3rd day of July, 1985.

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

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-187, Cause No. TV-1595, filed 6/2/82)

**WAC 480-12-033 TEMPORARY PERMITS. (1)**  
*The commission may issue temporary permits for authority to engage in common or contract carrier operations for a period of not to exceed one hundred eighty days, but only after it finds that the issuance of such temporary permit is consistent with the public interest.*

*(a) In determining whether or not the requested temporary authority is consistent with the public interest the commission will consider the following factors:*

*(i) A showing of an immediate and urgent need for the requested service;*

*(ii) The presence of lack of available service capable of meeting the need; and*

*(iii) Any other circumstances indicating that the grant of such temporary authority is consistent with the public interest.*

*(b) An application for a temporary permit shall be supported by a notarized statement from one or more shippers, consignees or others setting forth all pertinent facts relating to their need for the applied-for temporary service.*

*(c) Temporary authority issued under this subsection shall be published in the commission's weekly application docket along with a list of supporting shippers. Any interested carrier may, within ~~(seven)~~ ten days from the date of publication, submit a notarized statement that it has contacted the supporting shippers, consignees, or others supporting the application, that it has discussed their shipping problems with them, and that it is ready, willing and able and commits to provide service to their satisfaction on demand.*

*(2) The commission may also issue temporary permits pending the determination of an application filed with the commission for approval of a consolidation or merger of the properties of two or more common carriers or contract carriers or of a purchase or lease of one or more common or contract carriers.*

*~~((a))~~ In determining whether or not the requested temporary authority will be granted, the commission will consider whether the failure to grant such authority may result in the destruction of or injury to the motor carrier properties sought to be acquired, or whether the failure to grant such authority may interfere with the future usefulness of such properties in the performance of adequate and continuous service to the public.*

*(3) Any temporary permit granted under subsection (1) of this section (except a temporary permit which has been canceled within twenty days after date of issuance as hereinafter provided) or subsection (2) ~~((above))~~ of this section, shall be continued in force beyond the expiration date specified in such temporary permit, until the determination of an application for permanent permit authority to engage in operations authorized by such temporary permit, provided such application for permanent permit authority has been filed in accordance with the applicable laws, rules, and instructions not later than sixty days after issuance of the temporary permit.*

(4) *The commission may impose special terms and conditions in connection with granting of temporary permits. The commission will impose the following condition in connection with the granting of temporary permits issued pursuant to subsection (1) of this section:*

*"This permit is subject to cancellation any time within twenty days after date of issuance, if the commission receives evidence that no emergency exists or another carrier with authority is ready, willing and able to render satisfactory service to the shipper or evidence that this temporary permit was not issued in the public interest."*

(5) *Emergency temporary authority may be authorized for periods of thirty days or less to meet an immediate and urgent need for service due to emergencies, in which time or circumstances do not reasonably permit the filing and processing of an application for a temporary permit in the usual manner: PROVIDED, That emergency temporary authority may be issued for periods not to exceed ninety days for the hauling of agricultural commodities as defined by WAC 480-12-990, or Christmas trees.*

*((a)) Emergency temporary authority may be authorized upon application to the commission or any of its duly authorized agents upon payment of the fee set by WAC 480-12-030 and the furnishing of proof of possession of public liability and property damage insurance in limits provided in WAC 480-12-350. Such proof may consist of an insurance policy or a certificate of insurance.*

*(6) Temporary permits may be authorized only when the vehicles to be used in performance of the hauling under said temporary permit have passed a vehicle safety inspection by a commission agent.*

**WSR 85-15-002  
PROPOSED RULES  
UTILITIES AND TRANSPORTATION  
COMMISSION  
[Filed July 5, 1985]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities and Transportation Commission intends to adopt, amend, or repeal rules relating to temporary permits, WAC 480-12-033. The proposed amendatory section is shown below as Appendix A, Cause No. TV-1897. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed amendment on economic values, pursuant to chapter 43.21H RCW and WAC 480-08-050(17).

This is notice of intention to adopt on a permanent basis rule amended on an emergency basis on July 3, 1985, General Order No. R-227, and filed with the code reviser's office on the same date;

that the agency will at 9:00 a.m., Wednesday, August 28, 1985, in the Commission's Hearing Room, Sixth Floor, Highways-Licenses Building, Olympia,

Washington, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 80.01.040.

The specific statute these rules are intended to implement is RCW 81.80.170.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 23, 1985.

Dated: July 3, 1985

By: Paul Curl  
Acting Secretary

**STATEMENT OF PURPOSE**

In the matter of amending WAC 480-12-033 relating to temporary permits.

The rules proposed by the Washington Utilities and Transportation Commission are to be promulgated pursuant to RCW 80.01.040 and 81.80.170 which direct that the commission has authority to implement the provisions of chapter 81.80 RCW.

The rules proposed by the Washington Utilities and Transportation Commission are designed to expedite the issuance of approximately 300 temporary permits annually and to enable the commission to get those permits to the carriers more efficiently in order to assure growers adequate transportation services during the harvest season.

Paul Curl, Acting Secretary, Seventh Floor, Highways-Licenses Building, Olympia, Washington, telephone number (206) 753-6420, and members of his staff were responsible for the drafting of the proposed rules and will be responsible for implementation and enforcement of the proposed rules.

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

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

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

The rule change proposed will affect no economic values.

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

**APPENDIX "A"**

**AMENDATORY SECTION** (Amending Order R-187, Cause No. TV-1595, filed 6/2/82)

WAC 480-12-033 TEMPORARY PERMITS. (1) The commission may issue temporary permits for authority to engage in common or contract carrier operations for a period of not to exceed one hundred eighty days, but only after it finds that the issuance of such temporary permit is consistent with the public interest.

(a) In determining whether or not the requested temporary authority is consistent with the public interest the commission will consider the following factors:

(i) A showing of an immediate and urgent need for the requested service;

(ii) The presence of lack of available service capable of meeting the need; and

(iii) Any other circumstances indicating that the grant of such temporary authority is consistent with the public interest.

(b) An application for a temporary permit shall be supported by a notarized statement from one or more shippers, consignees or others setting forth all pertinent facts relating to their need for the applied-for temporary service.

(c) Temporary authority issued under this subsection shall be published in the commission's weekly application docket along with a list of supporting shippers. Any interested carrier may, within ~~((seven))~~ ten days from the date of publication, submit a notarized statement that it has contacted the supporting shippers, consignees, or others supporting the application, that it has discussed their shipping problems with them, and that it is ready, willing and able and commits to provide service to their satisfaction on demand.

(2) The commission may also issue temporary permits pending the determination of an application filed with the commission for approval of a consolidation or merger of the properties of two or more common carriers or contract carriers or of a purchase or lease of one or more common or contract carriers.

~~((a))~~ In determining whether or not the requested temporary authority will be granted, the commission will consider whether the failure to grant such authority may result in the destruction of or injury to the motor carrier properties sought to be acquired, or whether the failure to grant such authority may interfere with the future usefulness of such properties in the performance of adequate and continuous service to the public.

(3) Any temporary permit granted under subsection (1) of this section (except a temporary permit which has been canceled within twenty days after date of issuance as hereinafter provided) or subsection (2) ~~((above))~~ of this section, shall be continued in force beyond the expiration date specified in such temporary permit, until the determination of an application for permanent permit authority to engage in operations authorized by such temporary permit, provided such application for permanent permit authority has been filed in accordance with the applicable laws, rules, and instructions not later than sixty days after issuance of the temporary permit.

(4) The commission may impose special terms and conditions in connection with granting of temporary permits. The commission will impose the following condition in connection with the granting of temporary permits issued pursuant to subsection (1) of this section:

"This permit is subject to cancellation any time within twenty days after date of issuance, if the commission receives evidence that no emergency exists or another carrier with authority is ready, willing and able to render satisfactory service to the shipper or evidence that this temporary permit was not issued in the public interest."

(5) Emergency temporary authority may be authorized for periods of thirty days or less to meet an immediate and urgent need for service due to emergencies, in which time or circumstances do not reasonably permit the filing and processing of an application for a temporary permit in the usual manner: PROVIDED, That emergency temporary authority may be issued for periods not to exceed ninety days for the hauling of agricultural commodities as defined by WAC 480-12-990, or Christmas trees.

~~((a))~~ Emergency temporary authority may be authorized upon application to the commission or any of its duly authorized agents upon payment of the fee set by WAC 480-12-030 and the furnishing of proof of possession of public liability and property damage insurance in limits provided in WAC 480-12-350. Such proof may consist of an insurance policy or a certificate of insurance.

(6) Temporary permits may be authorized only when the vehicles to be used in performance of the hauling under said temporary permit have passed a vehicle safety inspection by a commission agent.

## WSR 85-15-003

## ADOPTED RULES

## DAIRY PRODUCTS COMMISSION

[Order 85-4—Filed July 5, 1985]

Be it resolved by the Washington State Dairy Products Commission, acting at 1107 Northeast 45th Street, Seattle, WA 98105, that it does adopt the annexed rules relating to permanent adoption of milk assessment, WAC 142-30-010.

This action is taken pursuant to Notice No. WSR 85-11-071 filed with the code reviser on May 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 15.44.130 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED July 5, 1985.

By Robert M. Hallberg  
Secretary-Treasurer

AMENDATORY SECTION (Amending Order 83-2, filed 3/29/83)

WAC 142-30-010 DECLARATION OF PURPOSE—EFFECTIVE DATE~~((=SUBJECT TO REFERENDUM))~~. ~~((+))~~ To effectuate the purposes of RCW ~~((15.44.080))~~ 15.44 ~~((as amended by chapter 44, Laws of 1975;))~~ there is hereby levied upon all milk produced in this state an assessment of ~~((+0))~~ 0.75 percent of the Class I price for 3.5% butterfat milk, as established in any market area by a market order in effect in that area or by the state department of agriculture in case there is no market order for that area, or an assessment rate not to exceed the rate approved at the most recent referendum that would achieve a ten cent per hundredweight credit to local, state or regional promotion organizations provided by Title I, subtitle B of the federal Dairy and Tobacco Adjustment Act of 1983. The effective ~~((April 1, 1983))~~ date of WAC 14-30-010 shall be August 4, 1985.

~~((2))~~ ~~The proposed assessment increase shall not become effective until approved by fifty-one percent of the producers voting in a referendum conducted by the commission.~~

**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 85-15-004**  
**NOTICE OF PUBLIC MEETINGS**  
**WASHINGTON STATE UNIVERSITY**  
 [Memorandum—July 2, 1985]

The senate of the associated students of Washington State University will hold meetings on the following dates during fall semester:

August 28  
 September 4, 11, 18, 25  
 October 2, 9, 16, 23, 30  
 November 6, 13, 20  
 December 4, 11, 18

All meetings will be held at 6:30 p.m. in Room 232 of the Compton Union Building, Washington State University, Pullman, Washington.

**WSR 85-15-005**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 85-77—Filed July 5, 1985]

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

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is harvestable numbers of sockeye salmon are available, and this rule is adopted at the recommendation of the Columbia River compact commission.

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

This rule is promulgated pursuant to RCW 75.08.070 and 75.08.080 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED July 5, 1985.

By Gene DiDonato  
 for William R. Wilkerson  
 Director

NEW SECTION

*WAC 220-32-05100M SEASONS—SALMON. Notwithstanding the provisions of WAC 220-32-051 and 220-32-052, it is unlawful for any person to take or possess salmon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1F, 1G or 1H, except that those individuals possessing treaty fishing rights under the Yakima,*

*Warm Springs, Umatilla and Nez Perce treaties may fish, using 4 1/2 inch maximum mesh gill net gear, from:*

*Immediately to 12:00 noon July 10, 1985.*

*It is lawful to sell sockeye salmon, chinook salmon, shad, and sturgeon of lawful size taken in this fishery.*

REPEALER

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

WAC 220-32-05100L SEASONS—SALMON. (85-71)

**WSR 85-15-006**  
**ADOPTED RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Order 1861—Filed July 8, 1985]

I, C. Alan Pettibone, director of the Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to apple maggot, plum curculio, honey bee tracheal mite and onion white rot quarantine, WAC 16-470-010.

This action is taken pursuant to Notice No. WSR 85-11-086 filed with the code reviser on May 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 chapter 17.24 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED July 8, 1985.

By Michael V. Schwisow  
 Deputy Director

AMENDATORY SECTION (Amending Order 1822, filed 5/1/84, effective 7/1/84)

WAC 16-470-010 DEFINITIONS. The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

(1) "Director" means the director of agriculture of this state, or a duly authorized representative.

(2) "Department" means the Washington state department of agriculture.

(3) "Interior quarantine" means a quarantine within the state of Washington established against the movement of designated insect life stages, their hosts, and possible carriers from areas identified by the Washington state department of agriculture.

(4) "Exterior quarantine" means a quarantine established against the movement into Washington state of designated insect life stages, their hosts, and possible

carriers from areas identified by the Washington state department of agriculture.

(5) "Gypsy moth (*Lymantria dispar*)" means a lepidopterous insect of the family Lymantriidae which in the larval stage defoliates many species of trees and shrubs.

(6) "Apple maggot (*Rhagoletis pomonella*)" means a dipterous insect((s)) belonging to the family Tephritidae which in the larval stage live within fruit of ((their)) its host plants, with potential for causing extensive damage to fruit of certain crops.

(7) "Plum curculio (*Conotrachelus nenuphar*)" means a coleopterous insect of the family Curculionidae which in the larval stage lives within the fruit of its host plants with potential for causing extensive damage to fruit of certain crops.

(8) "Commercial orchard" means an orchard in which fruit is grown for commercial purposes and with the use of approved and accepted integrated pest management programs pursuant to statutes, guidelines or rules approved by the agricultural extension service or regulatory officials of the state of origin.

(9) "Commercial fruit" means fruit that is:

(a) Grown in a commercial orchard and commercially packed and labeled;

(b) Fruit grown in a commercial orchard and destined to a commercial processing plant or packing plant.

(10) "Threatened with infestation" means that any life stage of apple maggot or plum curculio has been found within one-half mile of production site including any portion of an orchard outside or beyond the one-half mile boundary if any portion of the orchard is within the one-half mile area.

(11) "Honey bee tracheal mite" means *Acarapis woodi*; an internal tracheal mite of honey bees.

(12) "Honey bee" means bees of the species *Apis mellifera*.

(13) "Colony" means a man-made hive including five or more combs of bees.

(14) "Hive" means a man-made domicile of honey bees including their combs in the various sizes used by the apiculture industry.

(15) "Queen" means the fertile female honey bee, singly, in a shipping cage with attendant honey bees or in plurality with other queens in a shipping cage having common honey bee attendants.

(16) "Nuclei" means a shipping container or hive having five or less combs of bees and a queen.

(17) "Package" means a combless shipping container of bees with or without a queen.

(18) "Apiarist" means any person who owns bees or is a keeper of bees.

(19) "Net(s)" means fabricated material which is designed and utilized to prevent the escape of bees from bee colonies or hives during transit.

(20) "Onion" means any *Allium* spp. including but not limited to onion, garlic, leek, chive, or shallots.

## WSR 85-15-007

### ADOPTED RULES

## DEPARTMENT OF AGRICULTURE

[Order 1862—Filed July 8, 1985]

I, C. Alan Pettibone, director of the Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to apple maggot and plum curculio quarantine, chapter 16-470 WAC.

This action is taken pursuant to Notice No. WSR 85-11-084 filed with the code reviser on May 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 chapter 17.24 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED July 8, 1985.

By Michael V. Schwisow  
Deputy Director

AMENDATORY SECTION (Amending Order 1822, filed 5/1/84, effective 7/1/84)

WAC 16-470-015 PENALTIES. Any person who violates or fails to comply with any rule adopted under RCW 17.24.020 through 17.24.100 shall be guilty of a misdemeanor, and for a second and each subsequent violation ((with)) of the same rule, shall be punished by imprisonment in the county jail for not less than thirty days or more than one year, or by a fine of not less than one hundred dollars, or more than one thousand dollars or both fine and imprisonment.

AMENDATORY SECTION (Amending Order 1822, filed 5/1/84, effective 7/1/84)

WAC 16-470-100 QUARANTINE—APPLE MAGGOT AND PLUM CURCULIO—AREA UNDER ORDER. (1) The following areas are declared by the director to be under quarantine for apple maggot:

((1) Interior quarantine. All counties west of the crest of the Cascade mountain range, and Spokane, Skamania and Klickitat counties within the state of Washington.

(2)) (a) Exterior quarantine. All states or foreign countries where apple maggot is known to occur including but not limited to the states of North Dakota, South Dakota, Nebraska, Oklahoma, and Texas, and all states east thereof including the District of Columbia, and the states of Idaho, Oregon, Utah, and California, and any other areas where apple maggot is detected.

(b) Interior quarantine. All counties west of the crest of the Cascade mountain range, and Spokane, Skamania, and Klickitat counties within the state of Washington, and any other counties where apple maggot is detected.

(c) Regional area quarantine. When mutually agreed upon, and formally accepted by the directors of the Washington state department of agriculture and Oregon state department of agriculture the following shall apply: In Oregon state the counties of Wasco and Hood River and in Washington state the counties of Skamania and Klickitat will be considered a single production area. Commercial fruit produced in these counties may move freely throughout this production area unless regulatory measures as prescribed in WAC 16-470-120 are implemented.

(2) The following areas are declared by the director to be under quarantine for plum curculio: Utah, and, in the eastern United States, all states and districts east of and including the states of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, and any other areas where plum curculio is detected.

AMENDATORY SECTION (Amending Order 1822, filed 5/1/84, effective 7/1/84)

WAC 16-470-110 COMMODITIES UNDER QUARANTINE—APPLE MAGGOT HOSTS AND CARRIERS. ((The following commodities are hereby placed under quarantine:

(1) California, Oregon, Utah and Washington states—All fresh fruit of apple (including crabapple), pear and hawthorn (haw) except commercial fruit. For the purpose of this rule, commercial fruit shall be fruit that is:

(a) Grown in a commercial orchard and commercially packed and labeled; or

(b) Purchased from a grocery store or commercial orchard and accompanied by a receipt or certificate bearing the letterhead or name of the store or grower; or

(c) Fruit grown in a commercial orchard and destined to a commercial processing plant.

(2)) (1) The following commodities shipped from all states including the District of Columbia as listed in WAC 16-470-100(1) are hereby placed under quarantine for apple maggot: All fresh fruit of apple (including crabapple), apricot, ((blueberry;)) cherry, hawthorn (haw), ((huckleberry;)) nectarine, peach, pear (commercial pears from California, Idaho, Oregon, Utah, and Washington are exempt from the provisions of this chapter), plum, prune ((and)), quince, and rose hips are prohibited entry into the state of Washington except as ((noted in WAC 16-470-110(1), pertaining to commercial fruit from California, Oregon, Utah and Washington, except as)) provided in WAC 16-470-120 (1) through ((7)) (9).

(2) The following commodities shipped from all states including the District of Columbia as listed in WAC 16-470-100(2) are hereby placed under quarantine for plum curculio: All fresh fruit of apple (including crabapple), apricot, blueberry, cherry, currant, grape, hawthorn (haw), huckleberry, nectarine, peach, pear, persimmon, plum, prune, and quince, are prohibited entry into the state of Washington except as provided in WAC 16-470-120 (1) through (9).

AMENDATORY SECTION (Amending Order 1822, filed 5/1/84, effective 7/1/84)

WAC 16-470-120 APPLE MAGGOT AND PLUM CURCULIO QUARANTINE RESTRICTIONS—INTERIOR/EXTERIOR. (1) Certification required. Commodities described in WAC 16-470-110 that are produced in or shipped from the area under quarantine are prohibited entry into or movement within the state of Washington unless ((each lot and/or shipment is accompanied by)) a certificate issued by and bearing the original or facsimile signature of the authorized agricultural official of the state from which the commodity is shipped evidencing compliance with WAC 16-470-120 (3), (4), (5) ((or)), (7), (8), or (9). No certificate is required for commodities meeting the requirements of WAC 16-470-120 (2) or (6).

(2) Reshipments in original containers. Commodities in original unopened containers, each bearing labels or other identifying marks evidencing origin outside the area under quarantine, may be reshipped to this state from any point within the area under quarantine.

(3) Repacked commodities. Each lot or shipment of commodities certified by an authorized agricultural official to have been grown outside the area under quarantine and which has had continued identity maintained while within the area under quarantine, may be repacked and shipped by common carrier from any point within the area under quarantine to this state. The certificate shall contain the following information:

(a) The state in which commodities were grown,

(b) The point of repacking and reshipment,

(c) The amount and kind of commodities comprising the lot or shipment,

(d) The names and addresses of the shipper and consignee.

(4) Apples exposed to controlled atmosphere (CA) storage. Apples which are exposed to controlled atmosphere (CA) storage for a continuous period of ninety days, during which period the temperature within the storage room has been maintained at thirty-eight degrees Fahrenheit or less, may be admitted into Washington: PROVIDED, That the storage room or building is approved by the proper authorities in the state of origin as a controlled atmosphere facility, and each lot or shipment of such apples to Washington state is accompanied by a certificate, as provided in WAC 16-470-120(1).

(5) Shipments from cold storage. Commodities described in WAC 16-470-110 which are held in cold storage for a continuous period of forty days or more, during which period the temperature within the storage room is maintained at thirty-two degrees Fahrenheit or less, may be admitted into Washington state: PROVIDED, That each lot or shipment is accompanied by a certificate, as stated in WAC 16-470-120(1) evidencing compliance with the minimum temperature requirements.

(6) Solid frozen fruits exempt. No restrictions are placed on the entry into this state of fruits which upon arrival are frozen solid and which are under refrigeration to assure their solid frozen state.

(7) Commercial fresh fruit from California, Idaho, Utah, Oregon, and Washington. All commercial fresh fruit ((of apricot, blueberry, cherry, huckleberry, nectarine, peach, plum, prune and quince)) as described in WAC 16-470-110 grown in and shipped from the states of California, Idaho, Utah, Oregon, and Washington may be shipped into or within Washington state: PROVIDED, That the origin state ((will assure)) department of agriculture conducts an adequate apple maggot (and plum curculio in Utah and in any other state where plum curculio is detected) detection program and provides the Washington state department of agriculture immediate written notification of detections in counties where apple maggot (and plum curculio in Utah and in any other state where plum curculio is detected) has not been previously detected, and the origin state shall certify that shipments originated in an area found to be free from apple maggot (and plum curculio in Utah and in any other state where plum curculio is detected) and ((was)) were grown in a commercial orchard and have not been placed under quarantine by the origin state or the director.

(8) All commercial fresh fruit of apple (including crabapple), cherry, hawthorn (haw), plum, and prune produced in counties in the states of California, Idaho, Oregon, and Utah where apple maggot is known to occur, or all commercial fresh fruit listed in WAC 16-470-110 produced in counties in the state of Utah where plum curculio is known to occur may move into Washington under permit, when permit provisions have been authorized by the director and formally accepted by the origin state.

(9) All commercial fresh fruit of apple (including crabapple) and hawthorn (haw) produced in or shipped from any location in Washington state. The director may pursuant to RCW 17.24.105 prescribe specific regulatory or control measures to apply within designated areas to prevent or minimize the possible movement of apple maggot from commercial orchards. The following action shall be taken when it has been determined that the commercial fruit may be infested with or threatened with infestation by apple maggot or plum curculio.

(a) All fresh fruit of apple (including crabapple) and hawthorn (haw) (except graded culls - see (b) of this subsection) shall be sampled by an authorized agency inspector, following accepted agency and industry standards.

(i) If found to be free from apple maggot or plum curculio, a certificate as provided for in WAC 16-470-120(1) shall be issued.

(ii) If found to be infested with apple maggot or plum curculio, one or more of the following procedures shall be prescribed before any fresh fruit of apple (including crabapple) and hawthorn (haw) are moved from designated or quarantined areas.

(A) Fresh fruit to be exposed to controlled atmosphere (CA) storage as provided in WAC 16-470-120(4).

(B) Fresh fruit to be exposed to cold storage as provided in WAC 16-470-120(5).

(C) Other methods as may be prescribed by the director.

(b) Graded culls shall be subject to (a)(ii) (A) or (B) of this subsection or other requirements as prescribed by the director.

(10) All commodities as described in WAC 16-470-110 known or found to be infested with or damaged by apple maggot or plum curculio shall not be sold, held for sale, or offered for sale, except as provided for in WAC 16-470-120 (4) or (5).

## WSR 85-15-008

### ADOPTED RULES

### DEPARTMENT OF AGRICULTURE

[Order 1863—Filed July 8, 1985]

I, C. Alan Pettibone, director of the Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to honey bee tracheal mite, chapter 16-470 WAC.

This action is taken pursuant to Notice No. WSR 85-11-083 filed with the code reviser on May 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 chapters 17.24 and 15.60 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 July 8, 1985.

By Michael V. Schwisow  
Deputy Director

### NEW SECTION

WAC 16-470-200 **QUARANTINE—HONEY BEE TRACHEAL MITE.** The director finds that honey bee tracheal mite is detrimental to the welfare of the apiculture industry of Washington state and a quarantine is established to prevent the introduction of the tracheal mite into Washington state.

### NEW SECTION

WAC 16-470-210 **ARTICLES UNDER QUARANTINE—HONEY BEE TRACHEAL MITE HOSTS AND CARRIERS.** The following listed articles are prohibited from movement into Washington state from areas under quarantine (see WAC 16-470-220) except as provided for in this chapter: **PROVIDED,** That Washington resident apiarists may move their honey bee colonies back into Washington state pending inspection as prescribed by the department:

(1) Honey bee colonies, nuclei, queens, packages of bees with or without queens of the species *Apis mellifera*; and

(2) Used hives including their comb, except when free of live bees for seven days or longer immediately prior to entry into Washington state.

NEW SECTION

WAC 16-470-220 HONEY BEE TRACHEAL MITE—AREA UNDER QUARANTINE—EXTERIOR. Areas under quarantine include all states and foreign countries: PROVIDED, That

(1) All states with surveys that find no honey bee tracheal mite may ship quarantined articles into Washington state (see WAC 16-470-230(4)).

(2) All states without surveys may ship quarantined articles into Washington state when an annual survey has been conducted since January 1984. This survey shall consist of a pooled sample (five to ten bees per colony) of one hundred or more bees per selected apiary, and at least fifty bees from the sample taken shall be dissected and examined for honey bee tracheal mite; or

(3) All states where honey bee tracheal mite is known to occur since January 1983 that have state quarantines regulating counties where honey bee tracheal mite has been known to occur may ship quarantined articles into Washington state when noninfested counties are sampled annually as provided for in subsection (2) of this section, and infested counties are sampled annually as follows:

(a) One sample per fifty colonies shall be taken. The sample taken shall consist of five hundred bees; and

(b) A minimum of ten percent of the colonies shall be sampled; and

(c) One hundred bees from each sample shall be dissected and examined for honey bee tracheal mite; and

(d) Sampling shall have been completed within the previous calendar year.

NEW SECTION

WAC 16-470-230 HONEY BEE TRACHEAL MITE—RESTRICTIONS. (1) Any apiculture operation infested with honey bee tracheal mite is not eligible for certification of quarantined articles for shipment into Washington state.

(2) Washington state resident apiarists may move their colonies from states designated in WAC 16-470-220 (1), (2), and (3) into Washington state for annual sampling as prescribed by the department during the months of August, September, and October prior to movement to a southern state. These colonies shall be considered under quarantine pending laboratory analysis of samples.

(3) Any apiarist who moves quarantined articles between more than one state and Washington state shall be sampled annually as provided in WAC 16-470-220(2).

(4) All certificates issued on quarantined articles shall bear a statement indicating that a state annual survey has been conducted and no honey bee tracheal mite was found, and they are in compliance with this chapter.

(5) Nets shall be required on all loads of honey bee colonies entering or leaving Washington state.

(6) All states having more restrictive quarantine requirements than this chapter shall comply with their own import requirements when shipping quarantined articles into Washington state.

**WSR 85-15-009**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**COMMUNITY DEVELOPMENT**  
[Order 85-04—Filed July 8, 1985]

I, Chuck Clarke, deputy director of the Department of Community Development, do promulgate and adopt at the Ninth and Columbia Building, Olympia, Washington, the annexed rules relating to organization and general procedures of the Planning and Community Affairs Agency's Law and Justice Planning Office and the Governor's Committee on Law and Justice, repealing chapter 365-31 WAC.

This action is taken pursuant to Notice No. WSR 85-11-045 filed with the code reviser on May 16, 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 Community Development as authorized in RCW 43.63A.060 and chapter 34.04 RCW.

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

APPROVED AND ADOPTED June 28, 1985.

By Chuck Clarke  
Deputy Director

REPEALER

Chapter 365-31 of the Washington Administrative Code is repealed as follows:

WAC 365-31-010 DEFINITIONS.

WAC 365-31-020 RULES OF INTERPRETATION.

WAC 365-31-110 OFFICERS OF THE GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE AND GOVERNOR'S JUVENILE JUSTICE ADVISORY COMMITTEE.

WAC 365-31-111 FUNCTIONS AND MEMBERSHIP OF THE GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE AND GOVERNOR'S JUVENILE JUSTICE ADVISORY COMMITTEE.

WAC 365-31-120 MEETINGS OF THE GOVERNOR'S COUNCIL AND COMMITTEE, SUBCOMMITTEES, ADVISORY COMMITTEES.

WAC 365-31-130 ABSENCES OF MEMBERS FROM MEETINGS.

WAC 365-31-140 QUORUM.

WAC 365-31-150 PARTICIPATION AND DISCUSSION DURING GOVERNOR'S COUNCIL AND COMMITTEE MEETINGS, RULES OF ORDER, AND FORMS OF ACTION.

WAC 365-31-160 VOTING PROCEDURES.

WAC 365-31-170 MINUTES.

WAC 365-31-210 DUTIES OF DIVISION OF CRIMINAL JUSTICE.

WAC 365-31-330 APPEAL PROCEDURES.

**WSR 85-15-010**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**COMMUNITY DEVELOPMENT**

[Order 85-05—Filed July 8, 1985]

I, Chuck Clarke, deputy director of the Department of Community Development, do promulgate and adopt at the Ninth and Columbia Building, Olympia, Washington, the annexed rules relating to planning advances program for local government public works, repealing chapter 365-22 WAC.

This action is taken pursuant to Notice No. WSR 85-11-044 filed with the code reviser on May 16, 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 Community Development as authorized in RCW 43.63A.060 and chapter 34.04 RCW.

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

APPROVED AND ADOPTED June 28, 1985.

By Chuck Clarke  
Deputy Director

**REPEALER**

Chapter 365-22 of the Washington Administrative Code is repealed as follows:

WAC 365-22-010 OBJECTIVES OF THE PLANNING ADVANCE PROGRAM.

WAC 365-22-020 ELIGIBILITY OF APPLICANTS.

WAC 365-22-030 ELIGIBILITY OF PUBLIC WORK.

WAC 365-22-040 APPLICATION FOR PLANNING ADVANCE.

WAC 365-22-050 ACTION BY AGENCY REGARDING APPLICATION.

WAC 365-22-060 PLANNING ADVANCE FUNDING CRITERIA AND PREFERENCES.

WAC 365-22-070 DECISION OF AGENCY FINAL.

WAC 365-22-080 PLANNING ADVANCE TERMS.

WAC 365-22-090 COMMITMENT FOR ADDITIONAL FUNDS.

**WSR 85-15-011**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**COMMUNITY DEVELOPMENT**

[Order 85-06—Filed July 8, 1985]

I, Chuck Clarke, deputy director of the Department of Community Development, do promulgate and adopt at

the Ninth and Columbia Building, Olympia, Washington, the annexed rules relating to regulations regarding recognition and approval of regional planning agencies for comprehensive health planning, repealing chapter 365-12 WAC, and funding of regional comprehensive health planning agencies, repealing chapter 365-14 WAC.

This action is taken pursuant to Notice No. WSR 85-11-043 filed with the code reviser on May 16, 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 Community Development as authorized in RCW 43.63A.060 and chapter 34.04 RCW.

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

APPROVED AND ADOPTED June 28, 1985.

By Chuck Clarke  
Deputy Director

**REPEALER**

Chapter 365-12 of the Washington Administrative Code is repealed as follows:

WAC 365-12-010 DECLARATION OF PUBLIC POLICY.

WAC 365-12-020 DEFINITIONS.

WAC 365-12-030 REGIONAL PLANNING AGENCIES—ESTABLISHMENT.

WAC 365-12-040 FUNCTIONS.

WAC 365-12-050 RECOGNITION AND APPROVAL.

WAC 365-12-060 PROCEDURE.

WAC 365-12-070 CRITERIA.

WAC 365-12-080 REJECTION.

WAC 365-12-090 WITHDRAWAL.

WAC 365-12-100 NOTIFICATION REQUIREMENTS.

**REPEALER**

Chapter 365-14 of the Washington Administrative Code is repealed as follows:

WAC 365-14-010 GENERAL PURPOSE.

WAC 365-14-020 ELIGIBILITY OF APPLICANTS.

WAC 365-14-030 APPLICATION PROCESS.

WAC 365-14-040 ACTION BY AGENCY REGARDING APPLICATION.

WAC 365-14-050 FUNDING ALLOCATION BASIS.

WAC 365-14-060 DECISION OF AGENCY FINAL.

WAC 365-14-070 CONTRACT TERMS AND CONDITIONS.

WAC 365-14-080 COMMITMENT FOR ADDITIONAL FUNDS.

WAC 365-14-200 FUNDING OF DEMONSTRATION PROJECTS.

WAC 365-14-210 APPLICATION PROCESS.

**WSR 85-15-012**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**COMMUNITY DEVELOPMENT**

[Order 85-07—Filed July 8, 1985]

I, Chuck Clarke, deputy director of the Department of Community Development, do promulgate and adopt at the Ninth and Columbia Building, Olympia, Washington, the annexed rules relating to Office of Economic Opportunity, repealing Title 177 WAC.

This action is taken pursuant to Notice No. WSR 85-11-042 filed with the code reviser on May 16, 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 Community Development as authorized in RCW 43.63A.060 and chapter 34.04 RCW.

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

APPROVED AND ADOPTED June 28, 1985.

By Chuck Clarke  
 Deputy Director

**REPEALER**

Chapter 177-04 of the Washington Administrative Code is repealed as follows:

WAC 177-04-010 OFFICE PURPOSE.

WAC 177-04-030 OFFICE ORGANIZATION.

WAC 177-04-050 APPEARANCE AND PRACTICE BEFORE OFFICE—WHO MAY APPEAR.

**REPEALER**

Chapter 177-06 of the Washington Administrative Code is repealed as follows:

WAC 177-06-010 PURPOSE OF CHAPTER.

WAC 177-06-020 AVAILABILITY OF PUBLIC RECORDS AND OFFICE PROCEDURES APPLICABLE TO SUCH AVAILABILITY.

**REPEALER**

Chapter 177-08 of the Washington Administrative Code is repealed as follows:

WAC 177-08-010 UNIFORM PROCEDURAL RULES.

**WSR 85-15-013**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**COMMUNITY DEVELOPMENT**

[Order 85-08—Filed July 8, 1985]

I, Chuck Clarke, deputy director of the Department of Community Development, do promulgate and adopt at the Ninth and Columbia Building, Olympia, Washington, the annexed rules relating to Office of Community Development, repealing Title 120 WAC.

This action is taken pursuant to Notice No. WSR 85-11-041 filed with the code reviser on May 16, 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 Community Development as authorized in RCW 43.63A.060 and chapter 34.04 RCW.

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

APPROVED AND ADOPTED June 28, 1985.

By Chuck Clarke  
 Deputy Director

**REPEALER**

Chapter 120-04 of the Washington Administrative Code is repealed as follows:

WAC 120-04-010 OFFICE PURPOSE.

WAC 120-04-030 OFFICE ORGANIZATION.

WAC 120-04-050 APPEARANCE AND PRACTICE BEFORE OFFICE—WHO MAY APPEAR.

**REPEALER**

Chapter 120-06 of the Washington Administrative Code is repealed as follows:

WAC 120-06-010 PURPOSE OF CHAPTER.

WAC 120-06-020 PUBLIC RECORDS AVAILABLE.

WAC 120-06-020 DEFINITIONS.

WAC 120-06-040 PUBLIC RECORDS OFFICER.

WAC 120-06-050 OFFICE HOURS.

WAC 120-06-060 REQUESTS FOR PUBLIC RECORDS.

WAC 120-06-070 COPYING.

WAC 120-06-080 EXEMPTIONS.

WAC 120-06-090 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS.

WAC 120-06-100 PROTECTION OF PUBLIC RECORDS.

WAC 120-06-110 RECORDS INDEX.

WAC 120-06-120 ADDRESS FOR COMMUNICATION.

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

**REPEALER**

Chapter 120-08 of the Washington Administrative Code is repealed as follows:

WAC 120-08-010 UNIFORM PROCEDURAL RULES.

**REPEALER**

Chapter 120-52 of the Washington Administrative Code is repealed as follows:

WAC 120-52-010 GENERAL PURPOSE.

WAC 120-52-030 ELIGIBILITY OF APPLICANTS.

WAC 120-52-050 APPLICATION PROCESS.

WAC 120-52-070 APPLICATION REQUIREMENTS.

WAC 120-52-090 FUNDING PROCESS.

**WSR 85-15-014****EMERGENCY RULES****DEPARTMENT OF NATURAL RESOURCES**

[Order 447—Filed July 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 suspending outdoor rule burning on all lands under the protection of the Department of Natural Resources. Burning privileges granted under WAC 332-24-090 are suspended effective midnight, Monday, July 8, 1985, through midnight, Sunday, September 29, 1985.

I, Brian J. Boyle, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is due to continued decline in fuel moistures and an increased risk of wildfires resulting from rule burning, there exists a need to control the use of fire. This control is necessary to reduce the possibility of a large uncontrolled fire from occurring, thereby threatening life and property.

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

This rule is promulgated pursuant to RCW 76.04.150 and 76.04.200 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED July 8, 1985.

By Brian J. Boyle  
Commissioner of Public Lands

**NEW SECTION**

WAC 332-26-082 *OUTDOOR RULE BURNING SUSPENSION ON LANDS UNDER THE PROTECTION OF THE DEPARTMENT OF NATURAL RESOURCES. Effective midnight, Monday, July 8, 1985, through midnight, Sunday, September 29, 1985, all privileges to burn without a written permit, as granted under WAC 332-24-090 - OUTDOOR FIRE FOR RECREATIONAL OR DEBRIS DISPOSAL PURPOSES NOT REQUIRING A WRITTEN BURNING PERMIT - are suspended on all land protected by the Department of Natural Resources.*

**WSR 85-15-015****EMERGENCY RULES****DEPARTMENT OF NATURAL RESOURCES**

[Order 448—Filed July 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 restricting logging, land clearing, and other industrial operations which may cause a fire to start on lands under the protection of the Department of Natural Resources in Western 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 existing and forecasted weather conditions, forest lands in Western Washington are exposed to increasing fire danger. Hoot owl logging restrictions are imposed in all shutdown zones in Western Washington.

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

This rule is promulgated pursuant to RCW 76.04.190 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED July 8, 1985.

By Brian J. Boyle  
Commissioner of Public Lands

**NEW SECTION**

WAC 332-26-083 *HOOT OWL LOGGING RESTRICTIONS ON ALL LANDS PROTECTED BY THE DEPARTMENT OF NATURAL RESOURCES IN WESTERN WASHINGTON. Effective midnight, Monday, July 8, 1985, through midnight, Wednesday, July 10, 1985, all logging, land clearing, and other industrial operations which may cause a fire to start are to cease operation during the following times and under the following conditions: 1) All power saws to shutdown*

from 11:00 a.m. to 8:00 p.m. during the shutdown period; 2) All yarding, skidding, loading, and hauling to shutdown from 1:00 p.m. to 8:00 p.m. during the shutdown period; 3) All other operations not specifically listed here will shutdown from 1:00 p.m. to 8:00 p.m. during the shutdown period.

All persons are excluded from logging operating areas and areas of logging slash except those present in the interest of fire protection, from 1:00 p.m. to 8:00 p.m. during the shutdown period.

These restrictions affect all lands under the protection of the Department of Natural Resources in Western Washington.

**WSR 85-15-016**  
EMERGENCY RULES  
DEPARTMENT OF FISHERIES  
[Order 85-78—Filed July 8, 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 harvestable numbers of hard shelled crabs are available.

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

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

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

APPROVED AND ADOPTED July 8, 1985.

By Russell W. Cahill  
for William R. Wilkerson  
Director

**NEW SECTION**

**WAC 220-56-33000E CRAB—SEASONS.** *Effective 12:01 a.m., July 11, 1985, it is lawful to fish for and possess crab taken for personal use with shellfish pot gear in all state waters.*

**REPEALER**

*The following section of the Washington Administrative Code is repealed effective 12:01 a.m., July 11, 1985:*

**WAC 220-48-01500S TRAWL CLOSURE.** (85-68)

**WSR 85-15-017**

ADOPTED RULES  
DEPARTMENT OF AGRICULTURE  
[Order 1865—Filed July 8, 1985]

I, C. Alan Pettibone, director of the Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to mint rootstock certification, chapter 16-322 WAC.

This action is taken pursuant to Notice No. WSR 85-11-082 filed with the code reviser on May 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 chapter 15.14 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED July 8, 1985.

By Michael V. Schwisow  
Deputy Director

**AMENDATORY SECTION** (Amending Order 1017, Regulation 5, filed 5/20/66)

**WAC 16-322-010 MINT ROOTSTOCK CERTIFICATION—APPLICATIONS AND FEES.** (1) The applicant grower shall furnish to the department all information pertinent to the operation of this program and shall give his consent to the department to take material for examination and testing. Application for inspection and testing of registered and certified stock (~~((must))~~ shall be filed with the department by May 1 of each year, accompanied by a (~~((forty))~~ seventy-five dollar application fee. Inspection fees (~~((are ten))~~ shall be sixteen dollars per acre (~~((or fraction thereof))~~ per growing season (with a minimum fee of eighty dollars)). Half of this fee is due with the application.

(2) Final fees shall be due and payable upon completion of the last field inspection.

(3) Certification may be withheld for nonpayment of fees due.

**AMENDATORY SECTION** (Amending Order 1017, Regulation 1, filed 5/20/66)

**WAC 16-322-012 DEFINITIONS.** (1) "Mint rootstock" means stolons or rhizomes of mint plants.

(2) "Off-type" means not true-to-name.

(3) "Foundation rootstock" means rootstock originating from healthy clones. Small plantings of this stock will be maintained by (~~((or through))~~ the Washington State ((department of agriculture)) University.

(4) "Registered rootstock" means rootstock produced from foundation and registered rootstock and (~~((has met))~~ meeting the requirements as herein provided.

(5) "Certified rootstock" means rootstock produced from registered rootstock and (~~((has met))~~ meeting the requirements as herein provided.

(6) "Verticillium wilt" means the disease caused by *Verticillium albo-atrum* Reinke & Berth. variety *Menthae* Nelson.

(7) "Rootknot" means the disease caused by the root-knot nematode *Meloidogyne*, spp.

**AMENDATORY SECTION** (Amending Order 1087, filed 4/24/68, effective 5/24/68)

**WAC 16-322-015 REQUIREMENTS FOR THE PRODUCTION OF REGISTERED AND CERTIFIED MINT ROOTSTOCK.** (1) Land requirements((-):

(a) For registered mint rootstock, land to be eligible ((**must**)) shall not have grown mint and shall be free of noxious weeds. Due to the danger of root knot nematode, land that has been used for other vegetatively propagated crops such as potatoes, hops, etc., ((**should**)) shall be avoided.

(b) For certified mint rootstock, land to be eligible shall not have grown uncertified mint.

(2) Isolation requirements((-):

(a) A field to be eligible ((**must**)) shall be at least five thousand feet from fields infested with verticillium wilt of mint, one thousand feet from any mint field unless of equal standards, and it ((**can**)) shall not be included in a farm operational unit which has a wilt infested field or grown on a farm which has previously grown uncertified mint.

(b) In all cases where an adjoining field is planted with a different species or variety of mint, isolation between fields shall be a minimum of twenty feet separation to prevent mechanical mixing of rootstocks during harvesting and transport of the rootstocks.

(3) Plant requirements((-): Fields ((**must**)) shall be planted with pure, living rootstock of foundation or registered planting rootstock.

(4) Miscellaneous requirements((-):

(a) Soil borne insects and nematodes ((**must**)) shall be controlled.

(b) Fields ((**must**)) shall show evidence of control of noxious weeds and free from mint species of types other than those being grown for certification.

(c) Evidence of ((**rouging**)) rouging without permission of the department may give cause for rejection of fields. When directed by the department, growers ((**must**)) shall dig and immediately destroy all unhealthy and off-type plants.

(d) Hay from registered planting stock fields may be harvested for oil ((**provided that**)): **PROVIDED**, That all harvesting equipment is sterilized by steam cleaning, or by other approved methods under the supervision of the department.

(e) The cooked hay ((**is to**)) shall be destroyed by burning.

(f) Sanitation methods and procedures ((**must**)) shall be approved by the department.

(g) Irrigation water proposed for use on the planting stock fields and the water drainage on to such fields ((**must**)) shall be approved by the department.

(h) Harvesting equipment ((**must**)) shall be sterilized by steam cleaning, or other approved methods before used on another lot or farm.

(i) Pasturing of livestock on mint rootstock fields shall not be permitted with the exception of weeding animals and fowl.

**AMENDATORY SECTION** (Amending Order 1017, Regulation 4, filed 5/20/66)

**WAC 16-322-025 MINT ROOTSTOCK FIELD INSPECTIONS.** (1) At least two field inspections and as many more as are deemed necessary by the department shall be made each year. It is the duty of the grower, before cutting mint hay, to notify the department so the proper inspections can be made. Certification may be denied if mint is harvested from a field before proper inspection has been completed.

(2) The mint rootstocks ((**must**)) shall be inspected after they are dug.

**AMENDATORY SECTION** (Amending Order 1087, filed 4/24/68, effective 5/24/68)

**WAC 16-322-035 WASHINGTON STANDARDS FOR MINT ROOTSTOCKS (PEPPERMINT AND SPEARMINT).** (1) Washington No. 1 shall consist of mint rhizomes of plants with similar varietal characteristics which are (a) fresh, (b) firm, (c) moist, (d) free of mold, (e) free of detectable, dangerous insects, nematodes, diseases and other pests, and (f) reasonably free of excess soil.

(2) Tolerances. In order to allow for variations incident to proper grading and packing, not more than a combined total of five per cent, by count, of the rhizomes in any lot ((**may**)) shall fail to meet the requirements of the above grade. The tolerances for the standards are on a "load" basis but ((**should**)) shall be determined by sampling on a weight basis.

(3) Specific requirements.

Pests and Diseases	Tolerance for:		
	Foundation Rootstock	Registered Rootstock	Certified Rootstock
Mint flea beetle ( <i>Longitarsus waterhousei</i> Kutschera)	0	0	1%
Rootknot nematode ( <i>Meloidogyne</i> spp.)	0	0	Moderate
Verticillium wilt ( <i>Verticillium albo-atrum</i> Reinke & Berth.) Var. <i>Menthae</i> Nelson	0	0	0
Mint rust ( <i>Puccinia Menthae</i> Pers.)	Trace	Trace	Moderate
Other pests and diseases	1%	1%	1%

Any portion of a certified field not meeting requirements may be delimited if, in the judgment of the department, it will not jeopardize the remainder.

**AMENDATORY SECTION** (Amending Order 1017 (part), filed 5/20/66)

**WAC 16-322-040 ((WARRANTY CLAUSE)) CERTIFYING AGENCY ISSUANCE OF CERTIFICATE.** (1) The ((**department of agriculture assumes no**

~~responsibility for any undesirable condition not readily discernable by inspection methods used nor as to condition subsequent to inspection by the department.~~

~~(2) Certification does not imply any warranty on the part of the department or any employee thereof)) issuance of a certified state of Washington plant tag or stamp under this chapter affirms solely that the tagged or stamped mint root stock has been subjected to certification standards and procedures by the department. The department disclaims all express or implied warranties, including without limitation, implied warranties of merchantability and fitness for particular purpose, regarding all plants, plant parts, and plant materials under this chapter.~~

~~(2) The department is not responsible for disease, genetic disorder, off-type, failure of performance, mislabeling, or otherwise, in connection with this chapter. No grower, nursery dealer, government official, or other person is authorized to give any expressed or implied warranty, or to accept financial responsibility on behalf of the department regarding this chapter.~~

~~(3) Participation in ((this)) the mint rootstock certification program shall be voluntary.~~

AMENDATORY SECTION (Amending Order 1087, filed 4/24/68, effective 5/24/68)

WAC 16-322-045 IDENTIFICATION AND MOVEMENT OF MINT ROOTSTOCK. (1) The department ~~((with)) shall~~ issue a certificate covering mint rootstock that meets the requirements of ~~((this)) the certification~~ program and authorize the use of official certificates and seals for the identification of such rootstocks. The certificate shall indicate presence of noxious weeds at the final field inspection.

(2) Any person selling certified mint rootstock ~~((is)) shall be~~ responsible for the identity of the stock bearing each certificate and for such stock meeting the requirements of ~~((this)) the certification~~ program. Persons issued certificates authorized by the program shall account for stock produced and sold and keep such records as may be necessary.

(3) All registered and certified mint rootstocks moving from the place of origin ~~((must)) shall~~ be conveyed in clean trucks and covered by new plastic or clean canvas tarps and properly sealed.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-322-020 REQUIREMENTS FOR THE PRODUCTION OF CERTIFIED MINT ROOT-STOCK.

WSR 85-15-018

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1864—Filed July 8, 1985]

I, Michael V. Schwisow, deputy director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to amending chapter 16-565 WAC with minimum technical changes as authorized in RCW 15.65.380.

This action is taken pursuant to Notice No. WSR 85-11-078 filed with the code reviser on May 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 15.65.380 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED July 8, 1985.

By Michael V. Schwisow  
Deputy Director

AMENDATORY SECTION (Amending Order 1713, filed 9/12/80, effective 10/13/80)

WAC 16-565-010 DEFINITION OF TERMS. For the purpose of this marketing order:

(1) "Director" means the director of agriculture of the state of Washington or his duly appointed representative.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Act" means the Washington Agricultural Enabling Act of 1961 or chapter 15.65 RCW.

(4) "Person" means any person, firm, association, or corporation.

(5) "Affected producer" means any person who produces cranberries in the state of Washington, in commercial quantities for fresh market, for processing, or for sale to processors.

(6) "Commercial quantity" means any cranberries produced for a market, by a producer in any calendar year.

(7) "Handler" means any person who acts as principal or agent or otherwise in processing, selling, marketing, or distributing cranberries not produced by him.

(8) "Cranberry commodity board," hereinafter referred to as "board," means the commodity board formed under the provisions of WAC 16-565-020.

(9) "Cranberries" means and includes all kinds, varieties, and hybrids of "vaccinium macrocarpon" grown and marketed in the state of Washington.

(10) "Fiscal year" means the twelve-month period beginning with September 1 of any year and ending with the last day of August following, both dates being inclusive.

(11) "Producer-handler" means any person who acts both as a producer and as a handler with respect to

cranberries. A producer-handler shall be deemed to be a producer with respect to the cranberries which he produces and a handler with respect to the cranberries which he handles, including those produced by himself.

(12) "Affected area" means the state of Washington.

(13) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade, other than those sold retail by the producer.

(14) "Affected unit" means one hundred pounds (barrel) net of cranberries.

(15) "Substantial portion" means five percent or more.

(16) "Order" means marketing order.

**AMENDATORY SECTION** (Amending Order 1713, filed 9/12/80, effective 10/13/80)

**WAC 16-565-020 CRANBERRY COMMODITY BOARD.** (1) Administration. The provisions of this order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) Board membership.

(a) The board shall consist of eight members. Seven members shall be affected producers elected as provided in this section. The director shall appoint one member who is neither an affected producer nor a handler to represent the department and the public.

(b) For the purpose of nomination and election of producer members of the board, the affected area shall be the state of Washington and shall be divided into three representative districts as follows:

District I shall have two board members, being positions 1 and 2, and shall comprise that portion of Pacific County lying south of the Willapa River.

District II shall have four board members, being positions 3, 4, 5, and 6, and shall comprise that portion of Pacific County and that portion of Grays Harbor County lying between the Willapa River and the Chehalis River.

District III shall have one board member, being position 7, and shall comprise the rest of the state.

(3) Board membership qualifications. The affected producer members of the board shall be practical producers of cranberries and shall be citizens and residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in producing cranberries within the state of Washington for a period of five years and has, during that time, derived a substantial portion of his income therefrom. Producer-handlers shall be considered to be acting only as producers for purpose of election and membership on a commodity board. The qualifications of members of the board as herein set forth must continue during the terms of office.

(4) Term of office.

(a) The term of office for members of the board shall be three years, and one-third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through seven and the member appointed by the director, position eight.

(c) The term of office for the initial board members shall be as follows:

Positions one and three - one year;

Positions four and five - two years;

Positions two, six, seven, and eight - three years.

(d) No elected member of the board may serve more than two full consecutive three-year terms.

(5) Nomination and election of board members. Each year the director shall call for a nomination meeting. Such meeting shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such meeting; and, in addition, written notice of every such meeting shall be given to all affected producers according to the list maintained by the director pursuant to RCW 15.65.200 of the act. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer may be nominated orally for membership on the board at such nomination meeting. Nominations may also be made within five days after any such meeting by written petition filed with the director, signed by not less than five affected producers. At the inception of this marketing order, nominations may be made at the issuance hearing.

(6) Election of board members.

(a) Members of the board shall be elected by secret mail ballot within the month of June under the supervision of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers. Each affected producer shall be entitled to one vote.

(b) If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears on the list of such affected producers maintained by the director in accordance with RCW 15.65.200. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his qualifications. Nonreceipt of a ballot by any affected producer shall not invalidate the election of any board members.

(7) Vacancies prior to election. In the event of a vacancy on the board, the remaining members shall select a qualified person to fill the unexpired term.

(8) Quorum. A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(9) Board compensation. No member of the board shall receive any salary or other compensation, but each member (~~shall~~) may receive per diem in accordance with RCW 15.65.270 for each day in actual attendance at or traveling to and from meetings of the board or on

special assignment for the board, ~~((and))~~ together with travel expenses at the rates allowed state employees.

(10) Powers and duties of the board. The board shall have the following powers and duties:

(a) To administer, enforce, and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel as the board determines necessary and proper to carry out the purpose of the order and effectuate the declared policies of the act.

(d) To pay ~~((only))~~ from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration, and enforcement of the order. Such expenses and costs may be paid by check, draft, or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To accept grants and gifts and expend the same consistent with the policies and purpose of this order.

(f) To reimburse any applicant who has deposited with the director in order to defray the costs of formulating the order.

~~((ff))~~ (g) To establish a "cranberry board marketing revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except as the amount of petty cash for each day's needs, not to exceed one hundred dollars, shall be deposited each day or ~~((as often during the day))~~ as advisable.

~~((gg))~~ (h) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, paid outs, moneys, and other financial transactions made and done pursuant to this order. Such records, books, and accounts shall be audited at least annually subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year ~~((of the state of Washington))~~. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor, and the board.

~~((th))~~ (i) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

~~((tt))~~ (j) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year.

~~((tt))~~ (k) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books, and minutes of board meetings shall be kept at such headquarters.

~~((tt))~~ (l) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.04 RCW (Administrative Procedure Act).

~~((tt))~~ (m) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the order and the act, along with the necessary authority and procedure for obtaining such information.

~~((tt))~~ (n) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction, or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon him/her by the act or the order.

~~((tt))~~ (o) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements, or orders.

~~((tt))~~ (p) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(11) Procedures for board.

(a) The board shall hold regular meetings, at least ~~((quarterly))~~ semiannually, and such meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meetings Act).

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer and by notifying the regular news media.

(c) The board shall establish by resolution, the time, place, and manner of calling special meetings of the board with reasonable notice to the members: PROVIDED, That the notice of any special meeting may be waived by a waiver thereof by each member of the board.

**WSR 85-15-019**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**GENERAL ADMINISTRATION**  
[Filed July 9, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of General Administration intends to adopt, amend, or repeal rules concerning state capitol grounds traffic and parking regulation, chapter 236-12 WAC.

Copy of proposed rules shown below but right reserved to make changes in content.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 27, 1985.

The authority under which these rules are proposed is RCW 46.08.150.

The specific statute these rules are intended to implement is chapter 236-12 WAC.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 27, 1985.

Dated: July 9, 1985  
 By: Richard A. Virant  
 Director

**STATEMENT OF PURPOSE**

Title and Description: WAC 236-12-200 Authorization for issuance of permits, concerns the authorization and purpose for issuance of parking permits in parking areas on the state capitol grounds; 236-12-290 Parking fees, describes the parking fees charged for rental of parking spaces on the state capitol grounds; and 236-12-295 Free parking permits for carpool/vanpools, describes the terms and conditions set forth for obtaining parking permits for free parking on state capitol grounds by state-employed participants of carpools/vanpools. It also defines carpools/vanpools.

Summary of Amendatory Purpose: The director of the Department of General Administration will adopt this amendatory rule on August 27, 1985, to allow free parking on the state capitol grounds for carpool/vanpool participants to encourage ridesharing, thus reducing traffic congestion.

Agency's Responsibility: The Department of General Administration, Office of the Director, 218 General Administration Building, Olympia, 753-5434, is responsible for implementation and enforcement of the provisions of chapter 236-12 WAC as amended.

AMENDATORY SECTION (Amending Order 12, filed 12/19/73)

WAC 236-12-200 AUTHORIZATION FOR ISSUANCE OF PERMITS. The director may issue parking permits in the parking areas of the capitol grounds designated by him to state officials, state employees, state agencies for official cars and to such other individuals as he may determine require parking facilities to aid in carrying out state business. The purpose for which parking permits are issued is to facilitate the conduct of government by providing state employees and visitors convenient parking while on the capitol campus for official purposes. Parking spaces may not be used for other purposes such as the conduct of private business or the storage of personal property. Repeated use of assigned parking spaces for such purposes may result in the cancellation of parking privilege.

AMENDATORY SECTION (Amending Order 78-3, filed 4/7/78)

WAC 236-12-290 PARKING FEES. The fees for rental parking shall be as follows:

PARKING FEES	AUTOMOBILE	MOTOR-CYCLE/ MOTOR-DRIVEN CYCLE
(a) Covered space (garage)	\$ 10.00/month	\$5.00/month
(b) Open space (lots/streets)	\$ 5.00/month	\$3.00/month
(c) Parking-by-the-day	\$1.00 per day maximum	
(d) No charge for visitors or tourists except where mechanical devices or meters are installed for general or specific area use.		
(e) No charge for carpools/vanpools to which permits have been issued in accordance with WAC 236-12-295.		

NEW SECTION

WAC 236-12-295 FREE PARKING PERMITS FOR CARPOOLS/VANPOOLS. Parking permits shall be issued to carpools and vanpools without charge subject to the terms and conditions set forth herein. To be eligible for such permits, the carpool/vanpool must consist of at least three persons per vehicle. The application must be submitted by a state employee, and shall include the names of all other persons who are members of the carpool or

vanpool. Members of carpools/vanpools to which permits are issued under this section shall not be eligible for issuance of any other parking permits.

Permits issued under this section shall expire at the end of three months from the date of issuance. Application for renewal must be presented in person to the parking office at least two weeks prior to the expiration date.

It shall be the responsibility of all members of a carpool/vanpool to which a parking permit is issued hereunder to notify the parking office of any changes in the ridesharing arrangements which affect the eligibility of the carpool/vanpool for the permit.

**WSR 85-15-020**

**ADOPTED RULES**

**PUBLIC DISCLOSURE COMMISSION**

[Order 85-03—Filed July 9, 1985]

Be it resolved by the Public Disclosure Commission, acting at 403 Evergreen Plaza Building, FJ-42, Olympia, WA 98504-3342, that it does adopt the annexed rules relating to:

- New WAC 390-18-010 Political advertising.
- Amd ch. 390-05 WAC Definitions.
- Amd ch. 390-12 WAC Operations.
- Amd WAC 390-13-100 Duties of elections officials.
- Amd ch. 390-14 WAC Public records.

This action is taken pursuant to Notice Nos. WSR 85-11-008 and 85-11-067 filed with the code reviser on May 6, 1985, and May 21, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 42.17.370(1) 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 June 25, 1985.

By Graham E. Johnson  
 Administrator

NEW SECTION

WAC 390-05-290 DEFINITION—POLITICAL ADVERTISING. Political advertising does not include letters to the editor, news or feature articles, editorial comment or replies thereto in a regularly published newspaper, periodical, or on a radio or television broadcast where payment for the printed space or broadcast time is not normally required.

NEW SECTION

WAC 390-18-010 POLITICAL ADVERTISING. IDENTIFICATION OF SPONSOR. (1) For the purposes of RCW 42.17.510 and this rule, "sponsor" means the candidate, political committee or other person paying for the advertising. If a person acts as an agent for another or is reimbursed by another for the payment, the original source of the payment is the sponsor.

(2) With advertising for which no payment is demanded or for which a cost is not readily ascertainable, the sponsor is the candidate, political committee or person who solicits or arranges for the advertising to be displayed or broadcast.

(3) If more than one person sponsors specific advertising, the identity of each sponsor must be shown. However, if a person contributes in cash or in-kind to a candidate or political committee to assist in paying the cost of advertising, it is unnecessary to include that contributor's name as a sponsor provided the contribution is reported in accordance with applicable provisions of chapter 42.17 RCW.

(4) Printed advertising shall clearly state in an area apart from the body of the text that it has been paid for by the sponsor (Example: (1) Paid for by the XYZ Committee, mailing address, city, state, zip code; (2) Vote For John Doe, paid for by John Doe, mailing address, city, state, zip code). Broadcast advertising shall conform to the requirements of the Federal Communications Commission.

(5)(a) Political advertising consisting of more than one page but intended to be presented as a single item (i.e. 3-page letter with return envelope) must identify the sponsor on the first page of the advertising. Identification on subsequent pages or inserts to the same advertising is not required. Identification on an enclosed return envelope or the envelope in which the advertising is sent is not sufficient.

(b) Political advertising which is a collection of several items relating to more than one candidate or committee and distributed simultaneously must show the respective sponsor on the respective items.

#### NEW SECTION

WAC 390-18-020 POLITICAL ADVERTISING—POLITICAL PARTY IDENTIFICATION. (1) In newspaper advertising, brochures, mailings and similar printed advertising, a candidate's political party affiliation must be:

(a) printed in letters no smaller than 10 point bold face type (or 1/8" high if type is not used),

(b) placed in an area apart from the body of text of the advertisement.

(2) On yard signs, bus signs, hand-held signs, banners, bumper strips, posters and similar type advertising, a candidate's political party affiliation must be:

(a) printed in letters no smaller than 60 point type (or 5/8" high if type is not used),

(b) printed in a color which contrasts with the background on which the party affiliation is printed.

(3) The commission shall publish a suggested list of abbreviations or symbols which may be used by candidates and political committees which the commission finds will clearly identify political party affiliation.

#### NEW SECTION

WAC 390-18-030 POLITICAL ADVERTISING—EXEMPTIONS FROM SPONSOR IDENTIFICATION. (1) The following forms of political

advertising need not include the sponsor's name and address because such identification is impractical: ashtrays, badges and badge holders, balloons, bingo chips, brushes, bumper stickers—size 4" x 15" or smaller, buttons, cigarette lighters, clothes pins, clothing, coasters, combs, cups, earrings, emery boards, envelopes, erasers, frisbees, glasses, golf balls, golf tees, hand-held signs, hats, horns, ice scrapers, inscriptions, key rings, knives, labels, letter openers, magnifying glasses, matchbooks, nail clippers, nail files, newspaper ads of one column inch or less, noisemakers, paper and plastic cups, paper and plastic plates, paper weights, pencils, pendants, pennants, pens, pinwheels, plastic tableware, pocket protectors, pot holders, reader boards where message is affixed in moveable letters, ribbons, 12-inch or shorter rulers, shoe horns, skywriting, staple removers, stickers—size 2-3/4" x 1" or smaller, sunglasses, sun visors, swizzle sticks, state or local voters pamphlets published pursuant to law, tickets to fund raisers, water towers, whistles, yard signs—size 4' x 8' or smaller, yo-yos, and all other similar items.

AMENDATORY SECTION (Amending Order 62, filed 8/26/75)

WAC 390-05-200 DEFINITION—CANDIDATES FOR PUBLIC OFFICE—TIME OF FILING. The following circumstances shall give rise to presumption that an individual is a "candidate" as that term is defined in RCW 42.17.020(5):

((a)) (1) The existence of a political committee promoting the election of such individual for public office with the knowledge and consent of that individual; or,

((b)) (2) A public declaration of candidacy by an individual even if the candidacy is conditioned on a future occurrence.

AMENDATORY SECTION (Amending Order 63, filed 9/10/75)

WAC 390-05-205 DEFINITION OF TERM "CONSUMABLE." For the purpose of RCW 42.17.020((f)) (10) the term "consumables" includes the amount paid for food, beverages, preparation or catering, entertainment cost or fair market value of items sold, raffled, or given as prizes.

AMENDATORY SECTION (Amending Order 62, filed 8/26/75)

WAC 390-05-210 DEFINITION—CONTRIBUTION. The term "contribution" as defined in RCW 42.17.020((f)) (10) shall be deemed to include, ((amount)) among other things, furnishing services or property or rights on a discriminatory basis or at less than their fair market value as defined in WAC 390-05-235, for the purpose of assisting any candidate or political committee. ((In the case of services or property or rights having no other fixed or determinable market value, the value of such contribution shall be determined by estimating if possible, the difference in cost of achieving the same result with or without the use of such services or property.)) If no reasonable estimate of the value of such services, property or rights is practicable, it shall be

sufficient to report instead a precise description of such services, property or rights so furnished.

AMENDATORY SECTION (Amending Order 62, filed 8/26/75)

WAC 390-05-220 DEFINITION—CONSIDERATION. The term "consideration" as used in the act and in these ~~((regulations))~~ rules shall be deemed to include anything of value promised or paid or transferred in return for a person's property or services rendered or to be rendered, including but not limited to reimbursement for traveling or other expenses.

AMENDATORY SECTION (Amending Order 62, filed 8/26/75)

WAC 390-05-250 DEFINITION—PUBLIC DISCLOSURE COMMISSION. The "public disclosure commission" is the commission appointed by the governor pursuant to RCW 42.17.350. The public disclosure commission shall hereinafter be referred to as the commission. ~~((Where appropriate, the term "commission" also refers to the staff and employees of the commission.))~~

AMENDATORY SECTION (Amending Order 82-05, filed 7/28/82)

WAC 390-05-300 SUSPENSION OF REPORTING REQUIREMENTS. From the effective date of ~~((chapter 60, Laws of 1982))~~ RCW 42.17.405 ~~((until January 1, 1986))~~, the following reporting requirements are suspended in jurisdictions with less than one thousand registered voters as of the date of the most recent general election in the jurisdiction:

(1) The F-1 financial reports of public officials required by RCW 42.17.240 and WAC 390-390-24-010, 390-24-020 and 390-24-025;

(2) The L-5 public agency lobbying report required by RCW 42.17.190 and WAC 390-20-120;

(3) The C-1 through C-4 campaign finance reports required for ballot issues by RCW 42.17.040 through 42.17.090 and WAC 390-16-011, 390-16-031, 390-16-036, 390-16-041, and independent campaign expenditure reports (C-6) required for ballot ~~((issued))~~ issues by RCW 42.17.100 and WAC 390-16-050: Provided, That reporting requirements shall be reinstated by order of the commission at its next regular or special meeting if:

(a) A certified "petition for disclosure" containing the valid signatures of five percent of the number of registered voters of the jurisdiction as of the date of the most recent general election in the jurisdiction is filed with the commission; or

(b) The jurisdiction has by ordinance, resolution or other official action petitioned the commission to void the suspension with respect to elected officials, candidates and ballot propositions for the jurisdiction.

If reporting requirements are reinstated by petition, the commission shall promptly notify all known affected candidates and incumbent elected officials of their duty

to file disclosure reports. Such individuals and committees shall be ordered to file the required statements within thirty days of the commission order.

**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 82-05, filed 7/28/82)

WAC 390-05-305 PETITION FOR DISCLOSURE—FORM. (1) A petition for disclosure shall be legible, on 8-1/2 x 11" paper and shall include the following information:

(a) The name of the jurisdiction~~((:));~~

~~((b) ((The legibly printed name and address and the legal signature of at least a sufficient number of voters. If the jurisdiction is in more than one county, the county of residence shall also be indicated. A sufficient number of voters is five percent of the number of registered voters in the jurisdiction as of the date of the most recent general election in the jurisdiction.~~

~~((c))~~ (c) A request that public disclosure be required~~((:));~~

~~((d))~~ (d) The names and addresses of all known candidates and ballot proposition committees in the jurisdiction who will be required to report~~((:));~~

~~((e))~~ (e) The legibly printed name and address and the legal signature of at least five percent of the number of registered voters in the jurisdiction as of the date of the most recent general election in the jurisdiction.

(2) The petition shall be verified and certified by the auditor or elections officer of the county or counties in which the jurisdiction is located. The signatures shall be verified by comparing the signatures on the petition to the signatures on the voter registration roll. The auditor shall place his seal on each verified page of the petition in order to certify it to the commission.

(3) A suggested form for petition is:

"We, the undersigned citizens and registered voters of (name of jurisdiction), request that the Public Disclosure Commission ~~((cancel the))~~ order disclosure ~~((suspension))~~ in (name of jurisdiction)."

(4) A suggested form for the petition of a jurisdiction by ordinance, resolution or other official action is:

"We, the (governing board) of (name of jurisdiction) request that the Public Disclosure Commission ~~((cancel the))~~ order disclosure ~~((suspension))~~ in (name of jurisdiction). This request is made pursuant to ~~((chapter 60, Laws of 1982))~~ RCW 42.17.405 and WAC 390-05-305(4)."

**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 82-01, filed 2/4/82)

WAC 390-12-010 PUBLIC DISCLOSURE COMMISSION—REGULAR MEETINGS. Pursuant to ~~((section 7, chapter 250, Laws of 1971 ex. sess. and RCW 42.30.070))~~ RCW 42.30.075, regular meetings of the public disclosure commission shall be held on the fourth Tuesday of each calendar month at 9:00 a.m. except November and December when they shall be held on the third Tuesday. The meetings shall be held in the second floor conference room, Evergreen Plaza Building, 711 Capitol Way, Olympia, Washington, unless circumstances require relocating to another site. If relocating is required, the meeting shall be held at a place designated by the chairman of the commission.

AMENDATORY SECTION (Amending Order 62, filed 8/26/75)

WAC 390-12-040 PUBLIC DISCLOSURE COMMISSION—DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION. (1) The public disclosure commission is a five member commission appointed by the governor with the consent of the senate. The commission is assisted by a staff consisting of an executive director and such other employees as are necessary. The administrative office of the commission ~~((and its staff are))~~ is located at Public Disclosure Commission, Room 403, Evergreen Plaza Building, Olympia, Washington.

AMENDATORY SECTION (Amending Order 79-05, filed 9/7/79)

WAC 390-12-050 OPERATIONS AND PROCEDURES. (1) The public disclosure commission was created by the passage of Initiative 276 in 1972 for the principal purpose of providing the public with accurate information about certain financial affairs of candidates and elected officials, about the financing of election campaigns and the sponsors of political advertising, and about expenditures made in the course of lobbying. The initiative also contains provisions guaranteeing citizen access to most records of most elements of state and local government.

(2) The duties, responsibilities and powers of the commission are set forth in RCW 42.17.360, 42.17.370, 42.17.395 and 42.17.397. Provisions for establishing the commission and appointing the members thereof are stated in RCW 42.17.350.

(3) Commissioners meet monthly to consider and act on major policy matters, on requests for reporting modifications and on enforcement cases. All meetings are conducted in accordance with the Open Public Meetings Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter ~~((s))~~ 34.04 ~~((and 1.08))~~ RCW), and Sturgis Standard Code of Parliamentary Procedure. The passage of any motion adopting, amending or repealing any rule, or recommending changes to the act shall require a majority vote of the members of the commission as distinguished from a quorum of the commissioners.

(4) The staff prepares and distributes reporting forms and instructions in the most practical manner to persons subject to the law. The instructions are intended to satisfy the requirement of RCW 42.17.360 to publish bookkeeping manuals. ~~((They provide))~~ The staff also provides personal instruction and technical assistance to persons with specific problems and questions.

(5) Between 35,000 and 45,000 reports are received during a calendar year from approximately ~~((11,000))~~ 9,000 reporting "clients." The staff receives these reports, records their receipt, and microfilms and files them. Every effort is made to have reports ~~((filed))~~ filmed and available for public inspection and copying within twenty-four hours of their receipt.

(6) Procedures for accessing the files of the agency are given in chapter 390-14 WAC. The staff will provide microfiche copies of reports when requested by mail or telephone. Reports are generally sent the same day the request is received. Answers to telephone inquiries seeking information from particular reports will be limited to (a) verification that a report is on file and (b), if regarding a campaign financing report, the most recent totals for contributions and expenditures.

(7) While some citizens will benefit from the reports by personally reviewing them, most will look to the news media for information. The staff compiles occasional summaries and studies for distribution to news outlets. Known as "Reports to the Public," they provide a condensed mirror image of the information in reports filed with the commission.

(8) The act demands complete, accurate and timely reporting. The commission, as a vehicle of communication between those engaged in political life and the general public, is expected to take whatever actions are necessary to assure the public of having the information it is entitled to; that the flow of communication is not interrupted by those responsible for providing the information. Within the ~~((limited))~~ resources provided the commission, reports are reviewed, field audits are conducted and complaints are investigated. The staff concentrates on assisting people in meeting their obligations under the law in hopes of fulfilling the purpose of the act without having to resort to enforcement actions resulting in embarrassment and monetary penalties. Gross negligence and evasions of the act will not be tolerated, however. Acting without fear or favor, the staff will bring to the commissioners for appropriate action all matters where ~~((negligence and/or evasion is indicated))~~ there is evidence of a material violation of chapter 42.17 RCW and/or lack of substantial compliance.

AMENDATORY SECTION (Amending Order 62, filed 8/26/75)

WAC 390-12-170 PUBLIC DISCLOSURE COMMISSION—ORGANIZATION AND STRUCTURE—OFFICERS—TERMS. The officers of the public disclosure commission for administrative purposes shall be chairman, vice chairman and secretary. Their terms shall be one year ~~((and))~~ or until a successor is elected ~~((and qualified))~~.

AMENDATORY SECTION (Amending Order 62, filed 8/26/75)

WAC 390-12-200 PUBLIC DISCLOSURE COMMISSION—~~((ADMINISTRATOR)) EXECUTIVE DIRECTOR~~. The commission shall employ and fix the compensation of an ~~((administrator)) executive director~~ who shall perform the following duties under the general authority and supervision of the commission:

(1) Act as records officer and administrative arm of the commission.

(2) Coordinate the policies of the commission and the activities of all commission employees and other persons who perform ministerial functions for the commission.

(3) Act as liaison between the commission and other public agencies.

AMENDATORY SECTION (Amending Order 81-03, filed 8/28/81)

WAC 390-12-250 DECLARATORY RULINGS—PETITION REQUISITES—CONSIDERATION—DISPOSITION. (1) Any person may submit a petition for a declaratory ruling pursuant to RCW 34.04.080 in any form so long as it

(a) Clearly states the question the declaratory ruling is to answer, and

(b) Provides a statement of the facts which raise the question.

(2) The ~~((administrator)) executive director~~ may conduct an independent investigation in order to fully develop the relevant facts.

(3) The ~~((administrator)) executive director~~ will present the petition to the commission at the first meeting when it is practical to do so and will provide the petitioner with at least five days notice of the time and place of such meeting. Such notice may be waived by the petitioner.

(4) The petitioner may present additional material and/or argument at any time prior to the issuance of the declaratory ruling.

(5) The commission may issue either a binding or a nonbinding ruling or decline to issue any ruling.

(6) The commission may decide that a public hearing would assist its deliberations and decisions. If such a hearing is ordered, it will be placed on the agenda of a meeting and at least five days notice of such meeting shall be provided to the petitioner.

(7) If a ruling is to be issued, the petitioner shall be provided a copy of the proposed ruling and invited to comment.

(8) The declaratory ruling cannot be a substitute for a compliance action and is intended to be prospective in effect.

(9) The commission will decline to consider a petition for a declaratory ruling or to issue a ruling when (a) the petition requests advice regarding a factual situation which has actually taken place, or (b) when a pending investigation or compliance action involves a similar factual situation.

AMENDATORY SECTION (Amending Order 83-02, filed 8/24/83)

WAC 390-13-100 DUTIES OF ELECTIONS OFFICIALS RECEIVING COPIES OF CAMPAIGN FINANCE REPORTS. (1) Pursuant to ~~((chapter 294, Laws of 1983))~~ RCW 42.17.375, when arranging, indexing, handling and providing access to reports filed with the county as required by chapter 42.17 RCW, county election officers shall adhere to the following:

(a) Each report on receipt shall be marked with the date (or some means of determining the date) the report was postmarked and/or the date on which it was received by the elections office.

(b) Files for these reports shall be maintained separate from all other reports and documents in the office and shall be arranged alphabetically by the name of the candidate or committee. Elections officers may segregate files into additional categories, if desired.

(c) Files may be maintained in paper form or on micrographics, equipment for viewing film and for reproducing individual frames on paper must be made available to the public.

(d) A separate, special index shall be maintained showing the name of each candidate or committee for whom reports are on file. The index need not list each report subsequently filed. The index shall be readily available for public inspection.

(e) Reports shall be placed in the files and available for public inspection by the end of the next business day following receipt.

(f) Mindful that the public's right to know of the financing of political campaigns is paramount, elections officials shall give priority to and promptly honor each request for public inspection of the campaign finance report files.

(2) Copies of reports must be maintained by elections officers for a period of at least six years, in accordance with RCW 42.17.450, and records retention schedules prepared pursuant to chapter 40.14 RCW.

(3) A description of the county's method of filing and indexing campaign finance reports shall be sent to the public disclosure commission within 30 days of the effective date of this rule. The description shall be updated any time there is a revision to the filing and indexing system.

**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 62, filed 8/26/75)

WAC 390-14-015 PUBLIC RECORDS OFFICER. The commission's public records ~~((shall be in charge of the public records officer designated by the commission. The person so designated shall be))~~ officer, who is located in the administrative office of the commission ~~((The public records officer shall be))~~ is responsible for ~~((the following: The implementation of))~~ implementing the commission's rules and regulations regarding release of public records, coordinating the

staff of the commission in this regard, and ~~((generally))~~ insuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

**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 62, filed 8/26/75)

WAC 390-14-020 HOURS FOR RECORDS INSPECTION AND COPYING. Public records shall be available for inspection and copying during the customary office hours of the commission. ~~((Per the purposes of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m., Monday through Friday, excluding legal holidays.))~~

**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 64, filed 11/25/75)

WAC 390-14-025 REQUESTS FOR PUBLIC RECORDS. (1) In accordance with requirements of chapter 42.17 RCW that agencies present unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied ~~((or copies of such records may be inspected or copied or copies of such records may be obtained;))~~ by ~~((members of the public, upon compliance with the following procedures: (1) A request shall be made in writing upon a form prescribed by the commission which shall be available at its administrative office. The form shall be presented to the public records officer or to any member of the commission's staff, if the public records officer is not available, at the administrative office of the commission during customary office hours. The request shall include the following information:~~

- ~~(a) The name of the person requesting the record;~~
- ~~(b) The time of day and calendar date on which the request was made;~~
- ~~(c) The nature of the request;~~
- ~~(d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index;~~
- ~~(e) If the request matter is not identifiable by reference to the commission's current index, an appropriate description of the record requested)) requesting in person, by letter, or by telephone the desired record(s).~~

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made to assist the member of the public in appropriately identifying the public record requested.

**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 82-06, filed 8/25/82)

WAC 390-14-030 COPYING OF PUBLIC RECORDS. No fee shall be charged for the inspection of public records. The commission shall charge a fee of ten cents per page of copy for providing copies of public records maintained on paper. A fee of twenty-five cents per film shall be charged for copies of microfiche. These charges are the amounts necessary to reimburse the commission for its actual costs incident to such copying including the use of the commission's copy equipment. Charges will not be assessed if the total cost involved in a particular request is less than one dollar.

AMENDATORY SECTION (Amending Order 62, filed 8/26/75)

WAC 390-14-035 EXEMPTING RECORDS FROM PUBLIC INSPECTION. (1) ~~The ((commission reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 390-14-025 is exempt under the provisions of RCW 42.17.310;))~~ public records officer shall delete information the disclosure of which would violate personal privacy or endanger vital government interests from any record prior to permitting public inspection or copying. After such data is deleted, the remainder of the record shall be made available.

(2) ~~((In addition, pursuant to RCW 42.17.260, the commission reserves the right to delete identifying details when its makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The public records officer will fully justify such deletion in writing.~~

(3)) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

AMENDATORY SECTION (Amending Order 62, filed 8/26/75)

WAC 390-14-040 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the chairman of the commission. The chairman shall immediately consider the matter and either affirm or reverse such denial or call a special meeting of the commission as soon as legally possible to

review the denial. In any case, the request shall be returned with a final decision within two business days following the original denial.

~~((3) Administrative remedies shall not be considered exhausted until the commission has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first:))~~

AMENDATORY SECTION (Amending Order 62, filed 8/26/75)

WAC 390-14-045 RECORDS INDEX. (1) The commission has available to all persons a current index which ~~((provides identifying information as to the following records issued, adopted or promulgated since its inception: (a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases; (b) those statements of policy and interpretation of policy, statute and the constitution which have been adopted by the agency; (c) administrative staff manuals and instructions to staff that affect a member of the public; (d) planning policies and goals; and interim and final planning decisions; (e) factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and (f) correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party)) is the records retention schedule and the specific indexes to reporting clientele.~~

(2) The current index promulgated by the commission shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

AMENDATORY SECTION (Amending Order 80-05, filed 5/2/80)

WAC 390-14-100 LIST OF ELECTED PUBLIC OFFICIALS. (1) The public disclosure commission shall prepare, collate and make available for public distribution a list of all state elected officials of the state of Washington. The list shall be published by the commission and updated annually.

(2) In addition, the list shall contain those entities which are reported by those state elected officials pursuant to RCW ~~((42.17.240))~~ 42.17.241 (1)(g).

(3) This list shall contain the most recent information on file with the commission as of February ~~((+5))~~ 1 each year.

AMENDATORY SECTION (Amending Order 62, filed 8/26/75)

WAC 390-14-105 LIST OF ELECTED PUBLIC OFFICIALS—RESPONSIBILITY FOR DEVELOPING. The ~~((administrator))~~ executive director of the public disclosure commission shall be responsible for

keeping the list on a current basis and shall develop all procedures necessary for performing that responsibility.

AMENDATORY SECTION (Amending Order 82-04, filed 6/28/82)

WAC 390-16-150 MINI CAMPAIGN REPORTING. No candidate as that term is defined in RCW 42.17.020(5) and no political committee whose principal purpose is the support of one candidate and whose organization is known to and countenanced by that candidate (hereafter candidate's committee) shall be required to comply with the provisions of RCW 42.17.060-42.17.090 except as otherwise prescribed in this ~~((regulation))~~ rule in any election campaign for public office in which the aggregate expenditures in the campaign will not exceed the amount of the filing fee provided by law plus a sum not to exceed ~~((two))~~ five hundred dollars.

(1) Any candidate or candidate's committee shall register and file the C-1 registration statement with the commission and county elections officer of the county wherein the candidate resides within fourteen days of the time he publicly announces his candidacy, files for office or the committee is formed, whichever is earliest. The C-1 shall state his intent to use the mini campaign reporting system.

(2) The C-1 registration shall include a statement by the candidate that no contribution or contributions from any source other than the candidate's personal resources within the aggregate contributions received exceeds one hundred dollars.

AMENDATORY SECTION (Amending Order 84-03, filed 5/25/84)

WAC 390-37-100 ENFORCEMENT PROCEDURES—CONDUCT OF HEARINGS. (1) An enforcement hearing shall be conducted pursuant to the Administrative Procedure Act (chapter 34.04 RCW) and its supporting regulations (chapter 10-08 WAC).

(2) An enforcement hearing shall be heard either by the commission or, under RCW 34.12.040 or 34.12.050(2), by a duly designated administrative law judge.

(3) Upon the conclusion of an enforcement hearing heard by an administrative law judge, the judge shall prepare and present to the commission findings of fact, conclusions of law, and a proposed decision determinative of the matter. A copy of the findings of fact, conclusions of law and ~~((the))~~ the proposed decision shall be served upon the administrator and the respondent. Both the respondent and the administrator shall be afforded an opportunity to file exceptions and written argument with the commission. The commission shall review the proposed decision at its next regular meeting or at a special meeting called for that purpose. The commission shall consider the whole record or such portions as shall be cited by the parties. Oral argument may be heard at the discretion of the commission.

(4) After either a hearing by the commission or review by the commission of the proposed decision of an administrative law judge the commission may find that:

(a) Respondent did not violate the act, as alleged, and dismiss the case; or

(b) Respondent violated chapter 42.17 RCW, as alleged, and determine the sanction, if any, to be imposed, or

(c) Respondent is in apparent violation of chapter 42.17 RCW, its own remedy is inadequate and enter its order referring the matter to the appropriate law enforcement agency as provided in RCW 42.17.360.

(5) Upon the conclusion of a hearing, the commission

(a) Shall set forth in writing its findings of fact, conclusions of law and decision on the merits of the case; and

(b) Shall deliver, either in person or by mail, to each respondent and their representative a copy of the findings of fact, conclusions of law and decision.

(6) When the commission finds an apparent violation and refers the matter to an enforcement agency, the commission shall give to the respondent written notice of such finding and order of referral.

**AMENDATORY SECTION** (Amending Order 84-03, filed 5/25/84)

**WAC 390-37-210 HEARINGS—SUBPOENAS.**

(1) The commission, upon request by any party, may subpoena persons to appear and give testimony and may require the production of any books, papers, correspondence, memorandums or other records which the commission deems relevant or materials.

(2) Such subpoena will issue and may be enforced in the form and manner set forth in RCW 34.04.105 and (~~{WAC 1-08-105 through 1-08-170}~~ ~~{WAC 10-08-120}~~) WAC 10-08-120.

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

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 390-05-230 Definition—Elected Official

WAC 390-05-240 Definition—Person

WAC 390-05-260 Definition—Public Record

WAC 390-05-280 Definition—Writing

WAC 390-12-150 Public Disclosure Commission—Communications

WAC 390-12-180 Public Disclosure Commission—Duties of Officers

WAC 390-12-210 Public Disclosure Law—Duties of Other Agencies

WAC 390-14-010 Public Records Available

**WSR 85-15-021**

**ADOPTED RULES**

**LIQUOR CONTROL BOARD**

[Order 161, Resolution No. 170—Filed July 9, 1985]

Be it resolved by the Washington State Liquor Control Board, acting at 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA, that it does adopt the annexed rules relating to conduct on licensed premises, WAC 314-16-120.

This action is taken pursuant to Notice No. WSR 85-12-048 filed with the code reviser on June 5, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Liquor Control Board as authorized in RCW 66.08.030 and 66.98.070.

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

APPROVED AND ADOPTED July 9, 1985.

By L. H. Pedersen  
Chairman

**AMENDATORY SECTION** (Amending Order 120, Resolution No. 129, filed 2/23/83)

**WAC 314-16-120 CONDUCT ON LICENSED PREMISES.** (1) No licensee or employee thereof, shall be disorderly, boisterous or intoxicated on the licensed premises, or on any public premises adjacent thereto which are under the licensee's control, nor shall any licensee, or employee thereof, permit any disorderly or boisterous person to be thereon; nor shall any licensee, or employee thereof, use or allow the use of profane or vulgar language thereon: PROVIDED, That this rule shall not apply to remarks made in the course of performances by professional entertainers, as long as (a) the performance takes place in a portion of the licensed premises which has a sign conspicuously posted at each entrance, advising the public choosing to enter that portion of the premises of the nature of the performance and that certain words or phrases used may be considered offensive or insulting by some persons and (b) that the performance is not so amplified as to be clearly and distinctly audible in other areas of the licensed premises.

(2) No licensee, or employee thereof, shall consume liquor of any kind while working on the licensed premises. (See WAC 314-16-050, Closing hours—Sunday closing.)

**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 85-15-022**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(General Provisions)**  
 [Filed July 9, 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 440-44-050	Radiation machine facility registration fee.
Amd	WAC 440-44-060	Site use permit fee.
New	WAC 440-44-061	Radioactive waste site surveillance.

It is the intention of the secretary to adopt these rules on an emergency basis on August 1, 1985;

that the agency will at 2:00 p.m., Wednesday, August 28, 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 September 11, 1985.

The authority under which these rules are proposed is chapter 70.98 RCW and chapter 383, Laws of 1985.

The specific statute these rules are intended to implement is chapter 70.98 RCW and chapter 383, Laws of 1985.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 28, 1985.

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

David A. Hogan, Director  
 Division of Administration and Personnel  
 Department of Social and Health Services  
 Mailstop OB 14  
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, at State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by August 14, 1985. The meeting site is in a location which is barrier free.

Dated: July 9, 1985

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

#### STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Amend WAC 440-44-060(1); adopt new WAC 440-44-061; and correct WAC 440-44-050.

Purpose of the Rule Change: To comply with legislative instructions in ESSB 3799, assuring that site use permit fees and radioactive waste site surveillance fees cover departmental costs in these areas; and to assure that a cap is in place limiting fees for the use of x-ray machinery.

This amendment is necessary to recover the department's cost of administration of the user permit system,

the executive and legislative costs of participation in activities related to the northwest interstate compact on low-level radioactive waste, the conduct of statewide environmental radiation monitoring programs, and to fund completely the radiation control activities which are not otherwise covered by cost recovery programs, including but not limited to, any funds from federal sources.

Statutory Authority: Chapter 70.98 RCW and ESSB 3799.

Summary of the Rule Change: These rules will allow the department to recover the cost of administration of the user permit system and the executive and legislative participation in activities related to the northwest interstate compact on low-level radioactive waste; to conduct a statewide environmental radiation monitoring program, and fund completely the radiation related activities which are not otherwise covered by cost recovery programs including but not limited to any funds from federal sources consistent, all with ESSB 3799; and to limit the size of fees paid by x-ray machinery users. The fees are as follows: Amend WAC 440-44-060 Site use permit continuous services, \$150.00; new WAC 440-44-061 Radioactive waste site surveillance fee, three percent of the basic minimum fee charged by an operator of a low-level radioactive site; and correct WAC 440-44-050, limit x-ray fees to a maximum of \$3,000 per registrant.

Person Responsible for Drafting, Implementation and Enforcement of These Rules: T. R. Strong, Head, Radiation Control Section, mailstop LE-13, phone 753-3468.

This rule change is proposed by John A. Beare, M.D., M.P.H., Director, Division of Health, and recommended by staff of the Division of Health, Department of Social and Health Services.

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

These proposed amendments reflect the department's intent to recover its costs associated with the administration of the user permit system, and the surveillance of low-level radioactive waste disposal, all as assigned by the 1985 legislature in ESSB 3799.

There is a wide variation in the per unit income of both large and small businesses and there is no inherent correlation between the size of business and the income per unit. Both large and small businesses operate at the lower end and upper end of the per unit income range. Therefore, there is little difference between the effect on large and small business due to this proposed revision.

#### AMENDATORY SECTION (Amending Order 2238, filed 6/7/85)

WAC 440-44-050 RADIATION MACHINE FACILITY REGISTRATION FEES. The following biennial fees are required at the time of application or renewal(:). For any facility or group of facilities under one administrative control the maximum fee of three thousand dollars has been established.

(1) For veterinarians, podiatrists: A fifty dollar registration fee plus sixty dollars for the first tube plus twenty-five dollars for each additional tube.

(2) For hospitals, medical and chiropractic: A fifty dollar registration fee plus one hundred seventy-five dollars for the first tube plus fifty dollars for each additional tube.

(3) For industrial, research, and others: A fifty dollar registration fee plus one hundred dollars for the first tube plus fifty dollars for each additional tube.

(4) For dentists: A fifty dollar registration fee plus forty-five dollars for the first tube plus twenty dollars for each additional tube.

**AMENDATORY SECTION** (Amending Order 1965, filed 6/1/83)

WAC 440-44-060 SITE USE PERMIT FEE. (1) The fees for a site use permit (~~effective October 1, 1983~~) are:

One time shipment	-	\$50.00 or
(see WAC 440-44-060(2))		
Site use permit	-	<del>(\$80.00)</del>
continuous services		\$150.00 per year

(2) One-time shipment: A generator having radioactive waste for disposal for one time only can obtain a site use permit for such a shipment. This permit terminates upon receipt of the shipment for disposal and cannot be reissued to a generator.

(3) A broker who takes possession of waste from a generator and assumes responsibility for that waste must also assume responsibility for assuring the generator has a current, unencumbered site use permit.

**NEW SECTION**

WAC 440-44-061 RADIOACTIVE WASTE SITE SURVEILLANCE FEE. The operator of a low-level radioactive waste disposal site in this state shall pay a surveillance fee to the department as an added charge on each cubic foot of low-level waste disposed at the disposal site. The fee shall be paid to the department quarterly by the site operator, and shall be three percent of the basic minimum fee as defined in RCW 70.98. (section 3, chapter 383, Laws of 1985), charged by the site operator.

**WSR 85-15-023  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(General Provisions)  
[Filed July 9, 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 mental health service provider license and certification fees, new WAC 440-44-090;

that the agency will at 2:00 p.m., Wednesday, August 28, 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 September 11, 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 August 28, 1985.

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

David A. Hogan, Director  
Division of Administration and Personnel  
Department of Social and Health Services  
Mailstop OB 14  
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, at State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by August 14, 1985. The meeting site is in a location which is barrier free.

Dated: July 9, 1985  
By: David A. Hogan, Director  
Division of Administration and Personnel

**STATEMENT OF PURPOSE**

This statement is filed pursuant to RCW 34.04.045. Amend to add WAC 440-44-090.

Purpose of the Rule or Rule Change: To include fees for licensing and certification reviews of mental health providers.

This rule is required by RCW 43.20A.055. Statutory Authority: RCW 43.20A.055.

Summary of the Rule: Charge a fee to meet part of the cost to the department for licensing and/or certification reviews of mental health service providers.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: James T. Lengenfelder, Assistant Director, Mental Health Division, phone 753-1281, mailstop OB-42F.

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

The adoption of WAC 440-44-090 will not have a fiscal impact upon more than 20% of all industries or more than 10% of the health care industry.

Chapter 275-56 WAC requires that counties may only contract for mental health services with licensed providers. Existing interim licensed providers consist of public agencies and nonprofit corporations. Licensed providers not requiring a license under chapter 275-56 WAC are physicians, psychologists and nurses.

The adoption of WAC 440-44-090 will increase the administrative cost of the existing 73 interim licensed providers. The fee for 20% of the smaller provider agencies will be 27% of the cost for 20% of the larger agencies. The license fee does not affect providers not contracting with the counties, as they may continue to conduct business without a license under chapter 275-56 WAC.

**NEW SECTION**

WAC 440-44-090 MENTAL HEALTH SERVICE PROVIDER LICENSE AND CERTIFICATION FEES. (1) An annual fee, based on a range of client service hours provided per year, shall be assessed as follows:

Range	Client Service Hours	Annual Fee
1	0- 3,999	\$ 281.00
2	4,000-14,999	422.00
3	15,000-29,999	562.00
4	30,000-49,999	842.00
5	50,000 and over	1,030.00

(2) Fee ranges shall be determined from provider information reported to the department's community mental health information system. Providers applying for a license or certification not reporting to the department's community mental health information system shall submit as part of their application the number of annual client service hours.

(3) Fee for an applicant not licensed and/or certified shall be equal to the fees for licensure and/or certification of licensed and certified providers with similar annual client service hours.

(4) Certified short-term inpatient component, or new applicants seeking certification for a short-term inpatient component, shall be assessed an annual fee of thirty-two dollars per bed.

**WSR 85-15-024**  
**ADOPTED RULES**  
**DEPARTMENT OF AGRICULTURE**  
[Order 1866—Filed July 10, 1985]

I, C. Alan Pettibone, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the use of biological products in animal health care, chapter 16-42 WAC.

This action is taken pursuant to Notice Nos. WSR 86-09-061 [85-09-061], 85-12-025 and 85-13-047 filed with the code reviser on April 17, 1985, May 31, 1985, and June 17, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 16.36 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED July 9, 1985.

By Michael V. Schwisow  
Deputy Director

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.

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 persons or firms properly licensed under Chapter 18.64 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 & mouth disease
  - (i) Hog cholera
  - (j) Infectious hepatitis
  - (k) Rabies
  - (l) Rinderpest
  - (m) Swine crysepelas (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.

#### AMENDATORY SECTION (Amending Order 896, Regulation 6, effective 11/24/62)

WAC 16-42-035 ((REQUIREMENTS FOR SALES RECORDS AND)) REPORTS. In the interest of public health and good cooperative disease control ((anyone selling live vaccines must maintain records of such sales for one year. These records must be open for the department's inspection at any time)) it is recommended that any person using any biologics, as defined in WAC 16-42-005, immediately report to the department any suspected or actual disease outbreak that occurs in connection with use of the biologic.

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

#### NEW SECTION

WAC 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 85-15-025**

#### **EMERGENCY RULES**

#### **DEPARTMENT OF NATURAL RESOURCES**

[Order 449—Filed July 10, 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 restricting logging, land clearing, and other industrial operations which may cause a fire to start on lands under the protection of the Department of Natural Resources in Western 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 existing and forecasted weather conditions, forest lands in Western Washington are exposed to increasing fire danger. Hoot owl logging restrictions are imposed in certain shutdown zones in Western Washington.

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

This rule is promulgated pursuant to RCW 76.04.190 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED July 10, 1985.

By Brian J. Boyle  
Commissioner of Public Lands

#### AMENDATORY SECTION (Amending Emergency Order 448, filed 7/8/85)

WAC 332-26-083 HOOT OWL LOGGING RESTRICTIONS ON ((ALL)) LANDS PROTECTED BY THE DEPARTMENT OF NATURAL RESOURCES IN WESTERN WASHINGTON. Effective midnight, ((Monday, July 8, 1985, through Wednesday, July 10, 1985)) Wednesday, July 10, 1985, through midnight, Saturday, July 13, 1985, all logging, land

clearing, and other industrial operations which may cause a fire to start are to cease operation during the following times and under the following conditions: 1) All power saws, except those used on landings, to shutdown from 11:00 a.m. to 8:00 p.m. during the shutdown period. Landing saws to shutdown from 1:00 p.m. to 8:00 p.m. during the shutdown period; 2) All yarding, skidding, loading, and hauling to shutdown from 1:00 p.m. to 8:00 p.m. during the shutdown period; 3) All other operations not specifically listed here will shutdown from 1:00 p.m. to 8:00 p.m. during the shutdown period.

Effected Areas: Olympic Area - all shutdown zones and the Quinault Indian Reservation except zone 649 along the coast; Central Area - all shutdown zones except zone 649 along the coast; Southwest Area - all shutdown zones except zone 649 along the Columbia River; South Puget Sound Area - all shutdown zones; Northwest Area - all shutdown zones.

All persons are excluded from logging operating areas and areas of logging slash, except those present in the interest of fire protection, from 1:00 p.m. to 8:00 p.m. during the shutdown period.

((These restrictions affect all lands under the protection of the Department of Natural Resources in Western Washington.))

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 85-15-026**  
**EMERGENCY RULES**  
**DEPARTMENT OF GAME**  
**(Game Commission)**  
 [Order 270—Filed July 11, 1985]

Be it resolved by the State Game Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to amendment to 1985 Washington game fish seasons and catch limits—Drano Lake, WAC 232-28-61416.

We, the State Game Commission, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is this season amendment for Drano Lake will allow additional fishing opportunity for hatchery—origin fish.

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

This rule is promulgated pursuant to RCW 77.12.040 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State

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

APPROVED AND ADOPTED July 11, 1985.

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

**NEW SECTION**

**WAC 232-28-61416 AMENDMENT TO 1985 WASHINGTON GAME FISH SEASONS AND CATCH LIMITS—DRANO LAKE.** Notwithstanding the provisions of WAC 232-28-614, the game fishing season for Drano Lake will be as follows:

<b>DRANO LAKE</b>	Jan. 1-Mar. 15 and Jul. 11-Dec. 31	<b>TROUT; min. lgth.—10".</b> From July 11-Oct. 31 only steelhead with dorsal fins measuring less than 2" in height when fully extended or with missing adipose or ventral fins may be reduced to possession. It is unlawful to possess a steelhead with a freshly cut or mutilated dorsal, ventral or adipose fin.
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**WSR 85-15-027**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Order 2253—Filed July 11, 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 medically indigent program, amending chapter 388-100 WAC.

I, David A. Hogan, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these rules will be of substantial benefit to applicants for the medically indigent program.

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 July 11, 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:

(1) 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, and prior to July 11, 1985, shall be denied, except as specified in subsection (2) of this section.

(2) Individuals whose applications are received on or after July 11, 1985. For the purpose of this subsection applications delivered to the department prior to July 11, 1985, for medical care received on or after July 1, 1985, shall be considered to have been received on July 11, 1985.

AMENDATORY SECTION (Amending Order 1972, filed 6/16/83)

**WAC 388-100-025 CERTIFICATION.** (1) An applicant shall be certified from the date spenddown and deductible requirements are met through the duration of treatment for the acute and emergent medical condition not to exceed the three calendar month period which begins with the month of application.

(2) An applicant who has been medically determined to be pregnant may apply and be certified for separate three-month periods through the duration of the pregnancy. The three-month limitation in subsection (1) of this section may be extended up to six weeks after delivery to cover the post partum care, which includes routine care for the newborn. Beyond this period of time eligibility for the mother or the newborn shall be determined separately.

(3) All medically indigent applicants shall be individually notified in writing of the disposition of their application.

(4) Any change in circumstances shall be promptly reported to the local community services office.

(5) Certification may be up to seven working days prior to the date of receipt of a written request for assistance. The department may waive the seven-day rule if a person fails to apply for medical reasons or other good cause. Except that for applications received on or after July 11, 1985, certification cannot be made for any days during the period prior to July 1, 1985.

**WSR 85-15-028****NOTICE OF PUBLIC MEETINGS  
HUMAN RIGHTS COMMISSION**

[Memorandum—June 28, 1985]

The regular commission meeting held on June 27, 1985, in Spokane, Washington was adjourned to be reconvened on July 2, 1985, at the Port of Seattle, Fourth Floor Conference Room, Pier 66, Seattle, beginning at 6:30 p.m.

**WSR 85-15-029****NOTICE OF PUBLIC MEETINGS  
HUMAN RIGHTS COMMISSION**

[Memorandum—July 10, 1985]

The Washington State Human Rights Commission will conduct a special meeting of the Washington Association of Human Rights Agencies on Wednesday, July 31, 1985, at the Doubletree Plaza Hotel, Room 1202, 16500 Southcenter Parkway, Seattle, Washington, beginning at 7:00 p.m. The agenda will include discussion of a proposed charter and/or bylaws. Further discussion will include goals planning for the advisory council.

**WSR 85-15-030****EMERGENCY RULES  
DEPARTMENT OF FISHERIES**

[Order 85-79—Filed July 11, 1985]

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

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is harvestable numbers of salmon are available under Pacific Fisheries Management Council recommendations.

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

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

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

APPROVED AND ADOPTED July 11, 1985.

By William R. Wilkerson  
DirectorNEW SECTION

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

(1) Effective 12:01 a.m. July 15, 1985 it is lawful to take, and possess salmon in those waters northerly of a line projected due west from the northern most tip of

Leadbetter Point and southerly of a line projected due west from Capa Alava.

(2) Lawful terminal gear hooks are restricted to barbless hooks except when using whole bait or plugs.

(3) No chinook salmon less than 28 inches nor coho salmon less than 16 inches in total length may be retained or possessed.

(4) The above waters will close for commercial troll fishing for salmon from 12:01 a.m. July 21 to 11:59 p.m. July 22 for in-season evaluation, and all salmon caught through July 20 must be landed by 11:59 p.m. July 21 and the troll season fishery for this area will close permanently at 11:59 p.m. July 31, 1985, or when either the chinook harvest ceiling of 16,100 chinook salmon or the coho salmon harvest ceiling of 78,500 coho salmon is taken, whichever is the earliest.

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

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

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-24-02000E TROLL FISHERY CLOSURE. (85-49)

**WSR 85-15-031**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 85-80—Filed July 12, 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 harvestable numbers of sockeye salmon are available.

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

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

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

APPROVED AND ADOPTED July 12, 1985.

By Russell W. Cahill  
for William R. Wilkerson  
Director

#### NEW SECTION

WAC 220-57-16000Q COLUMBIA RIVER. Notwithstanding the provisions of WAC 220-57-160, effective immediately until further notice, in those waters of the Columbia River downstream from Wells Dam to the I-5 Bridge - bag limit C, except that the daily bag limit may include two sockeye salmon.

#### NEW SECTION

WAC 220-57-49700A WENATCHEE RIVER. Special bag limit - six sockeye salmon per day not less than 10 inches in length: immediately to 11:59 p.m. August 18, 1985, except closed to fishing for salmon within 400 feet upstream or downstream from Dryden Dam and closed to fishing for salmon within 400 feet upstream or downstream from Tumwater Dam. Special gear restriction - flyfishing with single barbless hook only.

#### NEW SECTION

WAC 220-57A-18200A LAKE WENATCHEE. Special bag limit - six sockeye salmon per day not less than 10 inches in length: Open 12:01 a.m. July 26 to 11:59 p.m. September 2, 1985, except closed to fishing within three hundred feet of the mouths of the Little Wenatchee and White Rivers. Special gear allowance - in open waters during the season provided for in this section, freshwater hook regulations provided for in WAC 220-56-205 do not apply.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-57-16000P Columbia River. (85-70)

**WSR 85-15-032**  
**ADOPTED RULES**  
**BOARD OF**  
**PILOTAGE COMMISSIONERS**

[Order 85-1, Resolution No. 85-1—Filed July 12, 1985]

Be it resolved by the Board of Pilotage Commissioners, acting at Pier 52, Seattle, Washington 98104, that it does adopt the annexed rules relating to collection of fees, WAC 296-116-070.

This action is taken pursuant to Notice No. WSR 85-12-039 filed with the code reviser on June 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 88.16.090 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED July 11, 1985.

By Marjorie T. Smitch  
Assistant Attorney General

**AMENDATORY SECTION** (Amending Order 84-4, Resolution No. 84-4, filed 5/18/84)

WAC 296-116-070 COLLECTION OF FEES. All pilots shall pay an annual license fee of ~~((eight hundred))~~ one thousand dollars for every year in which they perform any pilotage services. If a licensed pilot does not perform pilotage services during a license year, his fee for that year shall be reduced to ~~((four))~~ five hundred dollars upon application to the board. The board of pilotage commissioners shall receive all fees for licenses or for other purposes and make proper accounting of same and transmit all such funds to the pilotage account.

**WSR 85-15-033**

**ADOPTED RULES**

**BOARD OF**

**PILOTAGE COMMISSIONERS**

[Order 85-2, Resolution No. 85-2—Filed July 12, 1985]

Be it resolved by the Board of Pilotage Commissioners, acting at Pier 52, Seattle, Washington 98104, that it does adopt the annexed rules relating to physical requirements, WAC 296-116-120.

This action is taken pursuant to Notice No. WSR 85-12-038 filed with the code reviser on June 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 88.16.090 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED July 11, 1985.

By Marjorie T. Smitch  
Assistant Attorney General

**AMENDATORY SECTION** (Amending Resolution No. 79-5, filed 10/23/80)

WAC 296-116-120 PHYSICAL REQUIREMENTS. (1) In order to determine the physical fitness of persons to continue to serve as licensed pilots under the provisions of the pilotage act, all licensed pilots shall be required to pass a general physical examination annually within forty-five days prior to the date their annual state pilot license fee is due. As part of this

examination pilots shall have completed on a form provided by the board a detailed report of physical examination. This form shall be prepared by the pilot and the examining physician and shall be ~~((submitted to the board along with a letter from the physician stating whether and under what conditions the pilot is capable of providing pilotage service. The detailed report of physical examination is a confidential record which will be used only by the board))~~ maintained on file by the physician for a period of five years. The physician will submit to the board a letter stating whether and under what conditions the pilot is capable of providing pilotage services. The completion of the form and the letter to the board satisfies the minimum health standards of RCW 88.16.090(6). The detailed report of physical examination is a confidential record which will be made available to the board at the board's request and will not be available for public inspection. Such examination shall be obtained at the expense of the licensed pilots from a physician or physicians designated in advance by the board. The secretary of the board shall give each pilot reasonable written notice of the date when any such physical examination becomes due and shall specify the name of the physicians then approved by the board to conduct such physical examination.

(2) The physical examination required of all pilots shall demonstrate that he is in all respects physically fit to perform his duties as a pilot. The examination shall assure that one's abilities as a pilot will not be impaired by eyesight, hearing or other bodily function and shall include examination of the pilot's eyes (including tests for color blindness, depth perception, night vision, disease, field of vision and reflexes); ears; heart; blood pressure; blood components; pulse; speech capabilities; history of diseases (including diabetes, cancer, arthritis, arrhythmia, asthma, bronchitis, emphysema, ulcers, alcoholism and other illnesses) and any other type of information which the physician feels is relevant.

(3) In the case of renewal of license as pilot, should the pilot be temporarily physically incapacitated at the time his license is due to be renewed, the commission shall not revoke such license until a further physical examination to be given at the expiration of three months. This procedure shall be carried on until it is evident that the pilot is permanently incapacitated; provided further, that no pilot shall be carried on the inactive list for longer than one year if disabled. Any pilot who is physically incapacitated shall not serve as a pilot during such period of incapacitation.

**WSR 85-15-034**

**NOTICE OF PUBLIC MEETINGS**

**WHATCOM COMMUNITY COLLEGE**

[Memorandum—July 11, 1985]

The board of trustees of Whatcom Community College, District Number Twenty-One, will hold a special meeting on July 16, 1985, 9:30 a.m., Northwest 2, Whatcom Community College, 5217 Northwest Road, Bellingham, WA 98226.

**WSR 85-15-035**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 85-81—Filed July 12, 1985]

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

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is restrictions in Areas 4B, 5, 6, 6C provide protection for Puget Sound and Canadian chinook stocks while allowing a limited effort, limited impact immobile set net fishery. Restrictions in Areas 6A, 7, 7A provide protection for Puget Sound and Canadian chinook stocks. Restrictions in Areas 6B, 9, 10, 10A, 10C, 10D, 10F, 10G and the Cedar River protect Lake Washington sockeye. Restrictions in Areas 13A, Nooksack, Skokomish, Quilcene and White rivers and Minter Creek provide protection for Puget Sound spring chinook stocks. Restrictions in Area 8 and Skagit River protect Baker River sockeye. Restrictions in Area 7C and Samish River provide protection for chinook returning to the Samish Hatchery. Restrictions in Area 6D, Elwha and Dungeness rivers protect spring chinook and pink salmon stocks. Restrictions in Area 8A and the Stillaguamish River protect local summer/fall chinook stocks.

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

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

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

APPROVED AND ADOPTED July 12, 1985.

By William R. Wilkerson  
 Director

NEW SECTION

**WAC 220-28-505 PUGET SOUND COMMERCIAL SALMON FISHERY RESTRICTIONS.** Effective July 14, 1985, it is unlawful for treaty Indian fishermen to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

*Areas 4B, 5, 6, 6C – Drift gill net gear restricted to 5-7/8-inch maximum mesh when open.*

*Areas 6B, 9 – Effective through August 3, gill net gear restricted to 6-1/2-inch minimum mesh, and other gear must release sockeye when open.*

*\*Area 6D, Dungeness and Elwha Rivers – Closed to all commercial fishing through September 21.*

*Areas 6A, 7, 7A – Gill net gear restricted to 5-7/8-inch maximum mesh when open.*

*Area 7C – Closed to all commercial fishing southeasterly of a line from the mouth of Oyster Creek 237° true to a fishing boundary marker on Samish Island.*

*\*Area 8 and Skagit River downstream of the Baker River – Effective through August 3, gill net gear restricted to 6-1/2-inch minimum mesh, and other gear must release sockeye when open.*

*\*Area 8A – Closed to all commercial fishing in that portion north of a line from Camano Head to the northern boundary of Area 8D. Areas 10 and 10A – Effective through August 3, gill net gear restricted to 6-1/2-inch minimum mesh, and other gear must release sockeye when open.*

*Area 10C and Cedar River – Closed to all commercial fishing until further notice.*

*\*Areas 10D, 10F, 10G – Closed to all commercial fishing through August 3.*

*Area 13A – Closed to all net fishing until further notice.*

*\*Nooksack (upstream of Ferndale Bridge) and Samish Rivers – Closed to all commercial fishing until further notice.*

*Skagit River upstream of Baker River – Closed to all commercial fishing until further notice.*

*\*Stillaguamish River – Closed to all commercial fishing through August 10. Effective August 11 until further notice, gill net gear restricted to 6-inch maximum mesh when open.*

*\*Skokomish River – Closed to all commercial fishing through July 26.*

*\*Quilcene River – Closed to all commercial fishing through August 31.*

*\*Minter Creek and White River – Closed to all commercial fishing through September 28.*

REPEALER

*The following of the Washington Administrative Code is repealed effective July 14, 1985:*

**WAC 220-28-504 PUGET SOUND COMMERCIAL SALMON FISHERY RESTRICTIONS (85-76)**

**WSR 85-15-036**  
**EMERGENCY RULES**  
**DEPARTMENT OF NATURAL RESOURCES**  
 [Order 446—Filed July 13, 1985]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington 98504,

the annexed rules relating to the adoption of an emergency rule describing hazardous areas protected by the Department of Natural Resources which are closed to entry from midnight, Sunday, July 14, 1985, to midnight, Saturday, October 12, 1985, WAC 332-26-020, 332-26-010, 332-26-040, 332-26-050 and 332-26-060.

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 the above described forest areas contain an abnormal concentration of forest fuels and, because of the usual summer increase in drying conditions, are particularly exposed to fire danger.

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

This rule is promulgated pursuant to RCW 76.04.140 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED July 13, 1985.

By Brian J. Boyle  
Commissioner of Public Lands

#### NEW SECTION

WAC 332-26-010 SOUTHWEST AREA CLOSURES. Cowlitz County.

Cowlitz County: Township 8 North, Range 3 East: Section 4, E1/2, E1/2W1/2; Section 12, All. Township 8 North, Range 4 East: Section 4, SW1/4; Section 5, All; Section 6, All; Section 7, All; Section 8, All; Section 9, All; Section 10, W1/2. Township 9 North, Range 3 East: Section 36, E1/2. Township 9 North, Range 4 East: Section 31, S1/2.

When, in the opinion of the Area Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he may suspend this Notice by issuing a news release to the newspapers of general circulation in the area and to radio and television stations serving the area, specifying the date and time of the suspension, and by removing the posted notice of the hazardous area closure at the access points.

When, in the opinion of the Area Manager, the fire hazard is no longer sufficiently low to permit public access to the above-described lands, he will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.

For protection of the above described areas against fire, the following rule will be enforced:

Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations.

Anyone violating such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.

Effective from midnight, Sunday, July 14, 1985, to midnight, Saturday, October 12, 1985.

#### NEW SECTION

WAC 332-26-020 OLYMPIC AREA CLOSURES. Clallam, Grays Harbor, and Jefferson Counties.

Clallam County: Township 30 North, Range 15 West: Section 26, NE1/4NW1/4, S1/2NW1/4, N1/2SW1/4; Section 27, E1/2NE1/4. Township 30 North, Range 14 West: Section 24, S1/2NW1/4, S1/2NE1/4, N1/2SW1/4, N1/2SE1/4; Section 26, NE1/4; Section 28, SW1/4; Section 29, S1/2SW1/4, NW1/4SW1/4, SW1/4NW1/4, SW1/4SE1/4; Section 32, SE1/4, SE1/4NE1/4, W1/2NW1/4; Section 33, N1/2NW1/4, SW1/4. Township 30 North, Range 13 West: Section 13, N1/2SW1/4 East of 9000 Road, W1/2NW1/4 West of 9000 Road; Section 21, S1/2; Section 23, S1/2NE1/4, SE1/4, E1/2SW1/4; Section 24, W1/2 West of 9000 Road; Section 26, N1/2NE1/4, SE1/4NE1/4. Township 29 North, Range 15 West: Section 22, S1/2NW1/4 South of 5050 Road, N1/2SW1/4, W1/2SE1/4, SW1/4SW1/4, NW1/4SE1/4; Section 23, E1/2SE1/4; Section 24, S1/2; Section 25, N1/2NW1/4, SW1/4NW1/4; Section 27, W1/2NW1/4; Section 28, SW1/4. Township 29 North, Range 14 West: Section 4, Lot 3; Section 12, E1/2SW1/4; Section 13, NE1/4NW1/4, N1/2NE1/4, West of East Fork Dickey; Section 21, N1/2SE1/4, E1/2SW1/4. Township 29 North, Range 13 West: Section 5, Lots 1, 2, 3, 4; Section 7, W1/2SE1/4, SE1/4SE1/4; Section 18, NW1/4NE1/4. Township 28 North, Range 14 West: Section 5, W1/2NW1/4; Section 6, E1/2NE1/4 East of County Road; Section 19, SE1/4NE1/4 North of Kilmer Road; Section 20, W1/2NW1/4 North and West of Kilmer Road, E1/2SE1/4; Section 21, SW1/4SW1/4. Township 28 North, Range 15 West: Section 3, E1/2.

Grays Harbor County: Township 17 North, Range 10 West: Section 3, NE1/4NE1/4, NW1/4NE1/4, S1/2NE1/4, portions North of Little Hoquiam River NW1/4, NE1/4, SW1/4 North of Little Hoquiam River, Lots 1 & 2; Section 4, NW1/4NE1/4, S1/2NE1/4, N1/2NW1/4, S1/2NW1/4, N1/2SW1/4, NE1/4SE1/4, NW1/4NE1/4, Lots 3 & 4; Section 5, N1/2NE1/4, SW1/4NE1/4, SE1/4NE1/4, NE1/4NW1/4, SE1/4NW1/4, N1/2SE1/4. Township 18 North, Range 10 West: Section 10, E1/2 except NE1/4NE1/4; Section 15, NE1/4 except NE1/4NE1/4, E1/2NE1/4, E1/2SW1/4, E1/2, W1/2SW1/4, SW1/4SE1/4; Section 27, SW1/4NW1/4, NE1/4SW1/4, NW1/4SW1/4, SW1/4SW1/4, SE1/4SW1/4; Section 28, SW1/4NE1/4, SE1/4NE1/4, NE1/4SE1/4, NW1/4SE1/4, SW1/4SE1/4, SE1/4SE1/4; Section 32, SE1/4SW1/4, NW1/4SE1/4, SW1/4SE1/4, SE1/4SE1/4; Section 33, NE1/4NE1/4, NW1/4NE1/4, SW1/4NE1/4, SE1/4NE1/4, NE1/4SE1/4, SE1/4SE1/4, NW1/4SE1/4.

SW1/4SE1/4, E1/2SW1/4, E1/2NW1/4; Section 34, NW1/4NE1/4, SW1/4NE1/4, NW1/4, SW1/4, NW1/4SE1/4, SW1/4SE1/4.

Jefferson County: Township 27 North, Range 14 West: Section 11, N1/2; Section 14, S1/2SE1/4; Section 23, N1/2NE1/4. Township 27 North, Range 13 West: Section 32, NE1/4, N1/2SE1/4; Section 33, SE1/4NW1/4, W1/2NE1/4, E1/2SW1/4, W1/2SE1/4; Section 34, NW1/4, N1/2SW1/4, E1/2NE1/4; Section 35, NW1/4, N1/2SW1/4. Township 26 North, Range 13 West: Section 3, N1/2; Section 15, NW1/4, N1/2SW1/4.

When, in the opinion of the Area Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he may suspend this Notice by issuing a news release to the newspapers of general circulation in the area and to radio and television stations serving the area, specifying the date and time of the suspension, and by removing the posted notice of the hazardous area closure at the access points.

When, in the opinion of the Area Manager, the fire hazard is no longer sufficiently low to permit public access to the above-described lands, he will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.

For protection of the above described areas against fire, the following rule will be enforced:

Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations.

Anyone violating such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.

Effective from midnight, Sunday, July 14, 1985, to midnight, Saturday, October 12, 1985.

#### NEW SECTION

WAC 332-26-040 CENTRAL AREA CLOSURES. Lewis and Thurston Counties.

Lewis County: Township 12 North, Range 4 West: Section 7, S1/2, S1/2N1/2; Section 8, S1/2 except NE1/4SE1/4; Section 17, All except SE1/4SE1/4; Section 18, All. Township 12 North, Range 5 West: Section 2, Part of SW1/4 lying South of Stowe Creek; Section 10, E1/2E1/2; Section 11, All; Section 12, All; Section 13, All; Section 14, Part of N1/2 lying North of Browns Creek. Township 13 North, Range 3 East: Section 3, All; Section 5, W1/2, NE1/4; Section 6, All; Section 9, E1/2NE1/4, SE1/4; Section 11, West of the North Fork of the Tilton River; Section 13, West of the North Fork of the Tilton River; Section 15, All; Section 23, All. Township 14 North, Range 2 East: Section 12, All; Section 13, All; Section 24, All except SW1/4. Township 14 North, Range 3 East: Section 1, All; Section 2, All; Section 3, E1/2; Section 4, S1/2; Section 5, All; Section 6, All; Section 7, All; Section 8, All; Section 11, E1/2E1/2; Section 12, All except SE1/4SE1/4; Section 13, All; Section 14, All; Section 15, All; Section 16, All; Section 17, All; Section 18, All; Section 19, All;

Section 20, SE1/4; Section 21, S1/2; Section 31, E1/2NE1/4, SE1/4, E1/2SW1/4; Section 33, All. Township 14 North, Range 4 East: Section 5, NW1/4; Section 6, All except SE1/4; Section 7, NW1/4. Township 14 North, Range 5 East: Section 18, S1/2N1/2, SW1/4; Section 19, All; Section 20, E1/2SE1/4; Section 21, All; Section 22, All; Section 23, South of the 1 Road; Section 25, South of the 1 Road; Section 26, All; Section 27, All; Section 28, E1/2; Section 34, N1/2, SE1/4; Section 35, All. Township 15 North, Range 3 East: Section 25, E1/2; Section 31, All; Section 32, All; Section 34, E1/2; Section 35, W1/2. Township 15 North, Range 4 East: Section 30, All.

Thurston County: Township 15 North, Range 3 East: Section 24, part lying Easterly of the Deschutes River. Township 15 North, Range 4 East: Section 19, All.

When, in the opinion of the Area Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he may suspend this Notice by issuing a news release to the newspapers of general circulation in the area and to radio and television stations serving the area, specifying the date and time of the suspension, and by removing the posted notice of the hazardous area closure at the access points.

When, in the opinion of the Area Manager, the fire hazard is no longer sufficiently low to permit public access to the above-described lands, he will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.

For protection of the above described areas against fire, the following rule will be enforced:

Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations.

Anyone violating such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.

Effective from midnight, Sunday, July 14, 1985, to midnight, Saturday, October 12, 1985.

#### NEW SECTION

WAC 332-26-050 NORTHWEST AREA CLOSURES. Whatcom, Skagit, and Snohomish Counties.

Whatcom County: Township 37 North, Range 6 East: Section 15, SE1/4NW1/4, N1/2SW1/4, N1/2S1/2SW1/4, SW1/4NW1/4SE1/4; Section 27, S1/2NW1/4, N1/2SW1/4; Section 28, SW1/4SW1/4; Section 29, S1/2SE1/4; Section 32, N1/2NE1/4, SE1/4NE1/4; Section 33, All; Section 34, W1/2, S1/2SE1/4, NW1/4SE1/4.

Skagit County: Township 36 North, Range 8 East: Section 17, SE1/4NW1/4, E1/2E1/2, S1/2SW1/4, NE1/4SW1/4, W1/2SE1/4; Section 18, All except SE1/4NE1/4 and NE1/4SE1/4; Section 19, All; Section 20, All. Township 36 North, Range 7 East: Section 6, All except W1/2W1/2; Section 17, W1/2NE1/4. Township 36 North, Range 6 East: Section 2, W1/2SW1/4; Section 3, All; Section 4, E1/2SW1/4, SE1/4; Section 9, N1/2NE1/4, NE1/4NW1/4; Section

10, N1/2; Section 24, SE1/4; Section 25, N1/2NE1/4. Township 35 North, Range 9 East: Section 7, NE1/4NW1/4, SE1/4NE1/4, NE1/4SE1/4, Government Lots 1, 2, & 5; Section 8, W1/2NW1/4. Township 35 North, Range 8 East: Section 26, SE1/4NW1/4, S1/2; Section 27, S1/2NW1/4, S1/2; Section 28, All except SW1/4NW1/4; Section 33, All; Section 34, All; Section 35, All.

Snohomish County: Township 32 North, Range 9 East: Section 10, NE1/4SW1/4, E1/2NW1/4, W1/2NE1/4. Township 32 North, Range 7 East: Section 2, SE1/4SW1/4; Section 23, SE1/4SE1/4, SE1/4NE1/4, NW1/4NW1/4, NE1/4SE1/4; Section 24, SW1/4NW1/4, N1/2SW1/4; Section 26, NE1/4NE1/4. Township 31 North, Range 7 East: Section 21, W1/2SE1/4; Section 27, SW1/4SE1/4; Section 28, NE1/4NE1/4; Section 29, NW1/4NE1/4, SE1/4SE1/4; Section 33, NW1/4NW1/4; Section 34, SW1/4NW1/4. Township 30 North, Range 7 East: Section 8, SW1/4NE1/4; Section 12, S1/2NW1/4 South of river; Section 22, NE1/4NE1/4; Section 25, N1/2NE1/4; Section 26, SE1/4; Section 27, SE1/4NW1/4, NW1/4SE1/4, SE1/4SE1/4; Section 35, NE1/4NE1/4. Township 27 North, Range 7 East: Section 34, S1/2 except NE1/4SE1/4.

When, in the opinion of the Area Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he may suspend this Notice by issuing a news release to the newspapers of general circulation in the area and to radio and television stations serving the area, specifying the date and time of the suspension, and by removing the posted notice of the hazardous area closure at the access points.

When, in the opinion of the Area Manager, the fire hazard is no longer sufficiently low to permit public access to the above-described lands, he will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.

For protection of the above described areas against fire, the following rule will be enforced:

Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations.

Anyone violating such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.

Effective from midnight, Sunday, July 14, 1985, to midnight, Saturday, October 12, 1985.

#### NEW SECTION

WAC 332-26-060 SOUTH PUGET SOUND AREA CLOSURES. King County.

King County: Township 20 North, Range 6 East: Section 22, E1/2NE1/4NE1/4. Township 21 North, Range 7 East: Section 32, Part of NW1/4NE1/4 lying South of Veazie-Cumberland Road, part of N1/2SW1/4NE1/4.

When, in the opinion of the Area Manager, the fire hazard is sufficiently low on the lands herein described

to permit public access thereto, he may suspend this Notice by issuing a news release to the newspapers of general circulation in the area and to radio and television stations serving the area, specifying the date and time of the suspension, and by removing the posted notice of the hazardous area closure at the access points.

When, in the opinion of the Area Manager, the fire hazard is no longer sufficiently low to permit public access to the above-described lands, he will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.

For protection of the above described areas against fire, the following rule will be enforced:

Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations.

Anyone violating such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.

Effective from midnight, Sunday, July 14, 1985, to midnight, Saturday, October 12, 1985.

#### WSR 85-15-037

#### EMERGENCY RULES

#### DEPARTMENT OF NATURAL RESOURCES

[Order 450—Filed July 13, 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 restricting logging, land clearing, and other industrial operations which may cause a fire to start on lands under the protection of the Department of Natural Resources in Western 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 existing and forecasted weather conditions, forest lands in Western Washington are exposed to increasing fire danger. Hoot owl logging restrictions are imposed in certain shutdown zones in Western Washington.

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

This rule is promulgated pursuant to RCW 76.04.190 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED July 13, 1985.

By Brian J. Boyle  
Commissioner of Public Lands

**AMENDATORY SECTION** (*Amending Emergency Order 449, filed 7/10/85*)

WAC 332-26-083 **HOOT OWL LOGGING RESTRICTIONS ON LANDS PROTECTED BY THE DEPARTMENT OF NATURAL RESOURCES IN WESTERN WASHINGTON.** *Effective midnight, ((Wednesday, July 10, 1985, through midnight, Saturday, July 13, 1985,)) Saturday, July 13, 1985, through midnight, Tuesday, July 16, 1985, all logging, land clearing, and other industrial operations which may cause a fire to start are to cease operation during the following times and under the following conditions: 1) All power saws, except those used on landings, to shutdown from 11:00 a.m. to 8:00 p.m. during the shutdown period. Landing saws to shutdown from 1:00 p.m. to 8:00 p.m. during the shutdown period; 2) All yarding, skidding, loading, and hauling to shutdown from 1:00 p.m. to 8:00 p.m. during the shutdown period; 3) All other operations not specifically listed here will shutdown from 1:00 p.m. to 8:00 p.m. during the shutdown period.*

*Effected Areas: Olympic Area – all shutdown zones and the Quinault Indian Reservation except zone 649 along the coast; Central Area – all shutdown zones except zone 649 along the coast; Southwest Area – all shutdown zones except zone 649 along the Columbia River; South Puget Sound Area – all shutdown zones; Northwest Area – all shutdown zones.*

*All persons are excluded from logging operating areas and areas of logging slash, except those present in the interest of fire protection, from 1:00 p.m. to 8:00 p.m. during the shutdown period.*

**WSR 85-15-038**  
**EMERGENCY RULES**  
**GAMBLING COMMISSION**  
[Order 152—Filed July 15, 1985]

Be it resolved by the Washington State Gambling Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to amending WAC 230-04-201.

We, the Washington State Gambling Commission, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the adoption of this amendment on an emergency basis is in the public interest to ensure adequate revenue for the commission, maintain the current licensing fee for one full year so each licensee will have licensed only once under that fee structure, and to make this rule effective as of July 15, 1985, because there will not be a quorum of commissioners present for the July commission meeting to pass the rule. Approximately 125 punchboard/pull tab applicants will benefit with a savings in license fees if this amendment is adopted on an emergency basis.

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

This rule is promulgated pursuant to RCW 9.46.070 (1), (2), (4), (5), (6), (11), (14) and (17) 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 June 13, 1985.

By Ronald O. Bailey  
Deputy Director

AMENDATORY SECTION (Amending Order 140 [142], filed 6/15/84 [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, miscellaneous changes, and special investigative and inspection services.

Table 1. (For bona fide nonprofit/charitable organizations)

<u>LICENSE TYPE</u>	<u>DEFINITION</u>	<u>FEE</u>
1. <u>AMUSEMENT GAMES</u> <del>((GAMES))</del>	(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. <u>BINGO</u>	(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. <u>BINGO GAME MANAGER</u>	Original Renewal	\$ 150 75
4. <u>CARD GAMES</u>		
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. <u>CHANGES</u>		
<u>NAME</u>	(See WAC 230-04-310)	\$ 25
<u>LOCATION</u>	(See WAC 230-04-320)	25
<u>FRE</u>	(Reno Nite date(s)/time(s)) (See WAC 230-04-325)	25
<u>LICENSE CLASS</u> <del>((CLASS))</del>	(See WAC 230-04-260) New class fee, less previous fee paid, plus	25
<u>DUPLICATE LICENSE</u>	(See WAC 230-04-290)	25
<u>REPLACEMENT IDENTIFICATION STAMPS</u>	(See WAC 230-30-016)	25
6. <u>FUND RAISING EVENT</u>		
Class A	One event not more than 24 consec. hrs.	\$ 300

Class B	One event not more than 72 consec. hrs.	500	
Class C	Additional participant in joint event (not lead organization)	150	
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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  +50))
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8.	PUNCHBOARDS/ PULL TABS (Class A Class B Class C Class D Class E Class F Class A Class B Class C Class D Class E Class F Class G Class H Class I Class J Class K	(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 Up to \$10,000 Up to \$50,000 Up to \$100,000 Up to \$200,000 Up to \$300,000 Up to \$400,000 Up to \$500,000 Up to \$600,000 Up to \$700,000 Up to \$800,000 Over \$800,000	\$ 450 950 1,350 1,750 2,150 3,000)) \$ 300 475 960 1,560 2,360 3,150 3,775 4,350 4,825 5,225 5,900
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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
<hr/>			
10.	SEPARATE PREMISES BINGO RAFFLES	Occasion (see WAC 230-04-300) (See WAC 230-04-197)	\$ 25 25
<hr/>			
11.	SPECIAL FEES INVESTIGATION IDENTIFICATION AND INSPECTION STAMP	(See WAC 230-04-240) (See WAC 230-30-015 and 230-30-030)	As required As required

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
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2.	CHANGES	
	NAME (See WAC 230-04-310)	\$ 25
	LOCATION (See WAC 230-04-320)	25
	BUSINESS CLASSIFICATION (Same owners - see WAC 230-04-340(3))	50
	LICENSE CLASS ((CLASS)) (See WAC 230-04-260) New class fee, less previous fee paid, plus	25
	DUPLICATE LICENSE (See WAC 230-04-290)	25
	OWNERSHIP OF STOCK (See WAC 230-04-340(1))	50
	REPLACEMENT IDENTIFICATION STAMPS (See WAC 230-30-016)	25
	LICENSE TRANSFERS (See WAC 230-04-125, 230-04-340 and 230-04-350)	50
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3.	DISTRIBUTOR ((Original Renewal (Fee based on annual gross receipts for sale of punchboards, pull tabs, pull tab dispensing devices and sale/lease of fund raising event equipment.)	\$2,500 (+,250))
	<u>Class A</u> up to \$600,000	<u>Original \$2,750</u>
	<u>Class B</u> over \$600,000	<u>Renewal \$1,250</u>
		<u>\$2,750 \$1,700</u>
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4.	DISTRIBUTOR'S REPRESENTATIVE Original Renewal	(( <del>\$200</del> ) \$220 ((+100)) 110
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5.	MANUFACTURER Original Renewal	(( <del>\$3,000</del> ) \$3,300 ((+,500)) 1,650
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6.	MANUFACTURER'S REPRESENTATIVE Original Renewal	((200)) 220 ((+100)) 110
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7.	PERMITS Class A Agricultural fair/special property bingo One location and event only (See WAC 230-04-191)	\$ 25
	Class B Annual permit for specified different events and locations (See WAC 230-04-193)	150
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8.	PUBLIC CARD ROOM EMPLOYEE Original Renewal	\$ 150 75
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9.	PUNCHBOARDS/PULL TABS (Fee based on annual gross receipts)	
	((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))
	<u>Class A</u> Up to \$10,000	<u>\$ 300</u>

<u>Class B</u>	<u>Up to \$50,000</u>	<u>475</u>
<u>Class C</u>	<u>Up to \$100,000</u>	<u>960</u>
<u>Class D</u>	<u>Up to \$200,000</u>	<u>1,560</u>
<u>Class E</u>	<u>Up to \$300,000</u>	<u>2,360</u>
<u>Class F</u>	<u>Up to \$400,000</u>	<u>3,150</u>
<u>Class G</u>	<u>Up to \$500,000</u>	<u>3,775</u>
<u>Class H</u>	<u>Up to \$600,000</u>	<u>4,350</u>
<u>Class I</u>	<u>Up to \$700,000</u>	<u>4,825</u>
<u>Class J</u>	<u>Up to \$800,000</u>	<u>5,225</u>
<u>Class K</u>	<u>Over \$800,000</u>	<u>5,900</u>

10.	<b>SPECIAL FEES</b>		
	INVESTIGATION	(See WAC 230-04-240)	<u>As required</u>
	IDENTIFICATION AND INSPECTION STAMP	(See WAC 230-30-015 and 230-30-030)	<u>As required</u>

11.	<b>SPECIAL LOCATION</b> <del>((LOCATION))</del>	(Fee based on annual net receipts)	
	AMUSEMENT		
	GAMES		
	Class A	One event per year lasting no longer than 12 consecutive days	\$ 500
	Class B	\$25,000 or less	500
	Class C	\$25,001 - \$100,000	1,500
	Class D	\$100,001 - \$500,000	3,000
	Class E	Over \$500,000	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.

**WSR 85-15-039**  
**RULES OF COURT**  
**STATE SUPREME COURT**  
[June 25, 1985]

IN THE MATTER OF THE RESCISSION OF THE CODE OF PROFESSIONAL RESPONSIBILITY, (CPR) and the ADOPTION OF THE RULES OF PROFESSIONAL CONDUCT (RPC)      NO. 25700-A-367  
ORDER

The Board of Governors of the Washington State Bar Association having recommended the rescission of the Code of Professional Responsibility and the adoption of the Rules of Professional Conduct and the Rules of Professional Conduct having been published for comment in 103 Wn.2d Advance Sheet No. 8, and having considered the Rules and the comments submitted thereto, and having determined that the proposed Rules will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the Code of Professional Responsibility is rescinded.

(b) That the Rules of Professional Conduct as attached hereto, are adopted.

(c) That Part I of General Rules I is amended by the deletion of the Code of Professional Responsibility (CPR), and the insertion of the Rules of Professional Conduct (RPC).

(d) This Court's other rules referring generally to the Code of Professional Responsibility shall henceforth, where appropriate, be considered to refer to the Rules of Professional Conduct.

(e) That these Rules will be published in the special Rules edition of the Washington Reports in July, 1985, and will become effective September 1, 1985.

DATED at Olympia, Washington this 25th day of June, 1985.

	James M. Dolliver
Utter, J.	Andersen, J.
Brachtenbach, J.	Callow, J.
Dore, J.	Goodloe, J.
Pearson, J.	Durham, J.

**RULES OF PROFESSIONAL CONDUCT**

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## PREAMBLE

The continued existence of a free and democratic society depends upon recognition of the concept that justice is based upon the rule of law grounded in respect for the dignity of the individual and the capacity through reason for enlightened self-government. Law so grounded makes justice possible, for only through such law does the dignity of the individual attain respect and protection. Without it, individual rights become subject to unrestrained power, respect for law is destroyed, and rational self-government is impossible.

Lawyers, as guardians of the law, play a vital role in the preservation of society. The fulfillment of this rule role requires an understanding by lawyers of their relationship with and function in our legal system. A consequent obligation of lawyers is to maintain the highest standards of ethical conduct.

In fulfilling professional responsibilities, a lawyer necessarily assumes various roles that require the performance of many difficult tasks. Not every situation which a lawyer may encounter can be foreseen, but fundamental ethical principles are always present as guidelines. Within the framework of these principles, a lawyer must with courage and foresight be able and ready to shape the body of the law to the ever-changing relationships of society.

The Rules of Professional Conduct point the way to the aspiring and provide standards by which to judge the transgressor. Each lawyer must find within his or her own conscience the touchstone against which to test the extent to which his or her actions should rise above minimum standards. But in the last analysis it is the desire for the respect and confidence of the members of the legal profession and the society which the lawyer serves that should provide to a lawyer the incentive for the highest possible degree of ethical conduct. The possible loss of that respect and confidence is the ultimate sanction. So long as its practitioners are guided by these principles, the law will continue to be a noble profession. This is its greatness and its strength, which permit of no compromise.

## PRELIMINARY STATEMENT

The Rules of Professional Conduct ("Rules") are mandatory in character. The Rules state the minimum level of conduct below which no lawyer can fall without being subject to disciplinary action. Within the framework of fair trial, the Rules should be uniformly applied to all lawyers, regardless of the nature of their professional activities. The Rules make no attempt to prescribe either disciplinary procedures or penalties for violation of a Rule, nor do they undertake to define standards for civil liability of lawyers for professional conduct. The severity of judgment against one found guilty of violating a Rule should be determined by the character of the offense and the attendant circumstances.

## TERMINOLOGY

"Belief" or "Believes" denotes that the person involved actually supposed the fact in question to be true. A person's belief may be inferred from circumstances.

"Confidence" refers to information protected by the attorney-client privilege under applicable law, and "secret" refers to other information gained in the professional relationship that the client has requested be held inviolate or the disclosure of which would be embarrassing or would be likely to be detrimental to the client.

"Consult" or "Consultation" denotes communication of information reasonably sufficient to permit the client to appreciate the significance of the matter in question.

"Firm" or "Law firm" denotes a lawyer or lawyers in a private firm, lawyers employed in the legal department of a corporation or other organization and lawyers employed in a legal services organization.

"Fraud" or "Fraudulent" denotes conduct having a purpose to deceive and not merely negligent misrepresentation or failure to apprise another of relevant information.

"Knowingly," "Known," or "Knows" denotes actual knowledge of the fact in question. A person's knowledge may be inferred from circumstances.

"Partner" denotes a member of a partnership and a shareholder in a law firm organized as a professional corporation.

"Reasonable" or "Reasonably" when used in relation to conduct by a lawyer denotes the conduct of a reasonably prudent and competent lawyer.

"Reasonable belief" or "Reasonably believes" when used in reference to a lawyer denotes that the lawyer believes the matter in question and that the circumstances are such that the belief is reasonable.

"Reasonably should know" when used in reference to a lawyer denotes that a lawyer of reasonable prudence and competence would ascertain the matter in question.

"Secret" see "Confidence", supra.

"Substantial" when used in reference to degree or extent denotes a material matter of clear and weighty importance.

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## RPC 1.1

## COMPETENCE

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

## RPC 1.2

## SCOPE OF REPRESENTATION

(a) A lawyer shall abide by a client's decisions concerning the objectives of representation, subject to paragraphs (c), (d), and (e), and shall consult with the client as to the means by which they are to be pursued. A lawyer shall abide by a client's decision whether to accept an offer of settlement of a matter. In a criminal case, the lawyer shall abide by the client's decision, after consultation with the lawyer, as to a plea to be entered, whether to waive jury trial and whether the client will testify.

(b) A lawyer's representation of a client, including representation by appointment, does not constitute an endorsement of the client's political, economic, social or moral views or activities.

(c) A lawyer may limit the objectives of the representation if the client consents after consultation.

(d) A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is criminal or fraudulent, but a lawyer may discuss the legal consequences of any proposed course of conduct with a client and may counsel or assist a client to make a good faith effort to determine the validity, scope, meaning or application of the law.

(e) When a lawyer knows that a client expects assistance not permitted by the rules of professional conduct or other law, the lawyer shall consult with the client regarding the relevant limitations on the lawyer's conduct.

RPC 1.3  
DILIGENCE

A lawyer shall act with reasonable diligence and promptness in representing a client.

RPC 1.4  
COMMUNICATION

(a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

(b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

RPC 1.5  
FEES

(a) A lawyer's fee shall be reasonable. The factors to be considered in determining the reasonableness of a fee include the following:

(1) the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;

(2) the likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer;

(3) the fee customarily charged in the locality for similar legal services;

(4) the amount involved and the results obtained;

(5) the time limitations imposed by the client or by the circumstances;

(6) the nature and length of the professional relationship with the client;

(7) the experience, reputation, and ability of the lawyer or lawyers performing the services; and

(8) whether the fee is fixed or contingent.

(b) When the lawyer has not regularly represented the client, the basis or rate of the fee shall be communicated to the client, preferably in writing, before or within a reasonable time after commencing the representation.

(c) A fee may be contingent on the outcome of the matter for which the service is rendered, except in a matter in which a contingent fee is prohibited by paragraph (d) or other law. A contingent fee agreement shall be in writing and shall state the method by which the fee is to be determined, including the percentage or percentages that shall accrue to the lawyer in the event of settlement, trial or appeal, litigation and other expenses to be deducted from the recovery, and whether such expenses are to be deducted before or after the contingent fee is calculated. Upon conclusion of a contingent fee matter, the lawyer shall provide the client with a written statement stating the outcome of the matter and, if there is a recovery, showing the remittance to the client and the method of its determination.

(d) A lawyer shall not enter into an arrangement for, charge, or collect:

(1) any fee in a domestic relations matter, the payment or amount of which is contingent upon the securing of a dissolution or annulment of marriage or upon the amount of alimony maintenance or support, or property

settlement in lieu thereof (except in post dissolution proceedings); or

(2) a contingent fee for representing a defendant in a criminal case.

(e) A division of fee between lawyers who are not in the same firm may be made only if:

(1) the division is between the lawyer and a duly authorized lawyer referral service of either the Washington State Bar Association or of one of the county bar associations of this state; or

(2) the division is in proportion to the services provided by each lawyer or, by written agreement with the client, each lawyer assumes joint responsibility for the representation; the client is advised of and does not object to the participation of all the lawyers involved; and the total fee is reasonable.

RPC 1.6  
CONFIDENTIALITY

(a) A lawyer shall not reveal confidences or secrets relating to representation of a client unless the client consents after consultation, except for disclosures that are impliedly authorized in order to carry out the representation, and except as stated in paragraph (b).

(b) A lawyer may reveal such confidences or secrets to the extent the lawyer reasonably believes necessary:

(1) to prevent the client from committing a crime; or

(2) to establish a claim or defense on behalf of the lawyer in a controversy between the lawyer and the client, to establish a defense to a criminal charge or civil claim against the lawyer based upon conduct in which the client was involved, to respond to allegations in any proceeding concerning the lawyer's representation of the client, or pursuant to court order.

RPC 1.7

CONFLICT OF INTEREST: GENERAL RULE

(a) A lawyer shall not represent a client if the representation of that client will be directly adverse to another client, unless:

(1) the lawyer reasonably believes the representation will not adversely affect the relationship with the other client; and

(2) each client consents in writing after consultation and a full disclosure of the material facts (following authorization from the other client to make such a disclosure).

(b) A lawyer shall not represent a client if the representation of that client may be materially limited by the lawyer's responsibilities to another client or to a third person, or by the lawyer's own interests, unless:

(1) the lawyer reasonably believes the representation will not be adversely affected; and

(2) the client consents in writing after consultation and a full disclosure of the material facts (following authorization from the other client to make such a disclosure). When representation of multiple clients in a single matter is undertaken, the consultation shall include explanation of the implications of the common representation and the advantages and risks involved.

## RPC 1.8

**CONFLICT OF INTEREST: PROHIBITED  
TRANSACTIONS: CURRENT CLIENT**

A lawyer who is representing a client in a matter:

(a) shall not enter into a business transaction with a client or knowingly acquire an ownership, possessory, security or other pecuniary interest adverse to a client unless:

(1) the transaction and terms on which the lawyer acquires the interest are fair and reasonable to the client and are fully disclosed and transmitted in writing to the client in a manner which can be reasonably understood by the client;

(2) the client is given a reasonable opportunity to seek the advice of independent counsel in the transaction; and

(3) the client consents thereto.

(b) shall not use information relating to representation of a client to the disadvantage of the client unless the client consents in writing after consultation.

(c) shall not prepare an instrument giving the lawyer or a person related to the lawyer as parent, child, sibling, or spouse any substantial gift from a client, including a testamentary gift, except where the client is related to the donee.

(d) shall not, prior to the conclusion of representation of a client, make or negotiate an agreement giving the lawyer literary or media rights to a portrayal or account based in substantial part on information relating to the representation.

(e) shall not, while representing a client in connection with contemplated or pending litigation, advance or guarantee financial assistance to his or her client, except that a lawyer may advance or guarantee the expenses of litigation, including court costs, expenses of investigation, expenses of medical examination, and costs of obtaining and presenting evidence, provided the client remains ultimately liable for such expenses.

(f) shall not accept compensation for representing a client from one other than the client unless:

(1) the client consents after consultation;

(2) there is no interference with the lawyer's independence of professional judgment or with the client-lawyer relationship; and

(3) information relating to representation of a client is protected as required by Rule 1.6.

(g) shall not, while representing two or more clients, participate in making an aggregate settlement of the claims of or against the clients, or in a criminal case an aggregated agreement as to guilty or nolo contendere pleas, unless each client consents after consultation, including disclosure of the existence and nature of all the claims or pleas involved and the participation of each person in the settlement.

(h) shall not make an agreement prospectively limiting the lawyer's liability to a client for malpractice unless permitted by law and the client is independently represented in making the agreement, or settle a claim for such liability with an unrepresented client or former client without first advising that person in writing that

independent representation is appropriate in connection therewith.

(i) shall not, if related to another lawyer as parent, child, sibling or spouse, represent a client in a representation directly adverse to a person who the lawyer knows is represented by the other lawyer except upon consent by the client after consultation regarding the relationship.

(j) shall not acquire a proprietary interest in the cause of action or subject matter of litigation the lawyer is conducting for a client, except that the lawyer may:

(1) acquire a lien granted by law to secure the lawyer's fee or expenses; and

(2) contract with a client for a reasonable contingent fee in a civil case.

## RPC 1.9

**CONFLICT OF INTEREST: FORMER CLIENT**

A lawyer who has formerly represented a client in a matter shall not thereafter:

(a) represent another person in the same or a substantially related matter in which that person's interests are materially adverse to the interests of the former client unless the former client consents in writing after consultation and a full disclosure of the material facts; or

(b) use confidences or secrets relating to the representation to the disadvantage of the former client, except as Rule 1.6 would permit.

## RPC 1.10

**IMPUTED DISQUALIFICATION: GENERAL  
RULE**

(a) While lawyers are associated in a firm, none of them shall knowingly represent a client when any one of them practicing alone would be prohibited from doing so by Rules 1.7, 1.8 (c), 1.9 or 2.2.

(b) When a lawyer becomes associated with a firm, the firm may not knowingly represent a person in the same or a substantially related matter in which that lawyer, or a firm with which the lawyer was associated, had previously represented a client whose interests are materially adverse to that person and about whom the lawyer had acquired confidences or secrets protected by Rules 1.6 and 1.9(b) that is material to the matter.

(c) When a lawyer has terminated an association with a firm, the firm is not prohibited from thereafter representing a person with interests materially adverse to those of a client represented by the formerly associated lawyer unless:

(1) the matter is the same or substantially related to that in which the formerly associated lawyer represented the client; and

(2) any lawyer remaining in the firm has acquired confidences or secrets protected by Rules 1.6 and 1.9(b) that is material to the matter.

(d) A disqualification prescribed by this Rule may be waived by the affected client under the conditions stated in Rule 1.7.

## RPC 1.11

SUCCESSIVE GOVERNMENT AND PRIVATE  
EMPLOYMENT

(a) Except as law may otherwise expressly permit, a lawyer shall not represent a private client in connection with a matter in which the lawyer participated personally and substantially as a public officer or employee, unless the appropriate government agency consents after consultation. No lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in such a matter unless:

(1) the disqualified lawyer is screened from any participation in the matter and is apportioned no part of the fee therefrom; and

(2) written notice is promptly given to the appropriate government agency to enable it to ascertain compliance with the provisions of this rule.

(b) Except as law may otherwise expressly permit, a lawyer having information that the lawyer knows is confidential government information about a person acquired when the lawyer was a public officer or employee, may not represent a private client whose interests are adverse to that person in a matter in which the information could be used to the material disadvantage of that person. A firm with which that lawyer is associated may undertake or continue representation in the matter only if the disqualified lawyer is screened from any participation in the matter and is apportioned no part of the fee therefrom.

(c) Except as law may otherwise expressly permit, a lawyer serving as a public officer or employee shall not:

(1) participate in a matter in which the lawyer participated personally and substantially while in private practice or nongovernmental employment, unless under applicable law no one is, or by lawful delegation may be, authorized to act in the lawyer's stead in the matter; or

(2) negotiate for private employment with any person who is involved as a party or as attorney for a party in a matter in which the lawyer is participating personally and substantially.

(d) As used in this Rule, the term "matter" includes:

(1) any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest or other particular matter involving a specific party or parties; and

(2) any other matter covered by the conflict of interest rules of the appropriate government agency.

(e) As used in this Rule, the term "confidential government information" means information which has been obtained under governmental authority and which, at the time this Rule is applied, the government is prohibited by law from disclosing to the public or has a legal privilege not to disclose, and which is not otherwise available to the public.

## RPC 1.12

## FORMER JUDGE OR ARBITRATOR

(a) Except as stated in paragraph (d), a lawyer shall not represent anyone in connection with a matter in

which the lawyer participated personally and substantially as a judge or other adjudicative officer, arbitrator or law clerk to such a person, unless all parties to the proceeding consent after disclosure.

(b) A lawyer shall not negotiate for employment with any person who is involved as a party or as attorney for a party in a matter in which the lawyer is participating personally and substantially as a judge or other adjudicative officer, or arbitrator. A lawyer serving as a law clerk to a judge, other adjudicative officer or arbitrator may negotiate for employment with a party or attorney involved in a matter in which the clerk is participating personally and substantially, but only after the lawyer has notified the judge, other adjudicative officer or arbitrator.

(c) If a lawyer is disqualified by paragraph (a), no lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in the matter unless:

(1) the disqualified lawyer is screened from any participation in the matter and is apportioned no part of the fee therefrom; and

(2) written notice is promptly given to the appropriate tribunal to enable it to ascertain compliance with the provisions of this rule.

(d) An arbitrator selected as a partisan of a party in a multi-member arbitration panel is not prohibited from subsequently representing that party.

## RPC 1.13

## CLIENT UNDER A DISABILITY

(a) When a client's ability to make adequately considered decisions in connection with the representation is impaired, whether because of minority, mental disability or for some other reason, the lawyer shall, as far as reasonably possible, maintain a normal client-lawyer relationship with the client.

(b) When the lawyer reasonably believes that the client cannot adequately act in the client's own interest, a lawyer may seek the appointment of a guardian or take other protective action with respect to a client.

## RPC 1.14

PRESERVING IDENTITY OF FUNDS AND  
PROPERTY OF A CLIENT

(a) All funds of clients paid to a lawyer or law firm, including advances for costs and expenses, shall be deposited in one or more identifiable interest-bearing trust accounts maintained as set forth in RPC 1.14(c), and no funds belonging to the lawyer or law firm shall be deposited therein except as follows:

(1) Funds reasonably sufficient to pay bank charges may be deposited therein.

(2) Funds belonging in part to a client and in part presently or potentially to the lawyer or law firm must be deposited therein, but the portion belonging to the lawyer or law firm may be withdrawn when due unless the right of the lawyer or law firm to receive it is disputed by the client, in which event the disputed portion shall not be withdrawn until the dispute is finally resolved.

(b) A lawyer shall:

(1) Promptly notify a client of the receipt of his or her funds, securities, or other properties.

(2) Identify and label securities and properties of a client promptly upon receipt and place them in a safe deposit box or other place of safekeeping as soon as practicable.

(3) Maintain complete records of all funds, securities, and other properties of a client coming into the possession of the lawyer and render appropriate accounts to his or her client regarding them.

(4) Promptly pay or deliver to the client as requested by a client the funds, securities, or other properties in the possession of the lawyer which the client is entitled to receive.

(c) Each trust account referred to in RPC 1.14(a) shall be an interest-bearing trust account in any bank, credit union or savings and loan association, selected by a lawyer in the exercise of ordinary prudence, authorized by federal or state law to do business in Washington and insured by the Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund, the Washington Credit Union Share Guaranty Association, or the Federal Savings and Loan Insurance Corporation, or which is a "qualified public depository" as defined in RCW 39.58.010(1). Interest-bearing trust funds shall be placed in accounts in which withdrawals or transfers can be made without delay when such funds are required, subject only to any notice period which the depository institution is required to reserve by law or regulation.

(1) A lawyer who receives client funds shall maintain a pooled interest-bearing trust account for deposit of client funds that are nominal in amount or expected to be held for a short period of time. The interest accruing on this account, net of any transaction costs, shall be paid to The Legal Foundation of Washington, as established by the Supreme Court of Washington. A lawyer may, but shall not be required to, notify the client of the intended use of such funds.

(2) All client funds shall be deposited in the account specified in subsection (1) unless they are deposited in:

(a) A separate interest-bearing trust account for the particular client or client's matter on which the interest will be paid to the client; or

(b) A pooled interest-bearing trust account with sub-accounting that will provide for computation of interest earned by each client's funds and the payment thereof to the client.

(3) In determining whether to use the account specified in subsection (1) or an account specified in subsection (2), a lawyer shall consider only whether the funds to be invested could be utilized to provide a positive net return to the client, as determined by taking into consideration the following factors:

(a) the amount of interest that the funds would earn during the period they are expected to be deposited;

(b) The cost of establishing and administering the account, including the cost of the lawyer's services and the cost of preparing any tax reports required for interest accruing to a client's benefit; and

(c) The capability of financial institutions to calculate and pay interest to individual clients.

(4) As to accounts created under subsection (c)(1), lawyers or law firms shall direct the depository institution:

(a) To remit interest or dividends, net of any service charges or fees, on the average monthly balance in the account, or as otherwise computed in accordance with an institution's standard accounting practice, at least quarterly, to The Legal Foundation of Washington (the Foundation);

(b) To transmit with each remittance to the Foundation a statement showing the name of the lawyer or law firm for whom the remittance is sent, the rate of interest applied, and the amount of service charges deducted, if any, and the account balance(s) of the period in which the report is made, with a copy of such statement to be transmitted to the depositing lawyer or law firm.

(5) The Foundation shall prepare an annual report to the Supreme Court of Washington that summarizes the Foundation's income, grants and operating expenses, implementation of its corporate purposes, and any problems arising in the administration of the program established by section (c) of this rule.

(6) The provisions of section (c) shall not relieve a lawyer or law firm from any obligation imposed by these rules with respect to safekeeping of clients' funds, including the requirements of section (b) that a lawyer shall promptly notify a client of the receipt of his or her funds and shall promptly pay or deliver to the client as requested all funds in the possession of the lawyer which the client is entitled to receive.

#### RPC 1.15

#### DECLINING OR TERMINATING REPRESENTATION

(a) Except as stated in paragraph (c), a lawyer shall not represent a client or, where representation has commenced, shall, notwithstanding RCW 2.44.040, withdraw from the representation of a client if:

(1) the representation will result in violation of the rules of professional conduct or other law;

(2) the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client; or

(3) the lawyer is discharged.

(b) Except as stated in paragraph (c), a lawyer may withdraw from representing a client if withdrawal can be accomplished without material adverse effect on the interests of the client, or if:

(1) the client persists in a course of action involving the lawyer's services that the lawyer reasonably believes is criminal or fraudulent;

(2) the client has used the lawyer's services to perpetrate a crime or fraud;

(3) ~~a~~ the client insists upon pursuing an objective that the lawyer considers repugnant or imprudent;

(4) the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled;

(5) the representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client; or

(6) other good cause for withdrawal exists.

(c) When ordered to do so by a tribunal, a lawyer shall continue representation notwithstanding good cause for terminating the representation.

(d) A lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee that has not been earned. The lawyer may retain papers relating to the client to the extent permitted by other law.

## Title 2—COUNSELOR

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- 2.1 Advisor
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- 2.3 Evaluation for Use by Third Persons

#### RPC 2.1

### ADVISOR

In representing a client, a lawyer shall exercise independent professional judgment and render candid advice. In rendering advice, a lawyer may refer not only to law but to other considerations such as moral, economic, social and political factors, that may be relevant to the client's situation.

#### RPC 2.2

### INTERMEDIARY

(a) A lawyer may act as intermediary between clients if:

(1) the lawyer consults with each client concerning the implications of the common representation, including the advantages and risks involved, and the effect on the attorney-client privileges, and obtains each client's written consent to the common representation;

(2) the lawyer reasonably believes that the matter can be resolved on terms compatible with the clients' best interests, that each client will be able to make adequately informed decisions in the matter and that there is little risk of material prejudice to the interests of any of the clients if the contemplated resolution is unsuccessful; and

(3) the lawyer reasonably believes that the common representation can be undertaken impartially and without improper effect on other responsibilities the lawyer has to any of the clients.

(b) While acting as intermediary, the lawyer shall consult with each client concerning the decisions to be made and the considerations relevant in making them, so that each client can make adequately informed decisions.

(c) A lawyer shall withdraw as intermediary if any of the clients so requests, or if any of the conditions stated in paragraph (a) is no longer satisfied. Upon withdrawal, the lawyer shall not continue to represent any of the clients in the matter that was the subject of the intermediation.

#### RPC 2.3

### EVALUATION FOR USE BY THIRD PERSONS

(a) A lawyer may undertake an evaluation of a matter affecting a client for the use of someone other than the client if:

(1) the lawyer reasonably believes that making the evaluation is compatible with other aspects of the lawyer's relationship with the client; and

(2) the client consents after consultation.

(b) Except as disclosure is required in connection with a report of an evaluation, information relating to the evaluation is otherwise protected by Rule 1.6.

## Title 3—ADVOCATE

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- 3.1 Meritorious Claims and Contentions
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#### RPC 3.1

### MERITORIOUS CLAIMS AND CONTENTIONS

A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law. A lawyer for the defendant in a criminal proceeding, or the respondent in a proceeding that could result in incarceration, may nevertheless so defend the proceeding as to require that every element of the case be established.

#### RPC 3.2

### EXPEDITING LITIGATION

A lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.

#### RPC 3.3

### CANDOR TOWARD THE TRIBUNAL

(a) A lawyer shall not knowingly:

(1) Make a false statement of material fact or law to a tribunal;

(2) Fail to disclose a material fact to a tribunal when disclosure is necessary to avoid assisting a criminal or fraudulent act by the client unless such disclosure is prohibited by Rule 1.6;

(3) Fail to disclose to the tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel;

(4) Offer evidence that the lawyer knows to be false.

(b) The duties stated in paragraph (a) continue to the conclusion of the proceeding.

(c) If the lawyer has offered material evidence and comes to know of its falsity, the lawyer shall promptly

disclose this fact to the tribunal unless such disclosure is prohibited by Rule 1.6.

(d) If the lawyer has offered material evidence and comes to know of its falsity, and disclosure of this fact is prohibited by Rule 1.6, the lawyer shall promptly make reasonable efforts to convince the client to consent to disclosure. If the client refuses to consent to disclosure, the lawyer may seek to withdraw from the representation in accordance with Rule 1.15.

(e) A lawyer may refuse to offer evidence that the lawyer reasonably believes is false.

(f) In an ex parte proceeding, a lawyer shall inform the tribunal of all relevant facts known to the lawyer that should be disclosed to permit the tribunal to make an informed decision, whether or not the facts are adverse.

(g) Constitutional law defining the right to assistance of counsel in criminal cases may supersede the obligations stated in this rule.

#### RPC 3.4

#### FAIRNESS TO OPPOSING PARTY AND COUNSEL

A lawyer shall not:

(a) unlawfully obstruct another party's access to evidence or unlawfully alter, destroy or conceal a document or other material having potential evidentiary value. A lawyer shall not counsel or assist another person to do any such act;

(b) falsify evidence, counsel or assist a witness to testify falsely, or offer an inducement to a witness that is prohibited by law;

(c) knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists;

(d) in pretrial procedure, make a frivolous discovery request or fail to make reasonably diligent effort to comply with a legally proper discovery request by an opposing party;

(e) in trial, allude to any matter that the lawyer does not reasonably believe is relevant or that will not be supported by admissible evidence, or assert personal knowledge of facts in issue except when testifying as a witness; or

(f) in trial, state a personal opinion as to the justness of a cause, the credibility of a witness, the culpability of a civil litigant or the guilt or innocence of an accused, but the lawyer may argue, on his or her analysis of the evidence, for any position or conclusion with respect to the matters stated herein.

#### RPC 3.5

#### IMPARTIALITY AND DECORUM OF THE TRIBUNAL

A lawyer shall not:

(a) seek to influence a judge, juror, prospective juror or other official by means prohibited by law;

(b) communicate ex parte with such a person except as permitted by law; or

(c) engage in conduct intended to disrupt a tribunal.

#### RPC 3.6

#### TRIAL PUBLICITY

(a) A lawyer shall not make an extrajudicial statement that a reasonable person would expect to be disseminated by means of public communication if the lawyer knows or reasonably should know that it will have a substantial likelihood of materially prejudicing an adjudicative proceeding.

(b) A statement referred to in paragraph (a) ordinarily is likely to have such an effect when it refers to a civil matter triable to a jury, a criminal matter, or any other proceeding that could result in incarceration, and the statement relates to:

(1) the character, credibility, reputation or criminal record of a party, suspect in a criminal investigation or witness, or the identity of a witness, or the expected testimony of a party or witness;

(2) in a criminal case or proceeding that could result in incarceration, the possibility of a plea of guilty to the offense or the existence or contents of any confession, admission, or statement given by a defendant or suspect or that person's refusal or failure to make a statement;

(3) the performance or results of any examination or test or the refusal or failure of a person to submit to an examination or test, or the identity or nature of physical evidence expected to be presented;

(4) any opinion as to the guilt or innocence of a defendant or suspect in a criminal case or proceeding that could result in incarceration;

(5) information the lawyer knows or reasonably should know is likely to be inadmissible as evidence in a trial and would if disclosed create a substantial risk of prejudicing an impartial trial; or

(6) the fact that a defendant has been charged with a crime, unless there is included therein a statement explaining that the charge is merely an accusation and that the defendant is presumed innocent until and unless proven guilty.

(c) Notwithstanding paragraphs (a) and (b)(1-5), a lawyer involved in the investigation or litigation of a matter may state without elaboration:

(1) the general nature of the claim or defense;

(2) the information contained in a public record;

(3) that an investigation of the matter is in progress, including the general scope of the investigation, the offense or claim or defense involved and, except when prohibited by law, the identity of the persons involved;

(4) the scheduling or result of any step in litigation;

(5) a request for assistance in obtaining evidence and information necessary thereto;

(6) a warning of danger concerning the behavior of a person involved, when there is reason to believe that there exists the likelihood of substantial harm to an individual or to the public interest; and

(7) in a criminal case:

(i) the identity, residence, occupation and family status of the accused;

(ii) if the accused has not been apprehended, information necessary to aid in apprehension of that person;

(iii) the fact, time and place of arrest; and

(iv) the identity of investigating and arresting officers or agencies and the length of the investigation.

RPC 3.7

LAWYER AS WITNESS

A lawyer shall not act as advocate at a trial in which the lawyer or another lawyer in the same law firm is likely to be a necessary witness except where:

(a) The testimony relates to an issue that is either uncontested or a formality;

(b) The testimony relates to the nature and value of legal services rendered in the case; or

(c) The lawyer has been called by the opposing party and the court rules that the lawyer may continue to act as an advocate; or

(d) The trial judge finds that disqualification of the lawyer would work a substantial hardship on the client and that the likelihood of the lawyer being a necessary witness was not reasonably foreseeable before trial.

RPC 3.8

SPECIAL RESPONSIBILITIES OF A PROSECUTOR

The prosecutor in a criminal case shall:

(a) refrain from prosecuting a charge that the prosecutor knows is not supported by probable cause;

(b) make reasonable efforts to assure that the accused has been advised of the right to, and the procedure for obtaining, counsel and has been given reasonable opportunity to obtain counsel;

(c) not seek to obtain from an unrepresented accused a waiver of important pretrial rights, such as the right to a preliminary hearing;

(d) make timely disclosure to the defense of all evidence or information known to the prosecutor that tends to negate the guilt of the accused or mitigates the offense, and, in connection with sentencing, disclose to the defense and to the tribunal all unprivileged mitigating information known to the prosecutor, except when the prosecutor is relieved of this responsibility by a protective order of the tribunal; and

(e) exercise reasonable care to prevent investigators, law enforcement personnel, employees or other persons assisting or associated with the prosecutor in a criminal case from making an extrajudicial statement that the prosecutor would be prohibited from making under Rule 3.6.

RPC 3.9

ADVOCATE IN NONADJUDICATIVE PROCEEDINGS

A lawyer representing a client before a legislative or administrative tribunal in a nonadjudicative proceeding shall disclose that the appearance is in a representative capacity and shall conform to the provisions of Rules 3.3(a) through (e), 3.4(a) through (c), and 3.5.

Title 4-TRANSACTIONS WITH PERSONS  
OTHER THAN CLIENTS

Table of Contents

- 4.1 Truthfulness in Statements to Others
- 4.2 Communication with Person Represented by Counsel
- 4.3 Dealing with Unrepresented Person
- 4.4 Respect for Rights of Third Persons

RPC 4.1

TRUTHFULNESS IN STATEMENTS TO OTHERS

In the course of representing a client a lawyer shall not knowingly:

(a) make a false statement of material fact or law to a third person; or

(b) fail to disclose a material fact to a third person when disclosure is necessary to avoid assisting a criminal or fraudulent act by a client, unless disclosure is prohibited by Rule 1.6.

RPC 4.2

COMMUNICATION WITH PERSON REPRESENTED BY COUNSEL

In representing a client, a lawyer shall not communicate about the subject of the representation with a party the lawyer knows to be represented by another lawyer in the matter, unless the lawyer has the consent of the other lawyer or is authorized by law to do so.

RPC 4.3

DEALING WITH UNREPRESENTED PERSON

In dealing on behalf of a client with a person who is not represented by counsel, a lawyer shall not state or imply that the lawyer is disinterested. When the lawyer knows or reasonably should know that the unrepresented person misunderstands the lawyer's role in the matter, the lawyer shall make reasonable efforts to correct the misunderstanding.

RPC 4.4

RESPECT FOR RIGHTS OF THIRD PERSON

In representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person, or use methods of obtaining evidence that violate the legal rights of such a person.

Title 5-LAW FIRMS AND ASSOCIATIONS

Table of Contents

- 5.1 Responsibilities of a Partner or Supervisory Lawyer
- 5.2 Responsibilities of a Subordinate Lawyer
- 5.3 Responsibilities Regarding Nonlawyer Assistants
- 5.4 Professional Independence of a Lawyer
- 5.5 Unauthorized Practice of Law
- 5.6 Restrictions on Right to Practice

## RPC 5.1

RESPONSIBILITIES OF A PARTNER OR  
SUPERVISORY LAWYER

(a) A partner in a law firm shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that all lawyers in the firm conform to the rules of professional conduct.

(b) A lawyer having direct supervisory authority over another lawyer shall make reasonable efforts to ensure that the other lawyer conforms to the rules of professional conduct.

(c) A lawyer shall be responsible for another lawyer's violation of the rules of professional conduct if:

(1) the lawyer orders or, with knowledge of the specific conduct, ratifies the conduct involved; or

(2) the lawyer is a partner in the law firm in which the other lawyer practices, or has direct supervisory authority over the other lawyer, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

## RPC 5.2

RESPONSIBILITIES OF A SUBORDINATE  
LAWYER

(a) A lawyer is bound by the rules of professional conduct notwithstanding that the lawyer acted at the direction of another person.

(b) A subordinate lawyer does not violate the rules of professional conduct if that lawyer acts in accordance with a supervisory lawyer's reasonable resolution of an arguable question of professional duty.

## RPC 5.3

RESPONSIBILITIES REGARDING NONLAWYER  
ASSISTANTS

With respect to a nonlawyer employed or retained by or associated with a lawyer:

(a) a partner in a law firm shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that the person's conduct is compatible with the professional obligations of the lawyer;

(b) a lawyer having direct supervisory authority over the nonlawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer; and

(c) a lawyer shall be responsible for conduct of such a person that would be a violation of the rules of professional conduct if engaged in by a lawyer if:

(1) the lawyer orders or, with the knowledge of the specific conduct, ratifies the conduct involved; or

(2) the lawyer is a partner in the law firm in which the person is employed, or has direct supervisory authority over the person, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

## RPC 5.4

PROFESSIONAL INDEPENDENCE OF A  
LAWYER

(a) A lawyer or law firm shall not share legal fees with a nonlawyer, except that:

(1) an agreement by a lawyer with the lawyer's firm, partner, or associate may provide for the payment of money, over a reasonable period of time after the lawyer's death, to the lawyer's estate or to one or more specified persons;

(2) a lawyer who undertakes to complete unfinished legal business of a deceased lawyer may pay to the estate of the deceased lawyer that proportion of the total compensation which fairly represents the services rendered by the deceased lawyer; and

(3) a lawyer or law firm may include nonlawyer employees in a compensation or retirement plan, even though the plan is based in whole or in part on a profit-sharing arrangement.

(b) A lawyer shall not form a partnership with a nonlawyer if any of the activities of the partnership consist of the practice of law.

(c) A lawyer shall not permit a person who recommends, employs, or pays the lawyer to render legal services for another to direct or regulate the lawyer's professional judgment in rendering such legal services.

(d) A lawyer shall not practice with or in the form of a professional corporation or association authorized to practice law for a profit, if:

(1) a nonlawyer owns any interest therein, except that a fiduciary representative of the estate of a lawyer may hold the stock or interest of the lawyer for a reasonable time during administration;

(2) a nonlawyer is a corporate director or officer (other than as secretary or treasurer) thereof; or

(3) a nonlawyer has the right to direct or control the professional judgment of a lawyer.

## RPC 5.5

## UNAUTHORIZED PRACTICE OF LAW

A lawyer shall not:

(a) practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction; or

(b) assist a person who is not a member of the bar in the performance of activity that constitutes the unauthorized practice of law.

## RPC 5.6

## RESTRICTIONS ON RIGHT TO PRACTICE

A lawyer shall not participate in offering or making:

(a) a partnership or employment agreement that restricts the rights of a lawyer to practice after termination of the relationship, except an agreement concerning benefits upon retirement; or

(b) an agreement in which a restriction on the lawyer's right to practice is part of the settlement of a controversy between private parties.

Title 6—PUBLIC SERVICETable of Contents

- 6.1 Pro Bono Publico Service
- 6.2 Accepting Appointments
- 6.3 Membership in Legal Services Organization
- 6.4 Law Reform Activities Affecting Client Interests

## RPC 6.1

## PRO BONO PUBLICO SERVICE

A lawyer should render public interest legal service. A lawyer may discharge this responsibility by providing professional services at no fee or a reduced fee to persons of limited means or to public service or charitable groups or organizations, by service in activities for improving the law, the legal system or the legal profession, and by financial support for organizations that provide legal services to persons of limited means.

## RPC 6.2

## ACCEPTING APPOINTMENTS

A lawyer shall not seek to avoid appointment by a tribunal to represent a person except for good cause, such as:

- (a) representing the client is likely to result in violation of the rules of professional conduct or other law;
- (b) representing the client is likely to result in an unreasonable financial burden on the lawyer; or
- (c) the client or the cause is so repugnant to the lawyer as to be likely to impair the client-lawyer relationship or the lawyer's ability to represent the client.

## RPC 6.3

## MEMBERSHIP IN LEGAL SERVICES ORGANIZATION

A lawyer may serve as a director, officer or member of a legal services organization, apart from the law firm in which the lawyer practices, notwithstanding that the organization serves persons having interests adverse to a client of the lawyer. The lawyer shall not knowingly participate in a decision or action of the organization:

- (a) if participating in the decision would be incompatible with the lawyer's obligations to a client under Rule 1.7; or
- (b) where the decision could have a material adverse effect on the representation of a client of the organization whose interests are adverse to a client of the lawyer.

## RPC 6.4

## LAW REFORM ACTIVITIES AFFECTING CLIENT INTERESTS

A lawyer may serve as a director, officer or member of an organization involved in reform of the law or its administration notwithstanding that the reform may affect the interests of a client of the lawyer. When the lawyer knows that the interests of a client may be materially benefited by a decision in which the lawyer participates, the lawyer shall disclose that fact but need not identify the client.

Title 7—INFORMATION ABOUT LEGAL SERVICESTable of Contents

- 7.1 Communications Concerning a Lawyer's Services
- 7.2 Advertising
- 7.3 Direct Contact with Prospective Clients
- 7.4 Communication of Fields of Practice
- 7.5 Firm Names and Letterheads

## RPC 7.1

## COMMUNICATIONS CONCERNING A LAWYER'S SERVICES

A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services. A communication is false or misleading if it:

- (a) contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading;
- (b) is likely to create an unjustified expectation about results the lawyer can achieve, or states or implies that the lawyer can achieve results by means that violate the rules of professional conduct or other law; or
- (c) compares the lawyer's services with other lawyers' services, unless the comparison can be factually substantiated.

## RPC 7.2

## ADVERTISING

(a) Subject to the requirements of Rule 7.1, a lawyer may advertise services through public media, such as a telephone directory, legal directory, newspaper or other periodical, outdoor, radio or television, or through written communication not involving solicitation as defined in Rule 7.3.

(b) A copy or recording of an advertisement or written communication shall be kept for 2 years after its last dissemination along with a record of when and where it was used.

(c) A lawyer shall not give anything of value to a person for recommending the lawyer's services, except that a lawyer may pay the reasonable cost of advertising or written communication permitted by this rule and may pay the usual charges of a not-for-profit lawyer referral service or other legal service organization.

(d) Any communication made pursuant to this rule shall include the name of at least one lawyer responsible for its content.

## RPC 7.3

## DIRECT CONTACT WITH PROSPECTIVE CLIENTS

A lawyer shall not solicit professional employment from a prospective client with whom the lawyer has no family or prior professional relationship, by mail, in-person or otherwise, when a significant motive for the lawyer's doing so is the lawyer's pecuniary gain. The term "solicit" includes contact in person, by telephone or telegraph, by letter or other writing, or by other communication directed to a specific recipient but does not

include letters addressed or advertising circulars distributed generally to persons not known to need legal services of the kind provided by the lawyer in a particular matter, but who are so situated that they might in general find such services useful.

RPC 7.4

COMMUNICATION OF FIELDS OF PRACTICE

A lawyer may communicate the fact that the lawyer does or does not practice in particular fields of law. A lawyer shall not state or imply that the lawyer is a specialist except that a lawyer admitted to engage in patent practice before the United States Patent and Trademark Office may use the designation "patent attorney" or a substantially similar designation.

RPC 7.5

FIRM NAMES AND LETTERHEADS  
DESIGNATIONS

(a) A trade name may not be used by a lawyer in private practice except that the use of the words "legal clinic" may be used alone or in conjunction with a geographical designation or the name of one or more of the lawyers connected with the practice so long as the name is not otherwise in violation of Rule 7.1 and except if otherwise lawful a firm may use as, or continue to include in, its name the name or names of one or more deceased or retired members of the firm or of a predecessor firm in a continuing line of succession.

(b) A law firm with offices in more than one jurisdiction may use the same name in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

(c) The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

(d) Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact.

Title 8—MAINTAINING THE INTEGRITY OF THE  
PROFESSION

Table of Contents

- 8.1 Bar Admission Matters
- 8.2 Judicial and Legal Officials
- 8.3 Reporting Professional Misconduct
- 8.4 Misconduct
- 8.5 Jurisdiction

RPC 8.1

BAR ADMISSION MATTERS

An applicant for admission to the bar, or a lawyer in connection with a bar admission application, shall not:

- (a) knowingly make a false statement of material fact;
- or

(b) fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, or knowingly fail to respond to a lawful demand for information from an admissions authority, except that this rule does not require disclosure of information otherwise protected by Rule 1.6.

RPC 8.2

JUDICIAL AND LEGAL OFFICIALS

(a) A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications, or integrity, or record of a judge, adjudicatory officer or public legal officer, or of a candidate for election or appointment to judicial or legal office.

(b) A lawyer who is a candidate for judicial office shall comply with the applicable provisions of the code of judicial conduct.

(c) A lawyer, in order to assist in maintaining the fair and independent administration of justice, should support and continue traditional efforts to defend judges and courts from unjust criticism.

RPC 8.3

REPORTING PROFESSIONAL MISCONDUCT

(a) A lawyer having knowledge that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness as a lawyer in other respects, should promptly inform the appropriate professional authority.

(b) A lawyer having knowledge that a judge has committed a violation of applicable rules of judicial conduct that raises a substantial question as to the judge's fitness for office should promptly inform the appropriate authority.

(c) This rule does not require disclosure of information otherwise protected by Rule 1.6.

RPC 8.4

MISCONDUCT

It is professional misconduct for a lawyer to:

(a) violate or attempt to violate the rules of professional conduct, knowingly assist or induce another to do so, or do so through the acts of another;

(b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;

(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;

(d) engage in conduct that is prejudicial to the administration of justice;

(e) state or imply an ability to influence improperly a government agency or official; or

(f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.

**RULE 8.5  
JURISDICTION**

A lawyer licensed or admitted for any purpose to practice in this jurisdiction is subject to the disciplinary authority of this jurisdiction although engaged in practice elsewhere.

**WSR 85-15-040  
RULES OF COURT  
STATE SUPREME COURT  
[June 25, 1985]**

In the Matter of the Adoption  
of  
CJC CANON 5(C)(8).

NO. 25700-A-368  
ORDER

The Ethics Advisory Committee having recommended the adoption of CANON 5(C)(8), and the Court having considered the proposed Amendment thereto, and having determined that the proposed Amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

**ORDERED:**

(a) That the Amendment to CANON 5(C) as attached hereto, is adopted.

(b) That this Rule will be published in the special Rules Edition of the Washington Reports in July, 1985 and will become effective September 1, 1985.

DATED at Olympia, Washington this 25th day of June, 1985.

James M. Dolliver

Utter, J.	Andersen, J.
Brachtenbach, J.	Callow, J.
Dore, J.	Goodloe, J.
Pearson, J.	Durham, J.

**CANON 5 - A JUDGE SHOULD REGULATE HIS  
EXTRAJUDICIAL ACTIVITIES TO MINIMIZE  
THE RISK OF CONFLICT WITH HIS JUDICIAL  
DUTIES**

- (A) Unchanged.
- (B) Unchanged.
- (C) Financial Activities.
  - (1) Unchanged.
  - (2) Unchanged.
  - (3) Unchanged.
  - (4) Unchanged.
  - (5) Unchanged.
  - (6) Unchanged.
  - (7) Unchanged.
- (8) Subject to the limitations and requirements of CJC 6, a judge may accept compensation and reimbursement of expenses for the solemnization of marriages, performed outside of regular court hours, pursuant to RCW 26.04.050.

- (D) Unchanged.
- (E) Unchanged.
- (F) Unchanged.
- (G) Unchanged.

**WSR 85-15-041  
NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF  
COMMUNITY DEVELOPMENT  
[Memorandum—July 12, 1985]**

The Washington State Department of Community Development (DCD) will hold a public hearing on a proposed 1986 community services block grant (CSBG) state plan.

The hearing will be held on Monday, August 12, 1985, in the DCD Fifth Floor Conference Room, Ninth and Columbia Building, Fifth Floor, Olympia, Washington. The hearing will begin promptly at 1:00 p.m. and close at 4:00 p.m. unless participation requires more time.

Two typewritten copies of all oral testimony are requested. There will be a question and answer period. Written testimony will be accepted until 5:00 p.m. on Friday, August 9, 1985, to the attention of Katherine Friedt, Assistant Director, Division for Community Services, Ninth and Columbia Building, Mailstop GH-51, Olympia, Washington 98504-4151.

If you have any questions or need additional information, please contact John Chadwick at (206) 753-4934.

**WSR 85-15-042  
PROPOSED RULES  
DEPARTMENT OF PERSONNEL  
(Personnel Board)  
[Filed July 15, 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:

- New WAC 356-42-048 Petitions for certification/decertification—Contents.
- Amd WAC 356-42-082 Filing unfair labor practice charge.
- Amd WAC 356-42-083 Investigation of and disposition of unfair labor practice charges;

that the agency will at 10:00 a.m., Thursday, September 12, 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 September 10, 1985.

This notice is connected to and continues the matter in Notice No. WSR 85-12-043 filed with the code reviser's office on June 5, 1985.

Dated: July 12, 1985  
By: Leonard Nord  
Secretary

**WSR 85-15-043**  
**ADOPTED RULES**  
**DEPARTMENT OF PERSONNEL**  
**(Personnel Board)**  
[Order 228—Filed July 15, 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:

- New WAC 356-05-211 Leadworker.
- Amd WAC 356-14-180 Salary—Reversion—Computation.
- Amd WAC 356-18-020 Holidays.

This action is taken pursuant to Notice Nos. WSR 85-12-043 and 85-14-007 filed with the code reviser on June 5, 1985, and June 24, 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.

This rule is promulgated pursuant to RCW 41.06.150 which directs that the State Personnel Board has authority to implement the provisions of RCW 1.16.050.

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

APPROVED AND ADOPTED July 11, 1985.  
By Leonard Nord  
Secretary

**NEW SECTION**

**WAC 356-05-211 LEADWORKER.** An employee assigned responsibility by management to receive and convey directions to fellow employees, take the lead in performing assigned tasks and ensure that such tasks are properly completed. This is distinguished from a journey level employee who occasionally is required to assist with training and direction of less experienced employees while performing the assigned journey tasks. Leadership functions performed are secondary to the production duties performed.

**AMENDATORY SECTION** (Amending Order 120, filed 5/12/78)

**WAC 356-14-180 SALARY—REVERSION—COMPUTATION.** ((★)) Reverted employees shall be paid at the step of the salary range which ((he/she))

they normally would have received had ((he/she)) they not been promoted or demoted.

**AMENDATORY SECTION** (Amending Order 117, filed 3/9/78)

**WAC 356-18-020 HOLIDAYS.** (1) Legal holidays are designated by statute. The following are legal holidays as established by RCW 1.16.050:

Sunday	
New Year's Day	January 1
<del>((Lincoln's Birthday</del>	<del>February 12))</del>
<u>Martin Luther King</u>	
<u>Jr.'s Birthday</u>	<u>Third Monday in January</u>
<del>((Washington's Birthday))</del>	
<u>Presidents' Day</u>	Third Monday in February
<u>Memorial Day</u>	Last Monday of May
<u>Independence Day</u>	July 4
<u>Labor Day</u>	First Monday in September
<u>Veteran's Day</u>	November 11
<u>Thanksgiving Day</u>	Fourth Thursday in November
<u>The day immediately following Thanksgiving Day</u>	
<u>Christmas Day</u>	December 25

(2) Employees, except hourly rated faculty employees and those employees employed on the basis of contracts for a specified number of work days or faculty appointments, may select another day each calendar year on which to take an additional holiday as provided in WAC 356-18-025.

**WSR 85-15-044**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SERVICES FOR THE BLIND**  
[Order 85-05—Filed July 15, 1985]

I, Paul Dzedzic, 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 Dzedzic, 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 July 15, 1985.

By Paul Dzedzic  
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 85-15-045**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 85-82—Filed July 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 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 July 15, 1985.

By Gene DiDonato  
for William R. Wilkerson  
Director

### NEW SECTION

WAC 220-44-05000Q COASTAL BOTTOM-FISH CATCH LIMITS. Notwithstanding the provisions of WAC 220-44-050, effective 12:01 a.m. July 21, 1985 until further notice, 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*) – 3,000 pounds per vessel trip.

(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*) – no restriction on landing up to 1,000 pounds per vessel trip. Landings above 1,000 pounds allowed only if Pacific ocean perch represent 20 percent or less of total weight of fish on board. Under no circumstances may a vessel land more than 5,000 pounds of Pacific ocean perch in any one 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) Sable fish – 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.*

#### REPEALER

*The following section of the Washington Administrative Code is repealed effective 12:01 a.m. July 21, 1985:*

*WAC 220-44-05000P COASTAL BOTTOMFISH CATCH LIMITS. (85-56)*

### **WSR 85-15-046**

#### **ADOPTED RULES**

#### **DEPARTMENT OF AGRICULTURE**

[Order 1867—Filed July 16, 1985]

I, C. Alan Pettibone, director of the Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to hop rootstock certification, chapter 16-354 WAC.

This action is taken pursuant to Notice No. WSR 85-11-079 filed with the code reviser on May 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 chapter 15.14 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED July 15, 1985.

By C. Alan Pettibone  
Director

#### AMENDATORY SECTION (Amending Order 1264, filed 5/10/72)

WAC 16-354-005 HOP ROOTSTOCK—GENERAL. (1) Rootstocks of hops (*Humulus Lupulus L.*) may be designated as foundation stock, registered stock and certified stock when inspected, tested and found to be true-to-name (not off-type) and discernibly free from virus (~~((not virus infected))~~) (prunus necrotic ringspot strains) and virus-like diseases, downy mildew, verticillium wilt, crown gall, rootknot nematode, hop cyst nematode or other serious pests, by procedures and inspections outlined in this program.

(2) ~~((Certification does not imply any warranty on the part of the department or any employee thereof.~~

~~((3))~~ The issuance of a certified state of Washington plant tag or stamp under this chapter affirms solely that the tagged or stamped hop rootstock has been subjected

to certification standards and procedures by the department. The department disclaims all express or implied warranties, including without limitation, implied warranties of merchantability and fitness for particular purpose, regarding all plants, plant parts, and plant materials under this chapter.

(3) The department is not responsible for disease, genetic disorder, off-type, failure of performance, mislabeling, or otherwise, in connection with this chapter. No grower, nursery dealer, government official, or other person is authorized to give any expressed or implied warranty, or to accept financial responsibility on behalf of the department regarding this chapter.

(4) Participation in ((this)) the hop rootstock certification program shall be voluntary.

#### AMENDATORY SECTION (Amending Order 1264, filed 5/10/72)

WAC 16-354-010 DEFINITIONS. (1) "Virus infected (affected)" means presence of virus(es) in a plant or plant part.

(2) "Virus-like" means a disorder of genetic or non-transmissible origin.

(3) "Off-type" means not true-to-name.

~~((4))~~ ~~("Indicator plant" means any herbaceous or woody plant used to index or determine virus infection.~~

~~((5))~~ "Index" means to determine virus infection by means of inoculation from the plant to be tested to an indicator plant or by any other method.

~~((6))~~ (5) "Foundation rootstock" means ((a planting of hop rootstock)) slips or rhizomes, cuttings and rooted plants taken from hop stocks established((,-operated)) and maintained by Washington State University, that are indexed, and believed to be free from known viruses and that are true-to-name. Cuttings or rooted plants, ((to establish registered blocks, with)) which shall be used to establish registered mother blocks shall be furnished to the applicant for a fee determined by Washington State University.

~~((7))~~ (6) "Registered ((rootstock" means rootstock produced from foundation or registered rootstock and has met the requirements as herein provided)) mother block" means a planting of hop stocks established from foundation rootstock.

~~((8))~~ (7) "Certified rootstock" means rootstock produced from registered ((rootstock)) mother blocks and ((has met)) meeting the requirements as herein provided.

~~((9))~~ (8) "Verticillium wilt" means the disease caused by Verticillium albo-atrum Reinke & Berth. or hop strains of this organism.

~~((10))~~ (9) "Downy mildew and/or black rot" means the disease caused by Pseudoperonospora humuli Miy. & Tak., G. W. Wils. Black roots caused by this disease shall not be permitted.

~~((11))~~ (10) "Crown gall" means the disease caused by Agrobacterium tumefaciens E. F. Sm. & Towns., Conn.

~~((12))~~ (11) "Rootknot nematode" (Meloidogyne sp.)

~~((13))~~ (12) "Hop cyst nematode" (Heterodera humuli) Filipjev.

~~((14))~~ (13) "Crown" means a slip or layered stem cutting with visible buds, that has been grown for ~~((1))~~ one or ~~((2))~~ two years.

(14) "Fairly fresh" means that the roots or cuttings are not excessively wilted.

(15) "Firm" means that the plant parts are not soft or spongy, although they may yield to slight pressure.

(16) "Moist" means that the plant parts are reasonably turgid and not dried to a degree that would affect normal growth.

(17) "Fairly clean" means that the plant parts are not matted or caked with dirt.

(18) "Mold" means that the plants shall be free from excessive mold or decay. Plants slightly affected by mold shall be allowed.

(19) "Freezing injury" means that the roots shall be of a normal color and only moderately affected by discolored roots which affect the normal growth of the plant.

(20) "Broken or mutilated rootstock" means the breaking of the root section or splitting of the plant part or other mechanical injury that would affect the normal growth of the plant.

AMENDATORY SECTION (Amending Order 1631, filed 5/17/79)

WAC 16-354-020 FIELD STANDARDS FOR PRODUCTION OF ~~((REGISTERED AND))~~ CERTIFIED HOP ROOTSTOCK. (1) Land requirements(~~(-~~(a) A field to be eligible for production of registered or certified hop rootstocks must never have grown hops, provided that a field is eligible to be replanted with the identical hop strain of equal standards:

(b) Land proposed for producing registered and certified hop rootstocks must be approved by the department in respect to location, drainage and adaptability):

(a) A registered mother block to be eligible for the production of certified rootstock shall be planted in a site that has been out of hop production three years (poles and trellis removed).

(b) New land (land that has never grown hops) proposed for the establishment of registered mother blocks shall be approved by the department prior to planting in respect to location, drainage and adaptability.

(c) Old hop land proposed for the establishment of registered mother blocks shall be inspected the season prior to planting in order to determine the absence of holdover hop plants: PROVIDED, That a field is eligible to be replanted with the identical hop strain of equal standards.

(d) Hop hullings shall not be spread over proposed planting sites prior to and/or during certified rootstock production.

(2) Isolation requirements(~~(-~~):

(a) A field to be eligible for production of ~~((registered or))~~ certified hop rootstock ~~((must))~~ shall be separated by ~~((an uncultivated))~~ a strip of ground ~~((and))~~ at least twenty-one feet from any other hop plants ~~((unless these plants also meet the requirements of this program))~~.

(b) A grower of ~~((registered or))~~ certified hop rootstocks may grow ~~((one or))~~ more than one hop ~~((varieties))~~ variety or strain~~((s provided))~~: PROVIDED, That

each ~~((such))~~ variety or strain is separated by not less than twenty-one feet.

(3) Plant requirements(~~(-~~(a) Only propagations from hop roots of approved strains which have been grown as foundation or registered stock may be planted for the production of registered rootstock:

(b) Only propagations from hop roots of approved strains which have been grown as registered stock may be planted for the production of certified rootstock:

(c) Registered and certified stock shall remain in the nursery no more than four growing seasons: PROVIDED, That if seeded plants are found, the field will be disqualified in the year following discovery of such plants:

~~((d))~~:

(a) Only foundation rootstock shall be planted to establish a registered mother block for the production of certified rootstock.

(b) Registered mother blocks shall remain in place no more than four growing seasons: PROVIDED, That after four years, rootstock to be certified may be moved to a new eligible site if approved by a Washington State University pathologist: PROVIDED FURTHER, That if male plants are found, the field will be disqualified in the year following discovery of the male plants.

(c) In roguing, growers ~~((must))~~ shall dig and immediately destroy all low yielding, unhealthy appearing, off-type, diseased or otherwise abnormal plants.

~~((e))~~ (d) Plant pests and weeds ~~((are to))~~ shall be effectively controlled.

AMENDATORY SECTION (Amending Order 1264, filed 5/10/72)

WAC 16-354-030 HOP ROOTSTOCK INSPECTIONS. (1) The first inspection shall be for downy mildew, verticillium wilt and other diseases and pests. The presence of verticillium wilt ~~((with))~~ shall disqualify the field.

(2) The second inspection, depending on suitable weather conditions, ~~((would))~~ shall be primarily for detection of viruses.

(3) Rootstocks. The planting material(~~(;~~) (slips or rhizomes, layered stem cuttings, or crowns~~((, must))~~) shall be inspected at digging and/or at planting time to determine freedom from serious pests.

AMENDATORY SECTION (Amending Order 1631, filed 5/17/79)

WAC 16-354-040 HOP ROOTSTOCK CERTIFICATION APPLICATION AND FEES. (1) The applicant grower shall furnish to the department all information pertinent to the operation of ~~((this))~~ the hop rootstock certification program and shall give his/her consent to the department to take material from registered mother blocks and/or greenhouses for examination and testing.

(2) Application for inspection and testing of registered ~~((and certified stock must))~~ mother blocks and certified stocks shall be filed with the department by April 1 of each year accompanied by a ~~((540))~~ seventy-five dollar application fee.

(3) Inspection fees are (~~(\$12.50)~~) sixteen dollars for each acre (~~(or fraction thereof)~~) per inspection with a minimum fee of eighty dollars for five acres or less per inspection.

(4) Payment for inspection of registered mother blocks and nursery stock for registration and certification ~~((must))~~ shall be made upon completion of the inspection. Billing to the ~~((nurseryman to))~~ nursery stock grower shall be made by the ~~((plant industry))~~ chemical and plant division.

AMENDATORY SECTION (Amending Order 1264, filed 5/10/72)

WAC 16-354-050 HOP ROOTSTOCK TAGGING AND IDENTITY. (1) Tagging. The department ~~((with))~~ shall issue a certificate covering hop rootstock~~((s))~~ that meets the requirements of ~~((this))~~ the hop rootstock certification program and authorize the use of official certification tags for the identification of such rootstock~~((s))~~.

(2) Identity. Any person selling certified hop rootstock ~~((is))~~ shall be responsible for the identity of the stock bearing each tag and for ~~((such))~~ the stock meeting the requirements of ((this)) the hop rootstock certification program. Persons issued tags authorized by the certification program shall account for stock produced and sold, and keep ~~((such))~~ records as may be necessary. Containers for hop rootstocks ~~((must))~~ shall be new.

AMENDATORY SECTION (Amending Order 1264, filed 5/10/72)

WAC 16-354-070 HOP ROOTSTOCK FIELD STANDARDS. (1) The unit of certification ~~((with))~~ shall be the entire lot within the field standing at the time of inspection.

(2) Specific requirements. (Percentage tolerances)

	<del>((Registered))</del>	Certified
	<del>((=))</del>	_____
Downy mildew	<del>((0))</del>	<del>((5%))</del> <u>1%</u>
<u>Nematodes (visible)</u>		<u>1%</u>
Verticillium wilt	<del>((0))</del>	0.
Virus <u>(Prunus necrotic ringspot strains)</u>	<del>((0))</del>	<del>((0-1%))</del> <u>0</u>

~~((a) Mosaic  
(b) Ringspot=line pattern))~~

NEW SECTION

WAC 16-354-090 HOP ROOTSTOCK GRADES AND STANDARDS. (1) Grades for hop clones which inherently produce slips or rhizomes and/or layered stem cuttings of small caliper shall be determined by a committee appointed by the Washington hop commission.

(2) Washington No. 1 shall consist of hop slips or rhizomes and/or layered stem cuttings of one strain, not

less than five inches in length and not less than five-sixteenths inch in diameter and containing at least one visible bud, crowns not less than six inches in length and not less than three-fourths inch in diameter, with one or more visible buds which are:

- (a) Fairly fresh.
- (b) Firm.
- (c) Moist.
- (d) Fairly clean.
- (e) Free from damage caused by:
  - (i) Mold.
  - (ii) Freezing injury.
  - (iii) Broken or mutilated rootstocks.
  - (iv) Crown gall.
  - (v) Black rot.

NEW SECTION

WAC 16-354-100 HOP ROOTSTOCK TOLERANCES. (1) In order to allow for variations incident to proper grading and packing, not more than a combined total of six percent, by count, of the rootstocks in any lot shall fail to meet the requirements of the above grade, and not more than six percent of the rootstock shall have rhizomes or layered stem cuttings less than five inches in length.

(2) The contents of individual containers in the lot, based on sample inspection, are subject to the following limitation: PROVIDED, That the averages for the entire lot are within the tolerances specified: When a tolerance is six percent or more, individual containers in any lot shall have not more than one and one-half times the tolerance specified.

(3) Hop plants shall be packed to retain a fresh condition.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-354-080 EFFECTIVE DATE.

**WSR 85-15-047**  
**ADOPTED RULES**  
**DEPARTMENT OF AGRICULTURE**  
[Order 1868—Filed July 16, 1985]

I, C. Alan Pettibone, director of the Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to hop rootstock grades and standards, repealing chapter 16-426 WAC.

This action is taken pursuant to Notice No. WSR 85-11-080 filed with the code reviser on May 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 chapter 15.14 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.  
APPROVED AND ADOPTED July 15, 1985.

By C. Alan Pettibone  
Director

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 16-426-001 PROMULGATION.
- WAC 16-426-005 WASHINGTON NO. 1.
- WAC 16-426-010 TOLERANCES.
- WAC 16-426-015 SPECIFIC REQUIREMENTS.
- WAC 16-426-020 DEFINITIONS.

**WSR 85-15-048**  
**EMERGENCY RULES**  
**WASHINGTON STATE PATROL**  
 [Order 85-1—Filed July 16, 1985]

Be it resolved by the Washington State Patrol, acting at Olympia, Washington, that it does adopt the annexed rules relating to transportation of hazardous materials, hazardous waste, and radioactive waste materials, chapter 446-50 WAC.

We, the Washington State Patrol, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is to include all current revisions to Title 49 CFR, Parts 100-199.

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

This rule is promulgated pursuant to RCW 46.48.170 which directs that the Washington State Patrol has authority to implement the provisions of RCW 46.48.170.

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

APPROVED AND ADOPTED July 15, 1985.

By George B. Tellevik  
Chief

**AMENDATORY SECTION** (*Amending Order 82-3, filed 2/7/84*)

WAC 446-50-080 **TRANSPORTATION REQUIREMENTS.** (1) *The Washington State Patrol acting by and through the Chief of the Washington State Patrol after conferring with the committee created by RCW 46.48.190 hereby adopts the following parts of*

*Title 49 Code of Federal Regulations, ((including all appendices and amendments thereto,)) as they exist during ((+1984.)) 1985, subject to any appendices and amendments in the future: 170 (Reserved), 171 General information, regulations, and definitions, 172 Hazardous materials table and hazardous materials communications regulations, 173 Shippers - General requirements for shipments and packaging, 177 Carriage on public highway, 178 Shipping container specifications, 180-189 (Reserved). Title 49 CFR, parts 100 through 199, relates to safety in the transportation of hazardous materials upon the public highways. This regulation is intended to apply only to the transportation of hazardous materials by highway in Washington, to the handling and storage operations incident to such transportation, and to the highway portion of an intermodal shipment of hazardous materials.*

(2) *Copies of Title 49 CFR, parts 100 through 199, now in force are on file at the code reviser's office, Olympia and at the Washington State Patrol headquarters, commercial vehicle enforcement section, Olympia. Additional copies may be available for review at Washington State Patrol district headquarters offices, public libraries, Washington utilities and transportation (commission offices and at the United States Department of Transportation), bureau of motor carrier safety office, Olympia. Copies of the CFR may be purchased through the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402.*

**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 85-15-049**  
**EMERGENCY RULES**  
**DEPARTMENT OF NATURAL RESOURCES**  
 [Order 452—Filed July 16, 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 restricting logging, land clearing, and other industrial operations which may cause a fire to start on lands under the protection of the Department of Natural Resources in Western 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 existing and forecasted weather conditions, forest lands in Western Washington are exposed to increasing fire danger. Hoot owl logging restrictions are imposed in certain shutdown zones in Western Washington.

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

This rule is promulgated pursuant to RCW 76.04.190 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED July 16, 1985.

By Brian J. Boyle  
Commissioner of Public Lands

AMENDATORY SECTION (Amending Emergency Order 450, filed 7/13/85)

WAC 332-26-083 HOOT OWL LOGGING RESTRICTIONS ON LANDS PROTECTED BY THE DEPARTMENT OF NATURAL RESOURCES IN WESTERN WASHINGTON. Effective midnight, (~~Saturday, July 13, 1985, through midnight, Tuesday, July 16, 1985,~~) Tuesday, July 16, 1985, through midnight, Monday, July 22, 1985, all logging, land clearing, and other industrial operations which may cause a fire to start are to cease operation during the following times and under the following conditions: 1) All power saws, except those used on landings, to shutdown from 11:00 a.m. to 8:00 p.m. during the shutdown period. Landing saws to shutdown from 1:00 p.m. to 8:00 p.m. during the shutdown period; 2) All yarding, skidding, loading, and hauling to shutdown from 1:00 p.m. to 8:00 p.m. during the shutdown period; 3) All other operations not specifically listed here will shutdown from 1:00 p.m. to 8:00 p.m. during the shutdown period.

Effected Areas: Olympic Area - all shutdown zones and the Quinault Indian Reservation except zone 649 along the coast; Central Area - all shutdown zones except zone 649 along the coast; Southwest Area - all shutdown zones except zone 649 along the Columbia River; South Puget Sound Area - all shutdown zones; Northwest Area - all shutdown zones.

All persons are excluded from logging operating areas and areas of logging slash, except those present in the interest of fire protection, from 1:00 p.m. to 8:00 p.m. during the shutdown period.

**WSR 85-15-050**

**ADOPTED RULES**

**DEPARTMENT OF NATURAL RESOURCES  
(Board of Natural Resources)**

[Order 451, Resolution No. 492—Filed July 16, 1985]

Be it resolved by the Board of Natural Resources, acting at the Public Lands Building, Olympia, Washington, that it does adopt the annexed rules relating to management of dredge spoil disposal and disposal fees for Puget Sound and the Straits of Juan de Fuca.

This action is taken pursuant to Notice No. WSR 85-08-040 filed with the code reviser on April 3, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 79.90.100 and is intended to administratively implement that statute.

This rule is promulgated under the general rule-making authority of the Department of Natural Resources as authorized in RCW 43.30.150.

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

APPROVED AND ADOPTED July 2, 1985.

By Brian J. Boyle  
Commissioner of Public Lands  
Chairman of the Board

AMENDATORY SECTION (Amending Order 343, filed 7/3/80)

WAC 332-30-166 OPEN WATER DISPOSAL SITES. (1) Open water disposal sites are established primarily for the disposal of dredged material obtained from marine or fresh waters. These sites are generally not available for disposal of material derived from upland or dryland excavation except when such materials would enhance the aquatic habitat.

(2) Material may be disposed of on state-owned aquatic land only at approved open water disposal sites and only after authorization has been obtained from the department. Applications for use of any area other than an established site shall be rejected. However, the applicant may appeal to the Interagency Open Water Disposal Site Evaluation Committee for establishment of a new site.

(3) Application for use of an established site must be for dredged material that meets the approval of federal and state agencies and for which there is no practical alternative upland disposal site or beneficial use such as beach enhancement.

(4) The department will only issue authorization for use of the site after:

(a) The environmental protection agency and department of ecology notify the department that, in accordance with Sections 404 and 401, respectively, of the Federal Clean Water Act, the dredged materials are suitable for in-water disposal and do not appear to create a threat to human health, welfare, or the environment; and

(b) All necessary federal, state, and local permits are acquired.

(5) Any use authorization granted by the department shall be subject to the terms and conditions of any required federal, state, or local permits.

(6) The department shall suspend or terminate any authorization to use a site upon the expiration of any required permit.

(7) All leases for use of a designated site must require notification to DNR in Olympia twenty-four hours prior to each use. DNR Olympia must be notified five working days prior to the first use to permit an on-site visit to confirm with dump operator the site location.

~~((5))~~ (8) Pipeline disposal of material to an established disposal site will require special consideration.

~~((6-A))~~ (9) An application and a lease fee will be charged at a rate sufficient to cover all departmental costs associated with management of the sites. Fees will be reviewed and adjusted annually or more often as needed. A penalty fee may be charged for unauthorized dumping or dumping beyond the lease site. Army Corps of Engineers navigation channel maintenance projects are exempt from this fee schedule.

#### FEES

##### (a) Application fee

(i) Puget Sound and Strait of Juan De Fuca: \$.15 per cubic yard (c.y.) for the first 200,000 c.y.; Negotiated fee for project volumes exceeding 200,000 c.y.: Minimum fee \$2,000.00

(ii) Grays Harbor/Willapa Harbor: Minimum fee \$300.00

(b) Lease fee - \$100.00 all sites

(c) Penalty fee - \$5.00/cubic yard

~~((7))~~ (10) Open water disposal site selection. Sites are selected and managed by the department with the advice of the interagency open water disposal site evaluation committee (a technical committee of the aquatic resources advisory committee). The committee is composed of representatives of the state departments of ecology, fisheries, game, and natural resources as well as the Federal Army Corps of Engineers, National Marine Fisheries Service, Environmental Protection Agency, and Fish and Wildlife Service. The department chairs the committee. Meetings are irregular. The committee has developed a series of guidelines to be used in selecting disposal sites. The objectives of the site selection guidelines are to reduce damage to living resources known to utilize the area, and to minimize the disruption of normal human activity that is known to occur in the area. The guidelines are as follows:

(a) Select areas of common or usual natural characteristics. Avoid areas with uncommon or unusual characteristics.

(b) Select areas, where possible, of minimal dispersal of material rather than maximum widespread dispersal.

(c) Sites subject to high velocity currents will be limited to sandy or coarse material whenever feasible.

(d) When possible, use disposal sites that have substrate similar to the material being dumped.

(e) Select areas close to dredge sources to insure use of the sites.

(f) Protect known fish nursery, fishery harvest areas, fish migration routes, and aquaculture installations.

(g) Areas proposed for dredged material disposal may require an investigation of the biological and physical systems which exist in the area.

(h) Current velocity, particle size, bottom slope and method of disposal must be considered.

(i) Projects transporting dredged material by pipeline will require individual review.

(j) Placement of temporary site marking buoys may be required.

(k) The department will assure disposal occurs in accordance with permit conditions. Compliance measures

may include, but are not limited to, visual or electronic surveillance, marking of sites with buoys, requiring submittal of operator reports and bottom sampling or inspection.

(l) Special consideration should be given to placing material at a site where it will enhance the habitat for living resources.

~~((7))~~ (m) Locate sites where surveillance is effective and can easily be found by tugboat operators.

~~((8))~~ (11) The department shall conduct such subtidal surveys as are necessary for siting and managing the disposal sites.

#### WSR 85-15-051

##### EMERGENCY RULES

##### DEPARTMENT OF

##### COMMUNITY DEVELOPMENT

[Order 85-09—Filed July 16, 1985]

I, Chuck Clarke, deputy director of the Department of Community Development, do promulgate and adopt at the Ninth and Columbia Building, Olympia, Washington, the annexed rules relating to the collection of state building code surcharges and fees by cities and counties.

I, Chuck Clarke, 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 order is necessary to carry out the directives of the state legislature as expressed in chapters 144 and 360, Laws of 1985, and chapter 6, Laws of 1985 1st ex. sess. The legislature has provided that activities necessary to implement an update and amendment of the state energy code and the other codes of the state building code shall be funded through surcharges and fees on building permits issued by cities and counties. Chapter 144, Laws of 1985 which provides for implementation of new energy related standards was enacted with an emergency clause placing its provisions into effect immediately. The lack of federal assistance funding and the possibility of surcharges on Bonneville Power Administration electrical power sales ordered by the Northwest Power Planning Council (NWPPC) in those areas of the state which do not comply with the NWPPC model conservation standards by January 1, 1986, make it necessary that immediate action be taken to develop the funding necessary to implement the studies and meet the deadlines provided in chapter 144, Laws of 1985. The legislature has also provided for studies and deadlines for the update and amendment of the codes specified in chapter 360, Laws of 1985 which will be effective July 28, 1985. The state building code fee collected under these rules shall be used by the State Building Code Council to perform the purpose of the council as defined by chapter 360, Laws of 1985.

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

This rule is promulgated pursuant to chapters 144 and 360, Laws of 1985 and chapter 6, Laws of 1985 1st ex. sess. and is intended to administratively implement that statute.

This rule is promulgated under the general rule-making authority of the Department of Community Development as authorized in RCW 43.63A.060 and 43.63A.065.

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

APPROVED AND ADOPTED July 16, 1985.

By Chuck Clarke  
Deputy Director

#### EMERGENCY RULES

Chapter 365 - 110 WAC

State Building Code

Building Permit Surcharges and Fees

#### NEW SECTION

**WAC 365-110-010 AUTHORITY.** These rules are adopted under the authority of RCW 43.63A.060 which provides that the Director shall make such rules and regulations and do all other things necessary and proper to carry out the purposes of Chapter 43.63A RCW. RCW 43-63A-065(2) provides that among its functions and responsibilities the department shall administer state and federal grants and programs which are assigned to the department by the Governor or the Legislature.

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

#### NEW SECTION

**WAC 365-110-020 PURPOSE.** The purpose of these rules is to implement Chapter 19.27 RCW as amended by Chapter 144, Laws of 1985 and Chapter 360, Laws of 1985, and Chapter 19.27A RCW, created by Chapter 360, Laws of 1985.

Chapter 144, Laws of 1985 provides for the amendment of the State Energy Code by the State Building Code Council and for certain energy studies to be conducted by the University of Washington College of Architecture and Department of Mechanical Engineering. The code amendment and energy studies are to be funded by a surcharge on building permit fees issued by local governments for new building construction.

Chapter 360, Section 4, Laws of 1985 provides that the activities of the State Building Code Council necessary to implement the purposes of the chapter shall be funded by a fee of \$1.50 to be imposed on each building permit issued by a city or county. The moneys collected under this fee will be deposited in the Building Code Council Account in the state treasury and must be used by the Building Code Council, after appropriation, to perform the purposes of the Council. Every four years the state treasurer must report to the Legislature on the balances in the account so that the Legislature may adjust the charges imposed.

#### NEW SECTION

**WAC 365-110-030 SUFFICIENT FEDERAL FUNDS NOT AVAILABLE.** As required by Chapter 144, Laws of 1985, the Department of Community Development has consulted with the Washington State Energy Office and has requested that the Washington State Energy Office determine if federal funds are available to implement the purposes of the chapter. The Bonneville Power Administration, the appropriate federal funding agency, has denied the state's request for funding for the energy conservation testing studies by the University of Washington provided for in Section 4 of Chapter 144, Laws of 1985. The appropriations provided in Chapter 6, First Special Session, Section 301(2), Laws of 1985 shall therefore be funded from the surcharge provided in Chapter 144, Laws of 1985.

The Bonneville Power Administration has approved partial funding in the amount of \$15,000 for activities of the State Building Code Council to implement the amendment of the State Energy Code. Pursuant to the provisions of Section 217(6), Chapter 6, First Special Session, Laws of 1985, funding for this appropriation from the surcharge shall be reduced in the amount of \$15,000.

The Department of Community Development finds that federal funds are not available in sufficient amounts to implement the provisions of Chapter 144, Laws of 1985, therefore the department is, through Chapter 365-110 WAC, implementing the surcharge as required by Chapter 144, Section 4. (5), Laws of 1985.

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

#### NEW SECTION

**WAC 365-110-035 DEFINITIONS. 1. DEPARTMENT** shall mean the Department of Community Development.

**2. ENERGY CODE STUDIES SURCHARGE,** shall mean a surcharge which is required to be collected by cities and counties pursuant to Chapter 144, Laws of 1985 and subject to appropriations as provided in Chapter 6, First Special Session, Laws of 1985. Funds collected shall be used exclusively to implement the provisions of Chapter 144, Laws of 1985.

**3. STATE BUILDING CODE FEE,** shall mean a fee which is required to be collected by cities and counties pursuant to Chapter 360, Laws of 1985. Funds collected shall be used exclusively to implement the provisions of Chapter 360, Laws of 1985.

**4. BUILDING PERMIT,** shall mean a permit issued by a city or a county to construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure regulated by the Uniform Building Code as set forth in the Uniform Building Code, Section 301. This definition shall be subject to the exemptions contained in Section 301 of the Uniform Building Code. Building permits shall not include plumbing, electrical, mechanical permits, or permits issued pursuant to the Uniform Fire Code.

5. **NEW BUILDING CONSTRUCTION PERMIT**, shall mean a permit which is issued by a city or a county for the construction of a new building and shall not include remodeling, renovation, demolition, or addition to an existing building. A new building construction permit shall include a permit to relocate an existing building but shall not include a permit for a manufactured home.

#### NEW SECTION

**WAC 365-110-040 COLLECTION OF ENERGY STUDIES SURCHARGE.** Every city or county shall collect an Energy Code Studies Surcharge on all building permits issued for new construction within its jurisdiction. The Energy Code Studies Surcharge shall be collected by the appropriate city or county official at the time the building permit is issued. Separate records shall be kept by cities and counties of funds collected under the Energy Code Studies Surcharge from those funds collected under the State Building Code Fee provided for in WAC 365-110-050.

The surcharge on new building construction permits shall be in the following amounts:

New construction multiple-family residential building permits: (Group R Division 1 permits as defined by Chapter 12 of the Uniform Building Code.) \$10.00 for each building permit

New construction single-family and duplex residential building permits: (Group R Division 3 permits as defined by Chapter 12 of the Uniform Building Code.) \$15.00 for each building permit

New construction building permits for other new buildings: (All occupancies except Group R and Group M occupancies as defined by the Uniform Building Code.) \$15.00 for each building permit

The other new buildings classification shall include commercial or industrial buildings which are designed to be heated and occupied by humans. Agricultural buildings, industrial storage, or other structures designed to be unheated or not occupied by humans shall be exempt from the Energy Studies Surcharge.

#### NEW SECTION

**WAC 365-110-050 COLLECTION OF STATE BUILDING CODE FEE.** Pursuant to Chapter 360, Laws of 1985, Section 4. Every city or county shall collect a State Building Code Fee of one dollar and fifty cents on each building permit issued within its jurisdiction. The fee shall be collected by appropriate city or county officials at the time the building permit is issued. Separate records shall be kept of funds collected under the State Building Code Fee.

#### NEW SECTION

**WAC 365-110-060 TRANSMITTAL OF FUNDS.** On the 20th working day after the end of each quarter, each county or city shall remit all funds collected pursuant to WAC 365-110-040 and WAC 365-110-050 to the state treasurer. At their option, cities and counties may remit funds monthly. The funds shall be identified as funds for the State Building Code Council

Account. The funds shall be further identified as those funds remitted pursuant to WAC 365-110-040 (State Energy Code Studies Surcharge) and those remitted pursuant to WAC 365-110-050 (State Building Code Fee).

No remittance of funds collected pursuant to WAC 365-110-050 shall be required to be made until the total of the accumulated funds collected reaches a minimum of fifty dollars.

#### NEW SECTION

**WAC 365-110-070 EFFECTIVE DATES.** The effective dates for local governments to begin collecting the Energy Code Studies Surcharge established by WAC 365-110-040 shall be August 1, 1985 and the effective date to begin collecting the State Building Code Fee established under WAC 365-110-050 shall be August 1, 1985.

#### NEW SECTION

**WAC 365-110-080 TERMINATION.** The surcharges established under WAC 365-110-040 (State Energy Code Studies Surcharge) shall terminate on June 30, 1989 unless terminated earlier upon a finding that the general fund has been reimbursed for the cost of the studies pursuant to Chapter 144, Laws of 1985.

The fees established under WAC-365-110-050 (State Building Code Fee) shall continue in effect until repealed or modified by legislative action.

**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 85-15-052**

#### **NOTICE OF PUBLIC MEETINGS TRAFFIC SAFETY COMMISSION [Memorandum—July 15, 1985]**

The commission meeting originally set for July 24 at 1:30 p.m. has been changed to 1:15 p.m. in the Governor's Conference Room.

#### **WSR 85-15-053**

#### **PROPOSED RULES DEPARTMENT OF FISHERIES [Filed July 17, 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 subsistence fishing rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 27, 1985.

The authority under which these rules are proposed is RCW 75.08.070 and 75.08.080.

The specific statute these rules are intended to implement is RCW 75.08.070.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 27, 1985.

Dated: July 12, 1985  
 By: Gene DiDonato  
 for William R. Wilkerson  
 Director

STATEMENT OF PURPOSE

Title: WAC 220-32-055.

Description of Purpose: Modify subsistence fishing boundary.

Statutory Authority: RCW 75.08.070 and 75.08.080.

Summary of Rule: Moves Sheridan Point fishing boundary.

Reasons Supporting Proposed Action: Ease of recognition; this change is based on a recommendation by the Columbia River Compact Commission.

Agency Personnel Responsible for Drafting: Evan S. Jacoby, 115 General Administration Building, Olympia, Washington, 754-2429; Implementation: Edward Manary, 115 General Administration Building, Olympia, Washington, 753-6631; and Enforcement: James W. McKillip, 115 General Administration Building, Olympia, Washington, 753-6585.

This rule is proposed by the Washington Department of Fisheries.

Comments: No public hearing is scheduled.

This rule is not the result of federal law or court order.

Small Business Economic Impact Statement: None, this rule effects subsistence fishing.

AMENDATORY SECTION (Amending Order 84-11, filed 2/21/84)

WAC 220-32-055 OFF-RESERVATION INDIAN SUBSISTENCE FISHING. (1) It is unlawful for any person, including treaty Indian fishermen, to take, fish for, or possess salmon or other food fish for subsistence purposes except in accordance with the provisions of this section.

(2) It is lawful for individuals possessing treaty fishing rights pursuant to the Yakima Treaty, the Warm Springs Treaty, the Umatilla Treaty, and the Nez Perce Treaty to fish for food fish for subsistence family-use purposes subject to the following provisions:

(a) Such fishing is permitted year-round in the following areas: That area of the mainstem Columbia River from a ~~((point at Light #7))~~ line between a marker on ~~((Sheridan Point))~~ the Washington shore and a marker on the Oregon shore, such line located approximately one-half mile upstream from the mouth of Eagle Creek, upstream to a point at the four-second flashing light #67 approximately 1/2 mile downstream of the Dalles Bridge; that area of the mainstem Columbia River from a point 200 feet above the Dalles Dam fishway exit upstream to a point 600 feet downstream of the John Day Dam fishway entrance; that area of the mainstem Columbia River from a point 200 feet above the John Day Dam fishway exit upstream to a point at the downstream end of the wingwall of the McNary Dam boat lock; that area of Columbia River from a point 200 feet above the McNary Dam fishway exit upstream to the Highway 12 bridge; excluding those areas within 1/4 mile radius of the mouth of Wind River, Little White Salmon River (Drano Lake), Klickitat River, and Spring Creek Hatchery fishway entrance.

(b) Lawful fishing gear by treaty Indians in the above-designated area includes dip nets and bag nets of a mesh size not exceeding 5 inches attached to a hoop 24 feet or less in circumference, spear, gaff, club, and foul hook.

(c) It is lawful to use sport angling gear in places and at times allowed under chapter 220-56 WAC series for treaty Indian subsistence purposes.

(d) It is unlawful to use drift gill nets or set gill nets for treaty Indian subsistence fishing in the mainstem of the Columbia River except

as authorized by the director of the department of fisheries under the provisions of WAC 220-32-060.

(c) It is unlawful to use gill nets, set nets, hoop nets, dip or bag nets with a mesh size exceeding 5 inches, set lines, or any other type of fishing gear not otherwise specifically authorized except during times and in areas where such gear is authorized for commercial fishing purposes.

(3) In accordance with RCW 75.08.265, it is lawful for the following Wanapum Indians to take, fish for, and possess food fish for subsistence purposes in the vicinity of Priest Rapids Dam in specified areas at specified times using specified gear authorized by the director of the department of fisheries. The individuals designated below may be revised from time to time by agreement between the Wanapum Indians and the director of the department of fisheries:

- |               |                           |
|---------------|---------------------------|
| Frank Buck    | Jade Buck                 |
| Stanley Buck  | Robert S. Tomanawash, Sr. |
| Willie Buck   | Lester Umtuch             |
| Harry Buck    | Grant Wyena               |
| Ken Buck      | Jerry Wyena               |
| Rex Buck, Jr. | Douglas Wyena             |
| Phillip Buck  | Jimmy Wyena               |
| Richard Buck  | Patrick Wyena             |

The following provisions apply to this fishery:

(a) It is unlawful to fish at any time, place, or using gear other than that designated by the director of the department of fisheries and authorized by regulation.

(b) It is unlawful for Wanapum Indian fishermen to fail to report, in writing, their total catch to the department of fisheries within five days of the end of fishing activity under subsection (3)(a) of this section.

(c) Should any Wanapum Indian be convicted of violating the provisions of this section, or sell, barter, or attempt or sell or barter any fish taken in this fishery or any treaty Indian fishery, that fishermen will be ineligible to further participate in the Wanapum Indian subsistence fishery unless otherwise determined by the director of the department of fisheries.

(4) It is unlawful to sell, barter, or offer for sale or barter, buy, or for a commercially licensed buyer or wholesale fish dealer to have in possession food fish taken in an Indian subsistence fishery under the provisions of subsections (2) and (3) of this section.

(5) It is unlawful for fishermen participating in an Indian subsistence fishery to fail to submit their catch to department of fisheries employees for the conduct of biological sampling or to fail to allow necessary biological samples to be taken.

WSR 85-15-054

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed July 17, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning onion white rot quarantine, chapter 16-470 WAC;

that the agency will at 7:30 p.m., Tuesday, August 27, 1985, in the PUD Auditorium, 312 West 3rd, Moses Lake, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 4, 1985.

The authority under which these rules are proposed is chapter 17.24 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 27, 1985.

Dated: July 17, 1985  
 By: Glenn E. Smerdon  
 for Art G. Losey  
 Assistant Director

#### STATEMENT OF PURPOSE

Title: WAC 16-470-300, 16-470-310, 16-470-320, 16-470-330 and 16-470-340.

Description of Purpose: Regulate the import of *Allium* spp. into Adams, Franklin and Grant counties.

Statutory Authority: Chapter 17.24 RCW.

Summary of Rules: These rules restrict the movement of white rot host and carriers into specific areas of Washington state.

Reason for Supporting Rules: White rot is known to be detrimental to most *Allium* species. White rot is not known to occur in Adams, Franklin and Grant counties of Washington. The onion and onion seed industry of these counties desire to remain white rot free and these proposed rules would aid in obtaining this goal.

Agency Personnel Responsible for Drafting, Implementing and Enforcing the Rules: Robert O. Rebhan, Plant Services Supervisor, Chemical and Plant Division, 406 General Administration Building, AX-41, Olympia, WA 98504, phone (206) 753-5062.

Persons Proposing Rules: Washington State Department of Agriculture.

Agency Comments: None.

Rules Necessary to Comply with Federal Law: No.

Small Business Economic Impact Statement: None.

#### NEW SECTION

WAC 16-470-300 QUARANTINE—ONION WHITE ROT DISEASE. The director finds that onion white rot disease is detrimental to the onion industry of Washington state and a quarantine is established to prevent the spread and introduction of onion white rot disease within noninfested areas of Washington state.

#### NEW SECTION

WAC 16-470-310 ONION WHITE ROT DISEASE—AREA UNDER ORDER. The area under quarantine for onion white rot disease includes Adams, Franklin, and Grant counties.

#### NEW SECTION

WAC 16-470-320 ONION WHITE ROT DISEASE—RESTRICTIONS—CONTROL—PREVENTION—SANITATION. The following restrictions are declared to be the proper methods for the control and prevention of the introduction of onion white rot disease which shall be used in the quarantine area described in WAC 16-470-310:

(1) No person shall import into the quarantine area for the purpose of planting or propagation bulbs, sets, or seedlings of onion, garlic, leek, chive, shallots, or other *Allium* spp. except those produced in and shipped from any area of this state or other states where onion white rot is not known to occur, and each shipment shall be certified to be free from white rot disease by the origin state department of agriculture.

(2) Except as provided in this chapter, no person shall in any manner import or move soil, machinery, tools, or equipment into the quarantine area, which have been previously used in any manner on fields outside the quarantine area where the host plants named in subsection (1) of this section have been cultivated. Machinery, tools or equipment may be imported or moved into the quarantine area with prior approval from the department: PROVIDED, That the soil, machinery, tools or equipment are cleaned and sterilized to the satisfaction of the department prior to movement into the quarantine area. The cleaning

shall include the thorough removal of all dirt by the use of steam under pressure. Sterilization shall be accomplished by the use of steam. For the purposes of this section, "machinery, tools or equipment" includes but is not limited to vehicles, farm trucks, harvesters, and tillage equipment.

(3) The department may stop the movement of any machinery, tools, or equipment into or within the quarantine area which have not been cleaned and sterilized as provided in this section.

(4) No person shall knowingly import into the quarantine area livestock which have been pastured on irrigated fields known to be infested with white rot or have been fed white rot infested plant parts; nor shall white rot infested plant parts be imported into the quarantine area for livestock feed; nor shall white rot infested plant parts found in the quarantined area be fed to livestock. No restrictions are imposed by this quarantine on livestock moving to feed lots, sale yards, or exhibition sites (such as fairgrounds, shows, etc.) in the quarantined area.

#### NEW SECTION

WAC 16-470-330 ONION WHITE ROT DISEASE—ENFORCEMENT. (1) The department may inspect any onions or onion planting areas within the quarantine area during any time of the year to determine whether the disease organism is present. If the department finds that any onions, whether they are being transported, or any fields are infested with the disease organism, the department may seize any infested onions which are separated from the land on which grown, or by written order direct the control and eradication of an infestation. The written order shall be mailed or hand delivered to the onion grower or field owner.

(2) Movement of infested onions within the quarantine area or removal of infested onions from the quarantine area shall be carried out only with the department's prior approval and under its supervision.

(3) Control and eradication methods used shall be only those approved by the department and Washington State University and may include:

(a) The destruction of any infested onions;

(b) A directive that a specific part or all of any infested area be taken out of onion production;

(c) A directive that any infested area be fenced, properly diked to prevent off-flow of irrigation or rainwater, and planted to an approved crop which will prevent soil erosion and will not require annual tillage;

(d) Prohibit the pasturing of animals on any infested area;

(e) A directive that equipment, tools and machinery used on an infested area be cleaned and sterilized as described in WAC 16-470-320 prior to removal from the area.

#### NEW SECTION

WAC 16-470-340 ONION WHITE ROT DISEASE—RESEARCH. The department may, with the consent of the owner, allow use of an infested growing area as an experimental plot by Washington State University for onion white rot research. Use of the growing area for research shall be subject to the prior approval of, and supervised by the department.

### WSR 85-15-055

#### NOTICE OF PUBLIC MEETINGS CENTRAL WASHINGTON UNIVERSITY

[Memorandum—July 15, 1985]

The regularly scheduled meetings of the Central Washington University board of trustees will be held at 2:00 p.m. in Room 143, Bouillon Hall, on the Central Washington University campus on the following dates:

September 20, 1985  
 November 1, 1985  
 December 6, 1985  
 February 21, 1986  
 April 11, 1986  
 June 20, 1986

**WSR 85-15-056**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2258—Filed July 17, 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 AFDC and GAU—Grant or vendor payment, amending chapter 388-33 WAC.

This action is taken pursuant to Notice No. WSR 85-12-019 filed with the code reviser on May 29, 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 July 17, 1985.

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

AMENDATORY SECTION (Amending Order 1637, filed 4/15/81)

WAC 388-33-080 GRANT AUTHORIZATION, REAUTHORIZATION, AND COMPUTATION—AUTHORIZING DOCUMENTS. Payments and changes in continuing public assistance grants are reported and authorized by the financial services technician by signature on:

(1) ~~((Forms 5822-M))~~ Certification and computation of grant form to authorize;

(a) Initial, adjusting, and regular payment of a prepaid continuing assistance grant and subsequent changes in the amount of grant;

(b) Postpayment to a vendor for nursing home care in a licensed, classified, private nursing home, or for care in an intermediate care facility.

(2) ~~((Form 5822-G))~~ One-time payment authorization for one-time grant, child care payments, and vendor payments.

AMENDATORY SECTION (Amending Order 1637, filed 4/15/81)

WAC 388-33-085 GRANT AUTHORIZATION, REAUTHORIZATION, AND COMPUTATION—LOCAL OFFICE FUNCTION. (1) The terms "financial services technician," "community service office," "local office," or "CSO administrator or his or her designee" are used interchangeably in chapter 388-33 WAC.

(2) All grants to new, reopened, and reinstated cases shall be authorized for payment by the local office. The ~~((authorization))~~ certification and computation of grant

form shall be signed and dated by the financial services technician ~~((who prepares it))~~ preparing the grant form, as indicated in WAC 388-33-080. In signing the form, the financial services technician attests in behalf of the state of Washington and the department ~~((that))~~ the eligibility of the ~~((individual(s)))~~ individual or individuals listed on the form has been established and ~~((that))~~ a decision has been made as of the effective date to grant assistance in an amount determined by the recipient's circumstances according to department standards.

(3) All changes in grants shall be certified by the worker specifying the ~~((change(s)))~~ change or changes in circumstances except as provided in WAC 388-33-095. The state office authorizes payment of the changed grant as determined by the certified circumstances of the recipient.

(4) The term "regular grant" includes "initial grant" and "adjusting grant." The regular grant authorization includes the initial or adjusting grant and does not require separate authorization. See definitions in WAC 388-22-030.

(5) The effective date of eligibility is determined and specified by the worker when authorizing new, reopened, reinstated, and one-time grants as provided in WAC 388-33-115 and 388-33-120. When grant recomputation is certified, the effective date is determined according to the rules in WAC 388-33-135 through 388-33-190.

(6) Payment of a grant shall continue in the amount authorized unless and until a change in amount, suspension, or termination is certified.

(7) When eligibility factors indicate ~~((that))~~ an applicant will be eligible for not to exceed approximately a thirty-day period, the local office shall authorize on the certification and computation of grant form an opening and closing date and determine the amount of assistance for which the applicant is eligible according to the department's monthly continuing assistance standards prorated for the period for which eligibility is authorized. The local office shall issue the applicant an award letter, including the date of opening, the amount of assistance, and the date of termination. See WAC 388-33-380 regarding additional content of this notice relative to termination.

AMENDATORY SECTION (Amending Order 2049, filed 11/16/83)

WAC 388-33-135 EFFECTIVE DATE OF CHANGE IN ELIGIBILITY. (1) A change in circumstances is any change affecting eligibility and/or continued payment of the grant previously authorized.

(2) When a change in income including the receipt of a lump-sum payment causes ineligibility ~~((during the first two months of initial eligibility, prospective budgeting rules shall be followed. Ineligibility shall be)),~~ the recipient is ineligible effective the first of the month ~~((following the month of change))~~ of receipt. All assistance received shall be an overpayment and subject to recovery as in chapter 388-44 WAC.

(3) ~~((When a change in income causes ineligibility after the first two months of initial eligibility, retrospective budgeting rules shall be followed. Ineligibility shall~~

be effective for the corresponding payment month (the first of the second month following the month of change).

(4)) When a change of circumstances other than increased income renders the assistance unit or any member of the assistance unit ineligible, the effective date of ineligibility is the first of the month following the month in which the change occurred. For ineligibility of strikers, see WAC 388-24-042.

AMENDATORY SECTION (Amending Order 2049, filed 11/16/83)

WAC 388-33-140 EFFECTIVE DATE OF INCREASE OR DECREASE IN GRANT. (1) Increase or reduction in grant:

(a) When a person is added to the grant, the effective date of the change shall be the date the person entered the household or the date the person is determined eligible, whichever is later.

(b) When a person's needs are added to a grant because he or she is being removed from a sanction status, the effective date of the change shall be the date the sanction is removed.

(c) When a person moves from a supplied shelter to a renting or owning situation, the effective date of the grant increase shall be the date of the change.

(d) When any other change in circumstances other than income results in an increase or reduction of the assistance grant, the effective date of the change is the first of the ((second)) month following the month in which the change occurred. ((See WAC 388-28-483.))

(2) The effective date shall never precede the date the circumstances actually changed.

(3) Change in grant involving a canceled warrant:

When a warrant is canceled and assistance is to be reissued by an adjusting payment, the effective date of the grant as recomputed by the state office is the first of the month covered by the canceled warrant. If, according to the rule in subsection (1) of this section, any assistance is due the recipient for a month prior to that covered by the canceled warrant, the local office shall authorize a one-time grant.

(4) See WAC 388-28-483 for effective dates when budgeting income.

AMENDATORY SECTION (Amending Order 1728, filed 12/4/81)

WAC 388-33-195 EFFECTIVE DATE OF GRANT—UNDERPAYMENT. (1) A current recipient ((who received)) receiving less than the correct amount of an assistance grant or service payment due to departmental error or client error in estimating income for prospective budgeting, shall be paid the amount due.

(2) The effective date of the corrective payment is the date the payment is authorized.

(3) For purposes of determining continued eligibility and amount of assistance, corrective payments shall not be considered as income or as a resource in the month paid nor in the next following month.

WSR 85-15-057  
EMERGENCY RULES  
DEPARTMENT OF LICENSING  
(Securities Division)

[Order RE 132—Filed July 17, 1985]

I, Theresa Anna Aragon, director of the Department of Licensing, do promulgate and adopt at the Highways-Licenses Building, Olympia, Washington, the annexed rules relating to the regulation of offerings of camp resort contracts and salespersons under chapter 19.105 RCW pursuant to the following new or amended rules:

New WAC 460-90A-045 Financial statements and information.  
Amd WAC 460-90A-115 Renewals.

I, Theresa Anna Aragon, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these rules are an emergency filing of two of the department's CR-1 filing of proposed rule changes with the code reviser on May 29, 1985. The filing of these two rules as emergency rules is necessary in order to assure that there will be rules covering the filing of financial information and sufficient other information will be provided the agency at time of registration applications and renewals, until such time as permanent rules are filed and become effective covering these regulatory areas.

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

New WAC 460-90A-045 is proposed under the authority of RCW 19.105.530 and 19.105.320 (1)(a) and is intended to implement RCW 19.105.320 (1)(a) and 19.105.380. Amendment to WAC 460-90A-115 is proposed under the authority of RCW 19.105.530 and is intended to implement RCW 19.105.420.

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

APPROVED AND ADOPTED July 15, 1985.

By Theresa Anna Aragon  
Director

NEW SECTION

WAC 460-90A-045 FINANCIAL STATEMENTS AND INFORMATION. (1) Financial statements provided by the applicant, reporting on the applicant as a business, shall be audited and prepared in accordance with generally accepted accounting principles by a public accountant independent of the operator or affiliate.

(2) The financial statements shall include a balance sheet, statements of income and changes in financial position for each of the three fiscal years preceding the date of application. For the period between the end of

the previous fiscal year and the date of application, interim financial statements, for all calendar quarters covering the period sixty or more days prior to the date of application shall be submitted but need not be audited.

(3) In order to be assured of continued payment of the project operating expenses and the funding of capital improvement accounts for future repairs, replacement or refurbishment of depreciable properties and facilities, and for contingencies, the following financial statements, documentation or information, reporting on the financial operations of the resorts and its facilities, as distinguished from that financial information reporting on the applicant as a business, required in subsections (1) and (2) of this section, are to be provided the agency:

(a) The location of and amounts in all capital improvements, reserve and contingency accounts.

(b) Financial statements including a balance sheet, statements of income and changes in financial position covering the camp resort operating income and expenses and funding of capital improvements, for each of the three fiscal years preceding the date of application, or for the preceding year for a renewal applicant.

(4) All applicants shall provide a statement concerning the liens and encumbrances affecting all camp resort properties and facilities in the camp resort program, and shall include the following information:

(a) The identity of the lien or encumbrance.

(b) The identity of the holder or owner of the lien or encumbrance.

(c) A description of the property encumbered or affected.

(d) The original amount of each loan or encumbrance.

(e) The balance due and whether or not any payments are then in arrears.

(f) A schedule of amounts and dates payable or conditions of any future payments.

(g) If deemed necessary for the protection of purchasers, the agency may require reporting and confirmation of payments made on liens and encumbrances.

(5) For purposes of purchaser protection, the agency may require additional financial information in the event such information appears necessary to determine the requirements of RCW 19.105.340, and 19.105.350 or if grounds exist for administrative action under RCW 19.105.380.

(6) The agency may waive any or all of the financial information requirements of this section in the event such information does not appear necessary for purposes of determining whether an applicant must comply with RCW 19.105.340, 19.105.350 or if grounds exist for administrative action under RCW 19.105.380.

(7) The agency may require that the financial statements and information required in this section be consolidated with that of affiliates or other business endeavors if it appears necessary to do so for the protection of purchasers or to assist in the determination whether the applicant must comply with the requirements of RCW 19.105.340 and 19.105.350, or if grounds exist for administrative action under RCW 19.105.380.

**AMENDATORY SECTION** (Amending Order RE 131, filed 5/29/85)

WAC 460-90A-115 RENEWALS. (1) Pursuant to RCW 19.105.420 an application for renewal shall be made not less than sixty days prior to the expiration date of a registration, on a form to be provided by the agency.

(2) It shall be the applicant's responsibility to procure forms and file them with the agency.

(3) The renewal application shall include the following:

(a) Affidavits by the operator stating whether or not there have been any changes in the information and documentation previously submitted for purposes of registration.

(b) Copies or prototypes of all amended, altered, or new documentation evidencing changes with the changes being underlined or referred to by footnotes.

(c) Affidavits by the operator stating whether or not there have been any changes in the information required in the public offering statement.

(d) A draft of a proposed amended public offering statement evidencing changes, with the changes being underlined or referred to by a cover letter calling the agency's attention to the proposed changes, additions or deletions from the public offering statement previously accepted by the agency.

(e) A copy of all camp resort contract forms marked and underscored to reflect changes, additions or deletions.

(f) Financial statements and information as provided for in WAC 460-90A-045.

(g) Payment of fees provided for in RCW 19.105.410.

(4) Failure of the renewal applicant to renew in a timely manner on or before the date of permit expiration, shall mean that the registration and permit has expired. Upon expiration of registration the camping club contracts are deemed not registered and the operator must register as a new applicant pursuant to the provisions of RCW 19.105.320 and WAC 460-90A-025 and 460-90A-027.

(5) Registrants applying for renewals shall be required by the agency to submit any of the documents, information or exhibits required in WAC 460-90A-025 if deemed necessary for the protection of purchasers.

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 85-15-058

ADOPTED RULES

DEPARTMENT OF LICENSING

(Podiatry Board)

[Order PL 535—Filed July 17, 1985]

Be it resolved by the Washington State Podiatry Board, acting at Nendel's Rainier Room, 16838 Pacific

Highway South, Seattle, WA, that it does adopt the annexed rules relating to the Uniform Disciplinary Act, repealing WAC 308-31-200.

This action is taken pursuant to Notice No. WSR 85-12-059 filed with the code reviser on June 5, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Podiatry Board as authorized in RCW 18.22.015(8).

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

APPROVED AND ADOPTED July 12, 1985.

By Louis P. Morris, D.P.M.  
Chairman

### REPEALER

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

WAC 308-31-200 UNIFORM DISCIPLINARY ACT

### WSR 85-15-059

#### ADOPTED RULES

#### DEPARTMENT OF LICENSING

[Order TL-RG-14—Filed July 17, 1985]

I, Theresa Anna Aragon, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to veterans free license, WAC 308-96A-046.

This action is taken pursuant to Notice No. WSR 85-10-069 filed with the code reviser on May 1, 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 Licensing as authorized in RCW 46.01.110.

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

APPROVED AND ADOPTED July 10, 1985.

By Theresa Anna Aragon  
Director

### AMENDATORY SECTION (Amending Order TL/RG-9, filed 10/24/84)

WAC 308-96A-046 VETERAN'S FREE LICENSE. (1) A qualified veteran who submits satisfactory proof of a service connected disability rating from the Veterans Administration is entitled to regular or special

license plates issued by the Department of Licensing and is exempt the annual licensing fees for one personal use vehicle.

Permanent registration and permanent tabs will be issued to qualified disabled American veterans and former prisoners of war for one vehicle exempt licensing fees: PROVIDED, That, emission inspection is required each year in the inspection areas, personalized license plate renewal fee is required each year, and propane powered vehicles are subject to annual propane fee.

Confirmation of eligibility from the Veterans Administration must be sent to the Department of Licensing with the initial application. Verification of vision correctable to less than 20/200 may be provided by an ophthalmologist or optometrist. Verification that the veteran is receiving compensation at the one hundred percent rate, which may include unemployability expected to exist for more than one year, must be received from the Veterans Administration.

"Exempt annual licensing fees" means waiver of excise tax, basic fee, gross weight fee, special fee and permit fee only.

(2) If the free veterans license is switched from one vehicle to another, replacement plate fee, full license and excise fees for twelve months will be required on the vehicle from which exemption is being removed. A new expiration date is to be established beginning with the first day of the month in which the exemption is switched to another vehicle. If, however, the vehicle from which the exemption is being removed, is turned in to a dealer for resale, fees need not be collected until the vehicle is sold to a new owner. The registration period will begin on the first day of the month in which application for the new owner is submitted.

(3) The veteran must be a registered or co-registered owner of a vehicle for which veterans licensure is granted.

(4) If a vehicle which was issued a free veterans license is sold, full excise and license fees must be paid by the purchaser at time of title transfer.

### WSR 85-15-060

#### PROPOSED RULES

#### HIGHER EDUCATION

#### PERSONNEL BOARD

[Filed July 18, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Higher Education Personnel Board intends to adopt, amend, or repeal rules concerning Higher Education Personnel Board, amending WAC 251-04-050(2);

that the agency will at 9:00 a.m., Friday, September 20, 1985, in the Board Room, Peninsula College, Port Angeles, Washington, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 28B.16.100.

The specific statute these rules are intended to implement is RCW 28B.16.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 20, 1985.

Dated: July 18, 1985

By: John A. Spitz  
Director

### STATEMENT OF PURPOSE

This statement is related to the notice filed with the code reviser on July 17, 1985, and is filed pursuant to RCW 34.04.025.

Rule Affected: WAC 251-04-050 Higher Education Personnel Board.

Statutory Authority: RCW 28B.16.100 to implement the provisions of that section.

Purpose of Existing Rules: Establish compensation for each board member.

Summary of Proposed Changes: Changes the board members salary from \$50.00 to \$100.00 per meeting.

Agency Person Responsible for Rule: John Spitz, Director, Higher Education Personnel Board, 1202 Black Lake Boulevard, FT-11, Olympia, WA 98504, scan 234-3730 or 753-3730.

Organization Proposing Change: Higher Education Personnel Board staff.

The agency makes no additional comments/recommendations.

The change is not the result of federal law or state court action.

### AMENDATORY SECTION (Amending Order 117, filed 6/1/84)

WAC 251-04-050 HIGHER EDUCATION PERSONNEL BOARD. (1) The higher education personnel board is composed of three members appointed by the governor, subject to confirmation by the senate. Each odd-numbered year the governor shall appoint a member for a six-year term. Persons so appointed shall have clearly demonstrated an interest and belief in the merit principle, shall not hold any other employment with the state, shall not have been an officer of a political party for a period of one year immediately prior to such appointment, and shall not be or become a candidate for partisan elective public office during the term to which they are appointed.

(2) Each member of the board shall be paid ~~((fifty))~~ one hundred dollars for each day in which he/she has actually attended a meeting of the board officially held. The members of the board may receive any number of daily payments for official meetings of the board actually attended. Members of the board shall also be reimbursed for necessary travel and other expenses incurred in the discharge of their official duties on the same basis as is provided for state officers and employees generally.

(3) At its first meeting following the appointment of all its members, and annually thereafter, the board shall elect a chairman and vice chairman from among its members to serve one year. The presence of at least two members of the board shall constitute a quorum to transact business. A written public record shall be kept by the board of all actions of the board.

(4) In the necessary conduct of its work, the board shall meet monthly unless there is no pending business requiring board action. Meetings shall be held on campuses of the various state institutions of higher education. Meetings may be called by the chairman of the board, or a majority of the members of the board. Hearings may be conducted by a hearing officer duly appointed by the board. An official notice of the calling of a hearing shall be filed with the director and all members of the board shall be notified.

(5) No release of material, or statement of findings shall be made except with the approval of a majority of the board.

(6) In the conduct of hearings or investigations, a member of the board, or the director, or the hearing officer appointed to conduct the hearing, may administer oaths.

(7) It shall be the duty of the board to promulgate rules and regulations providing for employee participation in the development and administration of personnel policies. To assure this right, personnel policies, rules, classification and pay plans, and amendments thereto, shall be acted on only after the board has given twenty calendar days' notice to, and considered proposals from employee representatives and institutions/related boards affected. In matters involving the various state community colleges, notice shall also be given to the state board for community college education. Complete and current compilations of all rules and regulations of the board in printed, mimeographed, or multigraphed form shall be available from the board without charge.

(8) The higher education personnel board shall adopt rules, consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis and procedures to be followed for the dismissal, suspension, or demotion of an employee, and appeals therefrom; certification of names for vacancies, including promotions and reemployment from layoff, with the number of names equal to four more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists; examination for all positions in the competitive and noncompetitive service; appointments; probationary periods of six to twelve months and rejections therein depending on the job requirements of the class; transfers; sick leaves and vacations; hours of work; layoffs when necessary and subsequent reemployment; determination of appropriate bargaining units within any institution or related board: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees and the desires of the employees; certification and decertification of exclusive bargaining representatives; agreements between institutions or related boards and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the institution/related board may lawfully exercise discretion; written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization: PROVIDED, That nothing contained herein permits or grants to any employee the right to strike or refuse to perform his/her official duties; adoption and revision of comprehensive classification plans for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position; allocation and reallocation of positions within the classification plans; adoption and revision of salary schedules and compensation plans as provided in chapter 251-08 WAC; training programs including in-service, promotional, and supervisory; increment or merit increases within the series of steps for each pay grade; and veteran's preference as provided by existing statutes.

(9) After consultation with institution heads, employee organizations, and other interested parties, the board shall develop standardized employee performance evaluation procedures and forms which shall be used by institutions of higher education for the appraisal of employee job performance at least annually. These procedures shall include means whereby individual institutions may supplement the standardized evaluation process with special performance factors peculiar to specific organizational needs. This evaluation procedure shall place primary emphasis on recording how well the employee has contributed to efficiency, effectiveness, and economy in fulfilling institution and job objectives. This section shall expire June 30, 1985. This section shall not apply to management employees after June 30, 1984.

**WSR 85-15-061**  
**PROPOSED RULES**  
**HIGHER EDUCATION**  
**PERSONNEL BOARD**  
[Filed July 18, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Higher Education

Personnel Board intends to adopt, amend, or repeal rules concerning Higher Education Personnel Board, amending WAC 251-04-050(8);

that the agency will at 9:00 a.m., Friday, September 20, 1985, in the Board Room, Peninsula College, Port Angeles, Washington, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 28B.16.100.

The specific statute these rules are intended to implement is chapter 28B.16 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 20, 1985.

Dated: July 18, 1985

By: John A. Spitz  
Director

#### STATEMENT OF PURPOSE

This statement is related to the notice filed with the code reviser on July 17, 1985, and is filed pursuant to RCW 34.04.025.

Rule Affected: WAC 251-04-050 Higher Education Personnel Board.

Statutory Authority: RCW 28B.16.100 to implement the provisions of that section.

Purpose of Existing Rules: To provide information regarding layoff.

Summary of Proposed Changes: To bring this section into compliance with the provisions of EHB 116 which mandated reemployment from layoff on the basis of seniority.

Agency Person Responsible for Rule: John Spitz, Director, Higher Education Personnel Board, 1202 Black Lake Boulevard, FT-11, Olympia, WA 98504, scan 234-3730 or 753-3730.

Organization Proposing Change: Higher Education Personnel Board staff.

The agency makes no additional comments/recommendations.

The change is not the result of federal law or state court action.

#### AMENDATORY SECTION (Amending Order 117, filed 6/1/84)

WAC 251-04-050 HIGHER EDUCATION PERSONNEL BOARD. (1) The higher education personnel board is composed of three members appointed by the governor, subject to confirmation by the senate. Each odd-numbered year the governor shall appoint a member for a six-year term. Persons so appointed shall have clearly demonstrated an interest and belief in the merit principle, shall not hold any other employment with the state, shall not have been an officer of a political party for a period of one year immediately prior to such appointment, and shall not be or become a candidate for partisan elective public office during the term to which they are appointed.

(2) Each member of the board shall be paid fifty dollars for each day in which he/she has actually attended a meeting of the board officially held. The members of the board may receive any number of daily payments for official meetings of the board actually attended. Members of the board shall also be reimbursed for necessary travel and other expenses incurred in the discharge of their official duties on the same basis as is provided for state officers and employees generally.

(3) At its first meeting following the appointment of all its members, and annually thereafter, the board shall elect a chairman and vice

chairman from among its members to serve one year. The presence of at least two members of the board shall constitute a quorum to transact business. A written public record shall be kept by the board of all actions of the board.

(4) In the necessary conduct of its work, the board shall meet monthly unless there is no pending business requiring board action. Meetings shall be held on campuses of the various state institutions of higher education. Meetings may be called by the chairman of the board, or a majority of the members of the board. Hearings may be conducted by a hearing officer duly appointed by the board. An official notice of the calling of a hearing shall be filed with the director and all members of the board shall be notified.

(5) No release of material, or statement of findings shall be made except with the approval of a majority of the board.

(6) In the conduct of hearings or investigations, a member of the board, or the director, or the hearing officer appointed to conduct the hearing, may administer oaths.

(7) It shall be the duty of the board to promulgate rules and regulations providing for employee participation in the development and administration of personnel policies. To assure this right, personnel policies, rules, classification and pay plans, and amendments thereto, shall be acted on only after the board has given twenty calendar days' notice to, and considered proposals from employee representatives and institutions/related boards affected. In matters involving the various state community colleges, notice shall also be given to the state board for community college education. Complete and current compilations of all rules and regulations of the board in printed, mimeographed, or multigraphed form shall be available from the board without charge.

(8) The higher education personnel board shall adopt rules, consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis and procedures to be followed for the dismissal, suspension, or demotion of an employee, and appeals therefrom; certification of names for vacancies, including promotions (~~and reemployment from layoff~~), with the number of names equal to four more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists; examination for all positions in the competitive and noncompetitive service; appointments; probationary periods of six to twelve months and rejections therein depending on the job requirements of the class; transfers; sick leaves and vacations; hours of work; layoffs when necessary and subsequent reemployment according to seniority; determination of appropriate bargaining units within any institution or related board: **PROVIDED**, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees and the desires of the employees; certification and decertification of exclusive bargaining representatives; agreements between institutions or related boards and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the institution/related board may lawfully exercise discretion; written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization: **PROVIDED**, That nothing contained herein permits or grants to any employee the right to strike or refuse to perform his/her official duties; adoption and revision of comprehensive classification plans for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position; allocation and reallocation of positions within the classification plans; adoption and revision of salary schedules and compensation plans as provided in chapter 251-08 WAC; training programs including in-service, promotional, and supervisory; increment or merit increases within the series of steps for each pay grade; and veteran's preference as provided by existing statutes.

(9) After consultation with institution heads, employee organizations, and other interested parties, the board shall develop standardized employee performance evaluation procedures and forms which shall be used by institutions of higher education for the appraisal of employee job performance at least annually. These procedures shall include means whereby individual institutions may supplement the standardized evaluation process with special performance factors peculiar to specific organizational needs. This evaluation procedure shall place primary emphasis on recording how well the employee has contributed to efficiency, effectiveness, and economy in fulfilling institution and job

objectives. This section shall expire June 30, 1985. This section shall not apply to management employees after June 30, 1984.

**WSR 85-15-062**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed July 18, 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 health history, physical examinations, immunizations, amending WAC 388-73-140;

that the agency will at 10:00 a.m., Wednesday, August 28, 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 September 4, 1985.

The authority under which these rules are proposed is RCW 74.15.030.

The specific statute these rules are intended to implement is chapter 49, Laws of 1985.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 28, 1985.

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

David A. Hogan, Director  
 Division of Administration and Personnel  
 Department of Social and Health Services  
 Mailstop OB 14  
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, at State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by August 14, 1985. The meeting site is in a location which is barrier free.

Dated: July 15, 1985

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

**STATEMENT OF PURPOSE**

This statement is pursuant to RCW 34.04.045.

Re: Amendment of WAC 388-73-140 (4) and (15).

Purpose of this Rule Change: To implement SB 3547, (1985 legislative session) which revised the school/day care immunization law.

Major Changes in the Law: The grace period of 45 days has been eliminated. A child must present, on or before their first day of attendance, proof of (a) full immunization, (b) initiation of a schedule of immunization, or (c) a certificate of exemption. "Child" shall mean any person, regardless of age, in attendance at a public or private school or a licensed day care center. Therefore, females 12 years of age or older are no longer exempt

for rubella and students 18 years of age and older are no longer exempted. Health districts no longer issue the letter of exclusion.

Statutory Authority: RCW 74.15.030, 28A.31.102 and 28.31.104 [28A.31.104].

Summary of Rule Changes: WAC 388-73-140 is amended to require that a child shall have completed the required immunization series or shall have begun them by the first day of the child's admission to the facility rather than permitting a grace period of up to 45 days; and to remove any exemptions based on the former wording of RCW 28A.31.108 which would apply to "any person eighteen years of age or older" and to "any female person twelve years of age or older with respect to immunization for rubella." The revised statute simply defines a child as any person regardless of age in attendance at a public school or licensed day care center.

Person Responsible for Drafting, Implementation and Enforcement of the Rule Change: Barry Fibel, Program Manager, Division of Children and Family Services, mailstop OB 41, phone 753-0204.

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

AMENDATORY SECTION (Amending Order 2081, filed 2/29/84)

WAC 388-73-140 HEALTH HISTORY, PHYSICAL EXAMINATIONS, IMMUNIZATIONS. This section is not applicable to crisis residential centers and juvenile detention facilities.

(1) A health history for each person under care shall be obtained when the person is accepted for care, if possible. The health history shall include the date of the person's last physical examination, allergies, any special health problems, and for children, an immunization history.

(2) If a child has not been under regular medical supervision or has not had a physical examination by a physician, physician's assistant, or certified registered nurse (nurse practitioner) within one year prior to admission, arrangements shall be made for an examination within thirty days. Each severely and multiply-handicapped child shall be under regular medical supervision of a physician. Each child shall be seen by a physician regularly, according to the physician's plan of care as required in WAC 388-73-077.

(3) Yearly physical examinations are required for each child not under regular medical supervision.

(4) ~~((Prior to admission))~~ Before or ~~((within forty-five calendar days of))~~ on the child's first day of attendance, each child shall present proof of full immunization for diphtheria, tetanus, pertussis (whooping cough), poliomyelitis, measles (rubeola), rubella (German measles) ~~((unless exempted by RCW 28A.31.108))~~, and mumps as set forth in WAC 248-100-164(2). (Note: Appropriate forms and information may be obtained at the local health department. For the requirements applying to day care centers, see WAC 248-100-164.)

(5) Children not having received all immunizations as set forth in WAC 248-100-164(2) may be accepted on a conditional basis if immunizations are initiated before or on admission and are completed as rapidly as is medically indicated. Exceptions to the immunization requirement shall be made in the case of a parent or guardian expressing religious, philosophical, or personal objections by signing a statement to this effect; or there is a physician's statement that a valid medical reason exists to contraindicate immunization.

**WSR 85-15-063**  
**ADOPTED RULES**  
**BOARD OF HEALTH**  
 [Order 289—Filed July 18, 1985]

Be it resolved by the Washington State Board of Health, acting at Longview, Washington, that it does

adopt the annexed rules relating to variances, waivers and exemptions, amending WAC 248-08-596.

This action is taken pursuant to Notice No. WSR 85-12-055 filed with the code reviser on June 5, 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 34.04.020 and is intended to administratively implement that statute.

This rule is promulgated under the general rule-making authority of the Washington State Board of Health as authorized in RCW 43.20.050.

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

APPROVED AND ADOPTED July 10, 1985.

By John A. Beare, MD, MPH  
Secretary

AMENDATORY SECTION (Amending Order 272, filed 7/25/84)

WAC 248-08-596 VARIANCES, WAIVERS, AND EXEMPTIONS. The following procedure for considering requests for exemptions, waivers, or variances applies to all those rules and regulations of the Washington state board of health wherein the board of health has reserved the power to grant exemptions, waivers, and variances:

(1) The director of the health services division of the department of social and health services shall recommend, pursuant to the standards contained in the regulation from which the exemption, waiver, or variance is requested, that the request be granted or denied.

(2) Written summaries of all exemptions, waivers, or variances proposed to be granted by the director shall be sent to all members of the board of health and ~~((staff))~~ may include written forms upon which the members may indicate approval or disapproval of the request.

(3) Upon receipt by the director of written approval by ~~((each and every))~~ eight members of the board of health, and provided no member disapproves, the approval shall take effect and the director shall notify the requesting party of the approval in writing.

(4) If any member of the board of health shall disapprove the request within thirty days of notification by the director, the request shall be discussed by the board at its next regular meeting.

(5) If a request is recommended for denial by the director, the request and recommendation shall be reviewed by the board at its next regular meeting.

Consideration by the board of requests for exemptions, waivers, and variances shall not be considered contested cases as that term is defined in chapter 34.04 RCW. Statements and written material regarding the request may be presented to the board at or before its meeting wherein the application will be considered. Allowing cross-examination of witnesses in such matters shall be within the discretion of the board.

## WSR 85-15-064

### EMERGENCY RULES

### BOARD OF HEALTH

[Order 291—Filed July 18, 1985]

Be it resolved by the Washington State Board of Health, acting at Longview, Washington, that it does adopt the annexed rules relating to school and day care immunization requirements, amending WAC 248-100-163 and 248-100-164.

We, the Washington State Board of Health, 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 implementation of SB 3547, school and day care immunizations.

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.31-.104 and is intended to administratively implement that statute.

This rule is promulgated under the general rule-making authority of the Washington State Board of Health as authorized in RCW 43.20.050.

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

APPROVED AND ADOPTED July 10, 1985.

By John A. Beare, MD  
Secretary

AMENDATORY SECTION (Amending Order 181, filed 7/5/79)

WAC 248-100-163 IMMUNIZATION OF SCHOOL CHILDREN AGAINST CERTAIN VACCINE-PREVENTABLE DISEASES. (1) Definitions.

(a) "Chief administrator" means the person with the authority and responsibility for the immediate supervision of the operation of a school or, in the alternative, such other person as may be designated in writing for the purpose of carrying out the requirements of this statute by the statutory or corporate board of directors of the school district or school or, if none, such other persons or person with the authority and responsibility for the general supervision of the operation of the school district or school.

(b) "Full immunization" means immunization against the following vaccine-preventable diseases: Diphtheria, pertussis (whooping cough), tetanus, poliomyelitis, measles (rubeola), rubella ~~((German measles))~~, and mumps in accordance with schedules and with immunizing agents approved by the state board of health in these regulations.

(c) "Local health department" means the city, town, county, district, or combined city-county health department, board of health, or health officer ~~((which provides))~~ providing health services.

(d) "School" means and includes each building, facility, and location at or within which any or all portions of a preschool, kindergarten, and grades one through twelve program of education and related activities are conducted for two or more children by or in behalf of any public school district and by or in behalf of any private school or private institution subject to approval by the state board of education pursuant to RCW 28A.04.120(4) and 28A.02.201 through 28A.02.260.

(e) "Immunizing agents" means any vaccine or other biologic currently licensed and approved by the Bureau of Biologics, United States Public Health Service, for immunization of persons against diphtheria, pertussis (whooping cough), tetanus (DTP, DT, Td), measles (rubeola), rubella ((German measles)), mumps, and poliomyelitis Types I, II, and III (TOPV, IPV).

(f) "~~(Student)~~ Child" means ((a)) any person (~~(under eighteen years)~~) regardless of age admitted to any preschool, kindergarten, and grades one through twelve program of education in any public school district or in any private school or private institution subject to approval by the state board of education pursuant to RCW 28A.04.120(4) and 28A.02.201 through 28A.02.260.

(g) "Transfer student" means a student ((who)) previously enrolled in grades kindergarten through twelve who moves from one school district or system to another at any time during the school year. Students transferring within a district or system are not considered transfer students for the purposes of these regulations: PROVIDED, That the school transfers records within the district.

(h) "Immunization requirement" means the minimal acceptable schedule of immunizing agents as defined by the state board of health in these regulations for attendance of a child at any public or private school.

(i) "Initiation of a schedule of immunization" is defined as the process of beginning or continuing a course of immunizations. The immunizing agents administered as part of this process must have been provided (~~(not later than forty-five calendar days of)~~) on or before the child's first day of attendance.

(2) Immunization requirements.

The Washington state board of health requires the following minimum immunization requirements for compliance with the school immunization law RCW 28A.31.118.

Effective ((September 1, 1979)) July 11, 1985, and thereafter:

(a) Children attending kindergarten through ((sixth)) twelfth grade must present proof of the following (~~(no later than forty-five days after)~~) on or before the child's first day of attendance:

At least ((3)) three doses of either DTP, DT, or Td vaccine provided that the last dose was administered at or after age ((4)) four;

At least ((3)) three doses of trivalent poliomyelitis vaccine provided that the last dose was administered at or after age ((4)) four. Not required of individuals over eighteen years of age;

One dose of live virus measles vaccine administered at or after one year of age. A student meets the measles

immunization requirement as a result of having had measles (rubeola) disease. In such instances, a physician must document and certify the month and year of disease occurrence.

One dose of live virus rubella vaccine administered at or after one year of age; (~~(except for females twelve years of age or older)~~) a student meets the rubella immunization requirement by providing proof of past infection with rubella virus (an acceptable rubella antibody titer result).

One dose of live virus mumps vaccine administered at or after one year of age for students in kindergarten or first grade, whichever is the entry level.

((Effective September 1, 1980 and thereafter:

(b) ~~Students in grades seven through twelve must present proof of the following no later than forty-five days after a student's first day of attendance:~~

~~At least 3 doses of either DTP, DT, or Td vaccine provided that the last dose was administered at or after age 4;~~

~~At least 3 doses of trivalent poliomyelitis vaccine provided that the last dose was administered at or after age 4;~~

~~One dose of live virus measles vaccine administered at or after one year of age. A student meets the measles immunization requirement as a result of having had measles (rubeola) disease. In such instances, a physician must document and certify the month and year of disease occurrence.~~

~~One dose of live virus rubella vaccine administered at or after one year of age except for females twelve years of age or older.)~~

One or more doses of tetanus toxoid (without diphtheria toxoid) administered for wound management will not fulfill the DTP/DT/Td requirements.

(b) Children attending preschool must meet the following immunization requirements for each age:

DTP/DT/Td VACCINE

<u>AGE</u>	<u>REQUIREMENT</u>
<u>2 months</u>	<u>1 dose</u>
<u>4 months</u>	<u>2 doses</u>
<u>6 - 17 months</u>	<u>3 doses</u>
<u>18 - 47 months</u>	<u>4 doses</u>
<u>4 years and older</u>	<u>At least 3 doses provided the last dose was administered at or after age 4.</u>

TRIVALENT POLIO VACCINE - (TOPV) (IPV)

<u>AGE</u>	<u>REQUIREMENT</u>
<u>2 months</u>	<u>1 dose</u>
<u>4 - 17 months</u>	<u>2 doses</u>
<u>18 - 47 months</u>	<u>3 doses</u>
<u>4 years and older</u>	<u>At least 3 doses provided the last dose was administered at or after age 4.</u>

MEASLES\*, MUMPS, AND RUBELLA\* VACCINES

<u>AGE</u>	<u>REQUIREMENT</u>
<u>15 months or older</u>	<u>1 dose of each vaccine administered at or after one year of age is acceptable.</u>

\* NOTE: A child meets the measles immunization requirement as a result of having had measles (rubeola) disease. In such instances, a physician must document and certify the month and year of disease occurrence.

A child meets the rubella immunization requirement by providing proof of past infection with rubella virus (an acceptable rubella antibody titer result).

(3) Initiation and continuation of a schedule of immunization.

(a) Attendance at a school by a child (~~(who has)~~) not ((received)) receiving full immunization shall be conditioned upon the presentation of proof that the child's immunization schedule has been initiated according to subsection (1)(i) of these regulations. The child's schedule of immunizations shall be completed according to guidelines of the 1982 American Academy of Pediatrics (AAP) Red Book or according to General Recommendations on Immunization January 14, 1983 of the Immunization Practices Advisory Committee of the United States Public Health Service (ACIP).

(b) Admission in subsequent year. A student (~~(who is)~~) admitted conditionally as provided in subsection (3)(a) of this section(;) shall present proof of completion of the required ((immunization(s))) immunization or immunizations as soon as possible and not later than on the student's first day of attendance in the following school year. If the student has not completed the required schedule of immunization by the first day of attendance in the following school year, ((there shall be no forty-five day grace period. The "chief administrator" of the school shall immediately notify the local health department of the name and address of the student along with a report of the status of the student's immunization schedule and when the student was first conditionally admitted to school.)) and if there has been a sufficient period of time to reasonably permit the student to have completed the required immunization schedule, the ((health department)) chief administrator shall issue an order of exclusion in the manner required by subsection (7) of this section. If there has not been sufficient time to complete the schedule, the ((health department)) chief administrator shall notify the student's parents ((and the "chief administrator" of the school)) as to when the schedule must be completed. If the schedule is not completed by that date, the ((health department)) chief administrator shall issue an order of exclusion.

(4) Documentary proof.

(a) Proof of full immunization, initiation or continuation of a schedule, or exemptions shall be documented on a certificate of immunization status form (CIS). Immunization data on the certificate of immunization status form shall be based on a written personal

immunization record given to the person immunized or to his or her parent or guardian by the physician or agency administering the immunization. This personal immunization record shall not be surrendered to school authorities and shall not substitute for the certificate of immunization status form.

(b) The certificate of immunization status form shall include(;) at least the following information required to fulfill the intent of RCW 28A.31.118.

- (i) Name of the person;
- (ii) Birthdate;
- (iii) Sex;
- (iv) Type of vaccine administered;
- (v) Date of each dose of vaccine, specifying month and year (day optional);
- (vi) Signature of parent, legal guardian, or adult in loco parentis.

(c) The revised certificate of immunization status form, DSHS 13-263 (~~(shall be)) provided by the department of social and health services ((and will be)), is the only acceptable form for all new enrollees registering in kindergarten through ((sixth)) twelfth grade ((after September 1, 1979, and for new enrollees in all grades after September 1, 1980, and thereafter)). For students already registered or enrolled in schools prior to ((enactment of these regulations)) September 1, 1979, previous certificates of immunization status forms (e.g., DSHS 13-263) or locally developed forms approved by DSHS shall be acceptable as the official certificate of immunization status: PROVIDED, That dates for the ((latest)) doses of DTP/Td and poliomyelitis vaccines are indicated and that dates (month and year) are provided for each dose of measles, rubella, and mumps vaccine if required. Students meet minimum immunization requirements if the last of three or more doses of DTP/Td and trivalent poliomyelitis vaccines were administered at or after age four and if requirements for measles, rubella, and mumps are met.~~

(d) Proof in subsequent years. Once proof of full immunization or proof of exemption from immunization has been presented, no further proof shall be required as a condition to attendance at a particular school provided ((that)) the certificate of immunization status form on such a child remains on file at the school.

(5) Medical exemptions.

(a) Certification of medical contraindication for one or more ((immunization(s))) immunization or immunizations shall be provided on the certificate of immunization status form, certified and signed by a licensed physician.

(b) A student (~~(who is)~~) temporarily exempt from immunization for medical reasons shall be admitted on condition ((that)) required immunizations are obtained at the termination of the duration of exemption. If the medical condition is permanent or life-long, the student shall be admitted and the certificate of immunization status form filed on each such student.

(c) The school shall inform the parent, legal guardian, or adult in loco parentis, that in the event an outbreak of vaccine-preventable disease for which the student is exempted should occur, the student may be excluded from

school for the duration of the outbreak. The school shall keep on file a list of students so exempted.

(6) Religious, philosophical, personal exemptions.

(a) A student may be exempt from immunization because of religious, philosophical, or personal objections. These exempt children shall be admitted to school and the fact of the exemption shall be recorded on the certificate of immunization status form signed by the parent, guardian, or adult in loco parentis.

(b) Each school shall keep on file the certificate of immunization status form for each child so enrolled.

(c) The school shall inform the parent, legal guardian, or adult in loco parentis, that in the event an outbreak of vaccine-preventable disease for which the student is exempted should occur, the student may be excluded from school for the duration of the outbreak. The school shall keep on file a list of students so exempted.

(7) Exclusion from school.

(a) Conditions for attendance not fulfilled. Any student in attendance at a school ~~((who fails)) failing~~ to provide documentary proof of full immunization; or proof of initiation or continuation of a schedule of immunization; or proof of either medical, religious, philosophical, or personal objection; ~~((no later than forty-five calendar days after)) on or before the child's first day of attendance, shall be excluded from school until an acceptable certificate of immunization status form is submitted to the ((^))chief administrator((^)) of the school.~~

~~(b) ((Notification to local health department. The "chief administrator" of a school shall collect at the end of the forty-five day grace period and within five working days the names and addresses of students in schools who do not comply with the requirements of these regulations and forward the names to the local health department.~~

~~(c) Exclusion order from local health department. Upon receipt of name(s) and address(es) of student(s) failing to comply with the provisions for attendance at school from the "chief administrator" of a school, the local health department shall notify the "chief administrator" and provide the "chief administrator" with a written order to exclude the student(s) failing to comply with requirements of these regulations.~~

~~((d)) Exclusion letter to parents of children failing to comply. ((Pursuant to the written exclusion order to)) The ((^))chief administrator((^ from the local health department, the local health department)) will provide a standard exclusion notification letter to parents of children failing to comply with attendance requirements. ((This)) The exclusion notification letter ((shall be of a form approved by the department of social and health services and signed by the local health officer. This)) shall serve as the written notice to ((parent(s))) parent or parents or legal ((guardian(s))) guardian or guardians of each child or to the ((adult(s))) adult or adults in loco parentis to each child, who is not in compliance with the requirements of these regulations. The notice shall fully inform such ((person(s))) person or persons of the following:~~

~~(i) The requirements established by and pursuant to RCW 28A.31.118;~~

~~(ii) The fact that the child will be prohibited from further attendance at the school until requirements are met;~~

~~(iii) Due process for exclusion of the child pursuant to the state board of education's rules and regulations;~~

~~(iv) The immunization services ((that are)) available from or through the local health department and other public agencies.~~

~~((e)) (c) List of children excluded.~~

~~The ((^))chief administrator((^)) of a school shall retain a record at the school of the name, address, and date of exclusion of each child excluded from school pursuant to the requirements of these regulations for not less than three years following the date of a child's exclusion.~~

~~((f)) (d) A student in attendance in a school by virtue of presenting proof of ((^))initiation of a schedule of immunization((^)) or by presenting documentation of medical, religious, philosophical, or personal objection ((may)) will be subject to exclusion in the event of exposure to a communicable disease in a school.~~

(8) Records.

(a) The official proof for documentation of compliance with these regulations shall be the certificate of immunization status form. The latest revised certificate of immunization status form will be required of all new enrollees registering in kindergarten through ~~((sixth)) twelfth grade after ((September 1, 1979, and for all new enrollees in all grades after September 1, 1980)) August 15, 1985, and thereafter.~~

~~If a child was enrolled in a school prior to ((the effective date of these regulations)) September 1, 1979, the certificate of immunization status form DSHS 13-263, or approved locally-developed forms, on file will serve as documentary proof for admittance if requirements are met.~~

~~Schools shall have on file an approved certificate of immunization status form for every child enrolled. When a child withdraws((;)) or transfers ((or is promoted to a new school within a school district or)) between school districts, the chief administrator shall return the original or a copy of the certificate of immunization status form to the parent, guardian, or adult in loco parentis ((or it may be transferred with the child's records to the new school)). This record must not be withheld for nonpayment of school fees or any other reason.~~

~~(b) The ((^))chief administrator((^)) of a school shall allow agents of state and local health departments access during business hours to the ((health)) immunization records retained on each student or child enrolled.~~

~~(c) Personal immunization record. The immunizations required by these regulations may be obtained from any private or public source desired, provided ((that)) the immunization is administered and records are made in accordance with these regulations. Any person or organization administering immunizations shall furnish each person immunized, or his or her parent or legal guardian, or any adult in loco parentis to the child, with a written record of immunization, the content of which the state board of health has prescribed.~~

(9) Reporting.

~~((a))~~ The ~~((b))~~ chief administrator~~((c))~~ of a school shall file a written annual report ~~((multiple carbonized form))~~ with the department of social and health services and local health departments on the immunization status of students in school by ~~((November 1))~~ October 15th of each year and on forms prescribed by the department of social and health services. In the event of a late school opening, the report will be required ~~((sixty))~~ thirty days after the first day of school.

~~((b))~~ The annual report from schools shall reflect the status of all students enrolled in September 1979, in kindergarten through sixth grade, in September 1980, the annual report will include the status of new admissions and transfer students in grades kindergarten through seven and all students in grades eight through twelve, in 1981, and thereafter the annual report will cover only new admissions and transfer students in all grades.)

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 185, filed 9/11/79)

WAC 248-100-164 IMMUNIZATION OF CHILDREN ATTENDING DAY CARE CENTERS AGAINST CERTAIN VACCINE-PREVENTABLE DISEASES. (1) DEFINITIONS.

(a) "Chief administrator" means the person with the authority and responsibility for the immediate supervision of the operation of a day care center or, in the alternative, such other person as may be designated in writing for the purpose of carrying out the requirements of these regulations by the statutory or corporate board of directors of the day care center, or, if none, such other persons or person with the authority and responsibility for the general supervision of the operation of the day care center.

(b) "Full immunization" means immunization against the following vaccine-preventable diseases: Diphtheria, pertussis (whooping cough), tetanus, poliomyelitis, measles (rubeola), rubella ~~((German measles))~~, and mumps in accordance with schedules and with immunizing agents approved by the state board of health in these regulations. Full immunization applies only to children age four and older ~~((who meet))~~ meeting requirements as stipulated in subsection (2) of this section.

(c) "Local health department" means the city, town, county, district or combined city-county health department, board of health, or health officer ~~((which provides))~~ providing health services.

(d) "Day care center" means an agency ~~((which))~~ regularly ~~((provides))~~ providing care for a group of thirteen or more children for periods of less than twenty-four hours and is licensed pursuant to chapter 74.15 RCW.

(e) "First day of attendance" means ~~((September 1, 1979, for all children enrolled in a day care center on or before that date and))~~ the actual date of first attendance ~~((for children enrolled thereafter)).~~

(f) "Immunizing agents" means any vaccine or other biological currently licensed and approved by the Bureau of Biologics, United States Public Health Service, for immunization of persons against diphtheria, pertussis (whooping cough), tetanus, (DTP, DT, Td), measles (rubeola), rubella ~~((German measles))~~, mumps, and poliomyelitis Type I, II, and III (TOPV, IPV).

(g) "Immunization requirement" means the minimal acceptable schedule of immunizing agents as defined by the state board of health in these regulations for attendance of a child at a day care center.

(h) "Initiation of a schedule of immunization" is defined as the process of beginning or continuing a course of immunizations. All children who have not had three doses each of DTP/DT and polio vaccines with the last doses after the fourth birthday, and one dose each of measles, mumps, and rubella vaccines are to be considered "initiating or continuing" a schedule of immunization. Children who do not meet the requirements for their age group must receive at least one dose of vaccine ~~((within forty-five calendar days of))~~ on or before the child's first day of attendance.

(2) IMMUNIZATION REQUIREMENTS.

Children must meet the following immunization requirements for each age:

DTP/DT/Td VACCINE

AGE	REQUIREMENT
2 months	1 dose
4 months	2 doses
6 - 17 months	3 doses
18 - 47 months	4 doses
4 years and older	At least 3 doses provided that the last dose was administered at or after age 4.

TRIVALENT POLIO VACCINE - (TOPV) (IPV)

AGE	REQUIREMENT
2 months	1 dose
4 - 17 months	2 doses
18 - 47 months	3 doses
4 years and older	At least 3 doses provided that the last dose was administered at or after age 4.

MEASLES\*, MUMPS, AND RUBELLA\* VACCINES

AGE	REQUIREMENT
<del>((Under 15 months</del>	<del>None))</del>
15 months or older	1 dose of each <u>(vaccine administered at or after ((12 months)) one year of age is acceptable).</u>

\* NOTE: ~~((1) Any child who is 15 months of age or older must have:~~

~~((a) one dose of measles vaccine by the 45th day after the child's first day of attendance, or~~

~~(b) one dose of measles vaccine within 45 days after the child becomes 15 months of age.~~

~~The above conditions do not apply to a child who is exempt for measles vaccine. Any child not meeting the measles requirement will be excluded from the day care center in the manner required by subsection (7) of this section.~~

~~(2) Measles vaccine is not recommended prior to 15 months of age unless there is an earlier threat of exposure to measles.~~

~~(3)) A child meets the measles immunization requirement as a result of having had measles (rubeola) disease. In such instances, a physician must document and certify the month and year of disease occurrence.~~

A child meets the rubella immunization requirement by providing proof of past infection with rubella virus (an acceptable rubella antibody titer result).

**(3) INITIATION AND CONTINUATION OF A SCHEDULE OF IMMUNIZATION.**

(a) Attendance at a day care center by a child who has not received full immunization shall be conditioned upon the presentation of proof that the child has initiated or is continuing on a schedule of immunization according to subsection (1)(h) of this section. The child's schedule of immunizations shall be completed according to guidelines of the 1982 American Academy of Pediatrics (AAP) Red Book or according to General Recommendations on Immunizations January 14, 1983 of the Immunization Practices Advisory Committee of the United States Public Health Service (ACIP).

(b) Admission in subsequent ~~((year(s)))~~ year or years. A child ~~((who is))~~ admitted conditionally as provided in subsection (3)(a) of this section~~((;))~~ shall present proof of completion of each dose of vaccine required in subsection (2) of this section as soon as possible and not later than twelve calendar months from the time the child is admitted conditionally. This process shall be continued until the child is fully immunized. If the child has not completed the required schedule of immunization within the required time period, ~~((the "chief administrator" of the day care center shall immediately notify the local health department of the name and address of the child along with a report of the status of the child's immunization schedule))~~ and ~~((when the child was first admitted to the day care center.))~~ if there has been a sufficient period of time to reasonably permit the child to have completed the required immunization schedule, the ~~((health department))~~ chief administrator shall issue an order of exclusion in the manner required in subsection (7) of this section. If there has not been sufficient time to complete the schedule, the ~~((health department))~~ chief administrator shall notify the child's parents ~~((and the "chief administrator" of the day care center))~~ as to when the schedule must be completed. If the schedule is not completed by that date, the ~~((health department))~~

chief administrator shall issue an order of exclusion pursuant to subsection (7) of this section.

**(4) DOCUMENTARY PROOF.**

(a) Proof of full immunization, initiation or continuation of a schedule, or exemptions shall be entered by the parent on a certificate of immunization status form (CIS) (DSHS 13-263). Immunization data on the certificate of immunization status form shall be based on a written personal immunization record given to the person immunized or to his or her parent or guardian by the physician or agency administering the immunization. This personal immunization record shall not be surrendered to day care center authorities and shall not substitute for the certificate of immunization status form.

(b) The certificate of immunization status form shall include at least the following information required to fulfill the intent of RCW 28A.31.118:

- (i) Name of person;
- (ii) Birthdate;
- (iii) Sex;
- (iv) Type of vaccine administered;
- (v) Date of each dose of vaccine, specifying month and year (day optional);
- (vi) Signature of parent, legal guardian, or adult in loco parentis.

(c) The revised certificate of immunization status form (DSHS 13-263) shall be provided to licensed day care centers by the department of social and health services and will be the only acceptable form for all new registrants after ~~((September 1, 1979))~~ August 15, 1985. For the child already registered or enrolled in a day care center prior to ~~((enactment))~~ revision of these regulations, previous certificates of immunization status forms (e.g., DSHS 13-263) ~~((or locally developed forms approved by DSHS))~~ shall be acceptable as the official certificate of immunization status ~~((; PROVIDED, That dates for the latest doses of DTP/Td and poliomyelitis vaccines are indicated and that dates (month and year) are provided for each dose of measles, rubella, and mumps vaccine, if required))~~.

(d) Proof in subsequent years. Once proof of full immunization or proof of exemption from the immunization law has been presented, no further proof shall be required as a condition to attendance at a particular center, provided ~~((that))~~ the certificate of immunization status form on such a child remains on file at the day care center.

**(5) MEDICAL EXEMPTIONS.**

(a) Certification of medical contraindication for one or more ~~((immunization(s)))~~ immunization or immunizations shall be provided on the certificate of immunization status form, certified and signed by a licensed physician.

(b) A child ~~((who is))~~ temporarily exempt from immunization for medical reasons may be admitted on condition ~~((that))~~ required immunizations are obtained at the termination of the duration of exemption. If the medical condition is permanent or life-long, the student may be admitted and the certificate of immunization status filed on each child.

(c) The day care center shall inform the parent, legal guardian, or adult in loco parentis that in the event an

outbreak of vaccine-preventable disease for which the child is exempted should occur, the child may be excluded from the center for the duration of the outbreak. The day care center shall keep on file a list of children so enrolled.

(6) RELIGIOUS, PHILOSOPHICAL, PERSONAL EXEMPTIONS.

(a) A child ~~((who is))~~ exempt from immunization because of religious, philosophical, or personal objections may be admitted to a day care center and the fact of the exemption shall be recorded on the certificate of immunization status form signed by the parent, guardian, or adult in loco parentis.

(b) Each day care center shall keep on file the certificate of immunization status form for each child so enrolled.

(c) The day care center shall inform the parent, legal guardian, or adult in loco parentis that in the event an outbreak of vaccine-preventable disease for which the child is exempted should occur, the child may be excluded from the center for the duration of the outbreak. The day care center shall keep on file a list of children so enrolled.

(7) EXCLUSION FROM DAY CARE CENTER.

(a) Conditions for attendance not fulfilled. Any child in attendance at a day care center ~~((who fails))~~ failing to provide documentary proof of full immunization, or proof of initiation or continuation of a schedule of immunization, or proof of either medical, religious, philosophical, or personal objection, ~~((within forty-five calendar days after))~~ on or before the child's first day of attendance, shall be excluded from the day care center until an acceptable certificate of immunization status form is submitted to the ~~((the))~~ chief administrator~~((the))~~ of the day care center.

~~(b) ((Notification to local health department. The "chief administrator" of a day care center shall collect, at the end of the forty-five day grace period and within five working days, the name and address of each child who does not comply with the requirements of these regulations and forward the name(s) to the local health department.~~

~~(c) Exclusion order from local health department. Upon receipt of name(s) and address(es) of each child failing to comply with the provisions for attendance at a day care center from the "chief administrator," the local health department shall notify the "chief administrator" and provide the "chief administrator" with a written order to exclude the children failing to comply with requirements of these regulations.~~

~~(d))~~ Exclusion letter to parents of children failing to comply. ~~((Pursuant to the written exclusion order to))~~ The ~~((the))~~ chief administrator~~((from the local health department, the local health department))~~ will provide a standard exclusion notification letter to parents of children failing to comply with attendance requirements. This exclusion notification letter ~~((shall be of a form approved by the department of social and health services and signed by the local health officer. This))~~ shall serve as the written notice to ~~((parent(s))~~ the parent or parents or legal ~~((guardian(s))~~ guardian or guardians of

each child or to the ~~((adult(s))~~ adult or adults in loco parentis to each child, who is not in compliance with the requirements of these regulations. The notice shall fully inform such ~~((person(s))~~ person or persons of the following:

(i) The requirements established by and pursuant to RCW 28A.31.118;

(ii) The fact that the child will be prohibited from further attendance at the day care center until requirements are met;

(iii) The immunization services ~~((that are))~~ available from or through the local health department and other public agencies.

~~((c))~~ (c) A child in attendance in a day care center by virtue of presenting proof of ~~((the))~~ initiation or continuation of a schedule of immunization~~((the))~~ or by presenting documentation of medical, religious, philosophical, or personal objection may be subject to exclusion in the event of exposure in the day care center to a communicable disease for which the child is unimmunized.

(8) RECORDS.

(a) The official proof for documentation of compliance with these regulations shall be the certificate of immunization status form. The revised certificate of immunization status form will be required of all new registrants after ~~((September 1, 1979))~~ August 15, 1985.

If a child was enrolled in a day care center prior to ~~((the effective date of these regulations))~~ August 15, 1985, the certificate of immunization status form DSHS 13-263~~((, or approved locally developed forms))~~ on file will serve as documentary proof for admittance if requirements are met.

Day care centers shall have on file an approved certificate of immunization status form for every child enrolled. When a child withdraws or transfers to a new day care center, the administrator shall return the original certificate of immunization status form to the parent.

(b) The ~~((the))~~ chief administrator~~((the))~~ of a day care center shall allow agents of state and local health departments access during business hours to the immunization records retained on each child enrolled.

(c) Personal immunization record. The immunizations required by these regulations may be obtained from any private or public source desired, provided ~~((that))~~ the immunization is administered and records are made in accordance with these regulations. Any person or organization administering immunizations shall furnish each person immunized, or his or her parent or legal guardian, or any adult in loco parentis to the child, with a written record of immunization, the content of which the state board of health has prescribed.

(9) REPORTING.

The ~~((the))~~ chief administrator~~((the))~~ of a day care center shall file a written annual report ~~((multiple carbonized form))~~ with the department of social and health services and local health departments on the immunization status of children by ~~((November 1))~~ February 1st of each year and on forms prescribed by the department of social and health services.

**WSR 85-15-065**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 85-83—Filed July 18, 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 coho have been taken.

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

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

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

APPROVED AND ADOPTED July 18, 1985.  
 By William R. Wilkerson  
 Director

NEW SECTION

*WAC 220-24-02000G **LAWFUL ACTS—TROLL FISHERY.** Notwithstanding the provisions of WAC 220-24-010, 220-24-020, and 220-24-030, effective 12:01 a.m. July 19, 1985, it is unlawful to fish for or possess salmon taken for commercial purposes with troll gear in waters west of the Bonilla-Tatoosh Line, the Pacific Ocean, or waters at the mouth of the Columbia River west of a line drawn true north-south through Buoy 10 at the mouth of the Columbia River, and effective 12:01 a.m. July 21, 1985, it is unlawful to land salmon taken for commercial purposes from the above described waters.*

REPEALER

*WAC 220-24-02000F **LAWFUL ACTS—TROLL FISHERY.** (85-79)*

**WSR 85-15-066**  
**PROPOSED RULES**  
**UNIVERSITY OF WASHINGTON**  
 [Filed July 19, 1985]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the University of Washington intends to adopt, amend, or repeal rules concerning practice and procedure in contested cases before the University of Washington, repealing WAC 478-08-001 through 478-08-570;

that the institution will at 11:00 a.m., Monday, September 16, 1985, in Room 142 Administration Building, University of Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 20, 1985.

The authority under which these rules are proposed is RCW 28B.20.130 and 28B.19.110.

The specific statute these rules are intended to implement is RCW 28B.20.130.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before September 20, 1985.

Dated: July 8, 1985  
 By: George M. Beckmann  
 Provost

**STATEMENT OF PURPOSE**

Statutory Authority: RCW 28B.20.130 and 28B.19.110.

Purpose of the Rule(s): Repeal WAC 478-08-001 through 478-08-570, Practice and procedure in contested cases before the University of Washington.

Summary of the Rule(s): The rules to be repealed outline the specific procedures to be followed by persons requesting hearings before the University of Washington in contested cases.

Reasons Which Support the Proposed Action: The Higher Education Administrative Procedure Act (RCW 28B.19.110) was amended in its entirety by the legislature in 1971. The chapter of the Washington Administrative Code to be repealed (chapter 478-08 WAC) was adopted by the board of regents in 1969 under prior legislatively mandated structures. The existing statutory provision provides within its terms equal, if not greater, procedural protections for contested case reviews than the WAC provisions.

In spring, 1985, the faculty of the University of Washington adopted, with presidential approval, entirely new internal due process rules and procedures governing contested cases affecting the employment relationship between faculty and the university. These new rules, codified in the University of Washington Faculty Handbook, incorporate the protections for aggrieved persons in contested cases specified in RCW 28B.19.120. These internal procedures are authorized to be followed in such instances by RCW 28B.19.110(3).

Repealing chapter 478-08 WAC will eliminate duplicative procedures, and clarify that the internal procedures, subject to conformance with the Higher Education Administrative Procedure Act provisions, will govern contested cases by faculty within the university.

Name of Person or Organization Proposing the Rule(s): Provost's Office, University of Washington, governmental, public.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rule(s): George M. Beckmann, Provost's Office, (206) 543-7632.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: No.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule(s): [No information supplied by agency.]

#### REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 478-08-001 DEFINITIONS.
- WAC 478-08-010 APPEARANCE AND PRACTICE BEFORE AGENCY—WHO MAY APPEAR.
- WAC 478-08-080 NOTICE AND OPPORTUNITY FOR HEARING IN CONTESTED CASES.
- WAC 478-08-090 SERVICE OF PROCESS—BY WHOM SERVED.
- WAC 478-08-100 SERVICE OF PROCESS—UPON WHOM SERVED.
- WAC 478-08-110 SERVICE OF PROCESS—SERVICE UPON PARTIES.
- WAC 478-08-120 SERVICE OF PROCESS—METHOD OF SERVICE.
- WAC 478-08-130 SERVICE OF PROCESS—WHEN SERVICE COMPLETE.
- WAC 478-08-140 SERVICE OF PROCESS—FILING WITH AGENCY.
- WAC 478-08-230 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—RIGHT TO TAKE.
- WAC 478-08-240 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—SCOPE.
- WAC 478-08-250 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—OFFICER BEFORE WHOM TAKEN.
- WAC 478-08-260 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—AUTHORIZATION.
- WAC 478-08-270 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—PROTECTION OF PARTIES AND DEponents.
- WAC 478-08-280 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—ORAL EXAMINATION AND CROSS-EXAMINATION.
- WAC 478-08-290 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—RECORDATION.
- WAC 478-08-300 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—SIGNING ATTESTATION AND RETURN.
- WAC 478-08-310 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—USE AND EFFECT.
- WAC 478-08-320 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—FEES OF OFFICERS AND DEponents.
- WAC 478-08-330 DEPOSITIONS UPON INTERROGATORIES—SUBMISSION OF INTERROGATORIES.
- WAC 478-08-340 DEPOSITIONS UPON INTERROGATORIES—INTERROGATION.
- WAC 478-08-350 DEPOSITIONS UPON INTERROGATORIES—ATTESTATION AND RETURN.
- WAC 478-08-360 DEPOSITIONS UPON INTERROGATORIES—PROVISIONS OF DEPOSITION RULE.
- WAC 478-08-400 STIPULATIONS AND ADMISSIONS OF RECORD.
- WAC 478-08-410 FORM AND CONTENT OF DECISIONS IN CONTESTED CASES.
- WAC 478-08-420 DEFINITION OF ISSUES BEFORE HEARING.
- WAC 478-08-510 CONTINUANCES.
- WAC 478-08-520 RULES OF EVIDENCE—ADMISSIBILITY CRITERIA.
- WAC 478-08-530 RULES OF EVIDENCE—TENTATIVE ADMISSION—EXCLUSION—DISCONTINUANCE—OBJECTIONS.
- WAC 478-08-540 PETITIONS FOR RULE MAKING, AMENDMENT OR REPEAL—WHO MAY PETITION.
- WAC 478-08-550 PETITIONS FOR RULE MAKING, AMENDMENT OR REPEAL—REQUISITES.

WAC 478-08-560 PETITIONS FOR RULE MAKING, AMENDMENT OR REPEAL—AGENCY MUST CONSIDER.  
WAC 478-08-570 PETITIONS FOR RULE MAKING, AMENDMENT OR REPEAL—NOTICE OF DISPOSITION.

#### **WSR 85-15-067**

#### **EMERGENCY RULES HIGHER EDUCATION PERSONNEL BOARD**

[Order 131—Filed July 19, 1985]

Be it resolved by the Higher Education Personnel Board, acting at Edmonds Community College, Lynnwood, Washington, that it does adopt the annexed rules relating to Higher Education Personnel Board, amending WAC 251-04-050.

We, the Higher Education Personnel Board, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is WAC 251-04-050, changes the board members salary from \$50.00 to \$100.00 per meeting as a result of legislative action.

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

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

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

APPROVED AND ADOPTED July 19, 1985.

By John A. Spitz  
Director

#### AMENDATORY SECTION (Amending Order 117, filed 6/1/84)

WAC 251-04-050 HIGHER EDUCATION PERSONNEL BOARD. (1) The higher education personnel board is composed of three members appointed by the governor, subject to confirmation by the senate. Each odd-numbered year the governor shall appoint a member for a six-year term. Persons so appointed shall have clearly demonstrated an interest and belief in the merit principle, shall not hold any other employment with the state, shall not have been an officer of a political party for a period of one year immediately prior to such appointment, and shall not be or become a candidate for partisan elective public office during the term to which they are appointed.

(2) Each member of the board shall be paid ((fifty)) one hundred dollars for each day in which he/she has actually attended a meeting of the board officially held. The members of the board may receive any number of daily payments for official meetings of the board actually attended. Members of the board shall also be reimbursed

for necessary travel and other expenses incurred in the discharge of their official duties on the same basis as is provided for state officers and employees generally.

(3) At its first meeting following the appointment of all its members, and annually thereafter, the board shall elect a chairman and vice chairman from among its members to serve one year. The presence of at least two members of the board shall constitute a quorum to transact business. A written public record shall be kept by the board of all actions of the board.

(4) In the necessary conduct of its work, the board shall meet monthly unless there is no pending business requiring board action. Meetings shall be held on campuses of the various state institutions of higher education. Meetings may be called by the chairman of the board, or a majority of the members of the board. Hearings may be conducted by a hearing officer duly appointed by the board. An official notice of the calling of a hearing shall be filed with the director and all members of the board shall be notified.

(5) No release of material, or statement of findings shall be made except with the approval of a majority of the board.

(6) In the conduct of hearings or investigations, a member of the board, or the director, or the hearing officer appointed to conduct the hearing, may administer oaths.

(7) It shall be the duty of the board to promulgate rules and regulations providing for employee participation in the development and administration of personnel policies. To assure this right, personnel policies, rules, classification and pay plans, and amendments thereto, shall be acted on only after the board has given twenty calendar days' notice to, and considered proposals from employee representatives and institutions/related boards affected. In matters involving the various state community colleges, notice shall also be given to the state board for community college education. Complete and current compilations of all rules and regulations of the board in printed, mimeographed, or multigraphed form shall be available from the board without charge.

(8) The higher education personnel board shall adopt rules, consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis and procedures to be followed for the dismissal, suspension, or demotion of an employee, and appeals therefrom; certification of names for vacancies, including promotions and reemployment from layoff, with the number of names equal to four more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists; examination for all positions in the competitive and noncompetitive service; appointments; probationary periods of six to twelve months and rejections therein depending on the job requirements of the class; transfers; sick leaves and vacations; hours of work; layoffs when necessary and subsequent reemployment; determination of appropriate bargaining units within any institution or related board: **PROVIDED**, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining

representatives, the extent of organization among the employees and the desires of the employees; certification and decertification of exclusive bargaining representatives; agreements between institutions or related boards and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the institution/related board may lawfully exercise discretion; written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization: **PROVIDED**, That nothing contained herein permits or grants to any employee the right to strike or refuse to perform his/her official duties; adoption and revision of comprehensive classification plans for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position; allocation and re-allocation of positions within the classification plans; adoption and revision of salary schedules and compensation plans as provided in chapter 251-08 WAC; training programs including in-service, promotional, and supervisory; increment or merit increases within the series of steps for each pay grade, and veteran's preference as provided by existing statutes.

(9) After consultation with institution heads, employee organizations, and other interested parties, the board shall develop standardized employee performance evaluation procedures and forms which shall be used by institutions of higher education for the appraisal of employee job performance at least annually. These procedures shall include means whereby individual institutions may supplement the standardized evaluation process with special performance factors peculiar to specific organizational needs. This evaluation procedure shall place primary emphasis on recording how well the employee has contributed to efficiency, effectiveness, and economy in fulfilling institution and job objectives. This section shall expire June 30, 1985. This section shall not apply to management employees after June 30, 1984.

#### WSR 85-15-068

#### EMERGENCY RULES

#### DEPARTMENT OF NATURAL RESOURCES

[Order 453—Filed July 19, 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 restricting logging, land clearing, and other industrial operations which may cause a fire to start on lands under the protection of the Department of Natural Resources in Western 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 existing and forecasted weather conditions, forest lands in Western Washington are exposed to increasing fire danger. Logging restrictions are imposed in all shutdown zones in Western Washington.

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

This rule is promulgated pursuant to RCW 76.04.190 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED July 19, 1985.

By Brian J. Boyle  
Commissioner of Public Lands

AMENDATORY SECTION (Amending Emergency Order 452, filed 7/16/85)

WAC 332-26-083 HOOT OWL LOGGING RESTRICTIONS ON LANDS PROTECTED BY THE DEPARTMENT OF NATURAL RESOURCES IN WESTERN WASHINGTON. Effective midnight, ~~((Tuesday, July 16, 1985, through midnight, Monday, July 22, 1985;))~~ Friday, July 19, 1985, through midnight, Thursday, July 25, 1985, all logging, land clearing, and other industrial operations which may cause a fire to start are to cease operation during the following times and under the following conditions: 1) All power saws, except those used on landings, to shutdown from 11:00 a.m. to 8:00 p.m. during the shutdown period. Landing saws to shutdown from 1:00 p.m. to 8:00 p.m. during the shutdown period; 2) All yarding, skidding, loading, and hauling to shutdown from 1:00 p.m. to 8:00 p.m. during the shutdown period; 3) All other operations not specifically listed here will shutdown from 1:00 p.m. to 8:00 p.m. during the shutdown period.

Effected Areas: Olympic Area - ((~~all shutdown zones and the Quinault Indian Reservation except~~)) shutdown zone 649, 650, 651L, 653, 654 ((~~along the coast~~)); Central Area - ((~~all~~)) shutdown zones ((~~except zone~~)) 649, 651L, 651H, 655, 657 ((~~along the coast~~)); Southwest Area - ((~~all~~)) shutdown zones ((~~except zone~~)) 649, 651L, 651H, 655, 621 West ((~~along the Columbia River~~)); South Puget Sound Area - ((~~all~~)) shutdown zones 654, 657; Northwest Area - ((~~all~~)) shutdown zone(s) 653.

All persons are excluded from logging operating areas and areas of logging slash, except those present in the interest of fire protection, from 1:00 p.m. to 8:00 p.m. during the shutdown period.

All burning permits and burning privileges are cancelled in the affected areas.

NEW SECTION

WAC 332-26-084 LOGGING RESTRICTIONS ON LANDS PROTECTED BY THE DEPARTMENT

OF NATURAL RESOURCES IN WESTERN WASHINGTON. Effective midnight, Friday, July 19, 1985, through midnight, Thursday, July 25, 1985, all logging, land clearing, and other industrial operations which may cause a fire to start shall cease operations.

Areas affected by these restrictions are:

1) Shutdown zones 656 and 658 lying in the eastern two-thirds of Whatcom, Skagit, and Snohomish counties and the northeast portion of King County protected by the Department of Natural Resources Northwest Area;

2) Shutdown zone 652 lying in western Mason County and zone 659 lying in the eastern half of King and Pierce counties protected by the Department of Natural Resources South Puget Sound Area;

3) Shutdown zones 659 and 660 lying in the eastern half of Lewis County protected by the Department of Natural Resources Central Area;

4) Shutdown zones 660 in Skamania County and the eastern portions of Cowlitz and Clark counties, and zone 621 East lying in the southern portion of Skamania County protected by the Department of Natural Resources Southwest Area;

5) Shutdown zone 652 lying in the interior of Clallam and Jefferson counties, the northeast portion of Grays Harbor County, the northwest portion of Mason County protected by the Department of Natural Resources Olympic and South Puget Sound Areas.

During the shutdown period all persons are excluded from logging operating areas and areas of logging slash except those present in the interest of fire protection.

Burning permits and burning privileges are canceled in the affected areas.

WSR 85-15-069

RESCINDING PREVIOUS ORDER  
HIGHER EDUCATION  
PERSONNEL BOARD

[Order 132—Filed July 19, 1985]

Be it resolved by the Higher Education Personnel Board, acting at Olympia, Washington, that it does adopt the annexed rules relating to rescinding Emergency Order No. 131 filed with the code reviser on July 19, 1985, WAC 251-04-050 Higher Education Personnel Board.

We, the Higher Education Personnel Board, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is additional language was added to WAC 251-04-050 at the July 19, 1985, Higher Education Personnel Board meeting.

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

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

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

APPROVED AND ADOPTED July 19, 1985.

By William Gunther  
Personnel Specialist

**WSR 85-15-070**  
**EMERGENCY RULES**  
**HIGHER EDUCATION**  
**PERSONNEL BOARD**  
[Order 133—Filed July 19, 1985]

Be it resolved by the Higher Education Personnel Board, acting at Edmonds Community College, Lynnwood, Washington, that it does adopt the annexed rules relating to Higher Education Personnel Board, amending WAC 251-04-050.

We, the Higher Education Personnel Board, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is WAC 251-04-050, changes the board members salary from \$50.00 to \$100.00 per meeting as a result of legislative action.

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

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

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

APPROVED AND ADOPTED July 19, 1985.

By William Gunther  
Personnel Specialist

AMENDATORY SECTION (Amending Order 117, filed 6/1/84)

**WAC 251-04-050 HIGHER EDUCATION PERSONNEL BOARD.** (1) *The higher education personnel board is composed of three members appointed by the governor, subject to confirmation by the senate. Each odd-numbered year the governor shall appoint a member for a six-year term. Persons so appointed shall have clearly demonstrated an interest and belief in the merit principle, shall not hold any other employment with the state, shall not have been an officer of a political party for a period of one year immediately prior to such appointment, and shall not be or become a candidate for partisan elective public office during the term to which they are appointed.*

(2) *Each member of the board shall be paid ((fifty)) one hundred dollars for each day in which he/she has actually attended a meeting of the board officially held or performs statutorily prescribed duties approved by the chairperson of the board. The members of the board may receive any number of daily payments for official meetings of the board actually attended. Members of the board shall also be reimbursed for necessary travel and other expenses incurred in the discharge of their official duties on the same basis as is provided for state officers and employees generally.*

(3) *At its first meeting following the appointment of all its members, and annually thereafter, the board shall elect a chairman and vice chairman from among its members to serve one year. The presence of at least two members of the board shall constitute a quorum to transact business. A written public record shall be kept by the board of all actions of the board.*

(4) *In the necessary conduct of its work, the board shall meet monthly unless there is no pending business requiring board action. Meetings shall be held on campuses of the various state institutions of higher education. Meetings may be called by the chairman of the board, or a majority of the members of the board. Hearings may be conducted by a hearing officer duly appointed by the board. An official notice of the calling of a hearing shall be filed with the director and all members of the board shall be notified.*

(5) *No release of material, or statement of findings shall be made except with the approval of a majority of the board.*

(6) *In the conduct of hearings or investigations, a member of the board, or the director, or the hearing officer appointed to conduct the hearing, may administer oaths.*

(7) *It shall be the duty of the board to promulgate rules and regulations providing for employee participation in the development and administration of personnel policies. To assure this right, personnel policies, rules, classification and pay plans, and amendments thereto, shall be acted on only after the board has given twenty calendar days' notice to, and considered proposals from employee representatives and institutions/related boards affected. In matters involving the various state community colleges, notice shall also be given to the state board for community college education. Complete and current compilations of all rules and regulations of the board in printed, mimeographed, or multigraphed form shall be available from the board without charge.*

(8) *The higher education personnel board shall adopt rules, consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis and procedures to be followed for the dismissal, suspension, or demotion of an employee, and appeals therefrom; certification of names for vacancies, including promotions and reemployment from layoff, with the number of names equal to four more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists; examination for all positions in the competitive and*

*noncompetitive service; appointments; probationary periods of six to twelve months and rejections therein depending on the job requirements of the class; transfers; sick leaves and vacations; hours of work; layoffs when necessary and subsequent reemployment; determination of appropriate bargaining units within any institution or related board: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees and the desires of the employees; certification and decertification of exclusive bargaining representative; agreements between institutions or related boards and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the institution/related board may lawfully exercise discretion; written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization: PROVIDED, That nothing contained herein permits or grants to any employee the right to strike or refuse to perform his/her official duties; adoption and revision of comprehensive classification plans for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position; allocation and reallocation of positions within the classification plans; adoption and revision of salary schedules and compensation plans as provided in chapter 251-08 WAC; training programs including in-service, promotional, and supervisory; increment or merit increases within the series of steps for each pay grade, and veteran's preference as provided by existing statutes.*

(9) After consultation with institution heads, employee organizations, and other interested parties, the board shall develop standardized employee performance evaluation procedures and forms which shall be used by institutions of higher education for the appraisal of employee job performance at least annually. These procedures shall include means whereby individual institutions may supplement the standardized evaluation process with special performance factors peculiar to specific organizational needs. This evaluation procedure shall place primary emphasis on recording how well the employee has contributed to efficiency, effectiveness, and economy in fulfilling institution and job objectives. This section shall expire June 30, 1985. This section shall not apply to management employees after June 30, 1984.

**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 85-15-071**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 85-84—Filed July 19, 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 restrictions in Areas 4B, 5, 6C provide protection for Puget Sound and Canadian chinook stocks while allowing a limited effort, limited impact immobile set net fishery. Restrictions in Areas 6, 6A, 7, 7A provide protection for Puget Sound and Canadian chinook stocks. Restrictions in Areas 6B, 9, 10A, 10C, 10D, 10G, and the Cedar River protect Lake Washington sockeye. Restrictions in Area 10 protect Lake Washington sockeye and chinook returning to Suquamish Hatchery. Restrictions in 10F protect Lake Washington sockeye while allowing limited harvest of Lake Washington chinook. Restrictions in Areas 13A, Nooksack, Skokomish, Quilcene and White rivers and Minter Creek provide protection for Puget Sound spring chinook stocks. Restrictions in Area 8 and Skagit River protect Baker River sockeye. Restrictions in Area 7C and Samish River provide protection for chinook returning to the Samish Hatchery. Restrictions in Area 6D, Elwha and Dungeness rivers protect local summer/fall chinook and pink salmon stocks. Restrictions in Area 8A and the Stillaguamish River protect local summer/fall chinook stocks. Restrictions in Area 12C protect chinook returning to Hoodsport and Enetai hatcheries.

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

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

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

APPROVED AND ADOPTED July 19, 1985.

By William R. Wilkerson  
 Director

NEW SECTION

**WAC 220-28-506 PUGET SOUND COMMERCIAL SALMON FISHERY RESTRICTIONS.** Effective July 21, 1985, it is unlawful for treaty Indian fishermen to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

Areas 4B, 5, 6C – Drift gill net gear restricted to 5-7/8-inch maximum mesh when open.

Areas 6B, 9 – Effective through August 3, gill net gear restricted to 6-1/2-inch minimum mesh, and other gear must release sockeye when open.

Area 6D, Dungeness and Elwha Rivers – Closed to all commercial fishing through September 21.

\*Areas 6, 6A, 7, 7A – Gill net gear restricted to 5-7/8-inch maximum mesh when open.

Area 7C – Closed to all commercial fishing southeasterly of a line from the mouth of Oyster Creek 237° true to a fishing boundary marker on Samish Island.

Area 8 and Skagit River downstream of the Baker River – Effective through August 3, gill net gear restricted to 6-1/2-inch minimum mesh, and other gear must release sockeye when open.

Area 8A – Closed to all commercial fishing in that portion north of a line from Camano Head to the northern boundary of Area 8D.

\*Area 10 – (1) Gill net gear restricted to 6-1/2-inch minimum mesh, and other gear must release sockeye when open through August 3. (2) Closed to all commercial fishing in that portion northwest of a line from the flashing buoy at the entrance to Agate Passage to the flashing light at the end of the Indianola dock.

Area 10A – Effective through August 3, gill net gear restricted to 6-1/2-inch minimum mesh, and other gear must release sockeye when open.

Area 10C and Cedar River – Closed to all commercial fishing until further notice.

Areas 10D and 10G – Closed to all commercial fishing through August 3.

\*Area 10F – (1) Gill net gear restricted to 6-1/2-inch minimum mesh and other gear must release sockeye through August 3 when open. (2) Closed to all commercial fishing in that portion east of the Burlington Northern Railroad Bridge.

\*Area 12C – Closed to all commercial fishing in that portion within 1,000 feet of the western shoreline between Glen Ayr Trailer Park and Hoodspout Marina dock and in that portion within 1,000 feet of the western shoreline between Potlatch State Park and the mouth of Nalley's Slough – Closed to all commercial fishing through September 7.

Area 13A – Closed to all net fishing until further notice.

Nooksack (upstream of the confluence of the forks) and Samish Rivers – Closed to all commercial fishing through October 15.

Skagit River upstream of Baker River – Closed to all commercial fishing until further notice.

Stillaguamish River – Closed to all commercial fishing through August 10. Effective August 11 until further notice, gill net gear restricted to 6-inch maximum mesh when open.

Skokomish River – Closed to all commercial fishing through July 26.

Quilcene River – Closed to all commercial fishing through August 31.

Minter Creek and White River – Closed to all commercial fishing through September 28.

### REPEALER

The following of the Washington Administrative Code is repealed effective July 21, 1985:

WAC 220-28-505 PUGET SOUND COMMERCIAL SALMON FISHERY RESTRICTIONS (85-81)

### WSR 85-15-072

#### EMERGENCY RULES

#### HORSE RACING COMMISSION

[Order 85-04—Filed July 22, 1985]

Be it resolved by the Washington Horse Racing Commission, acting at the Marriott Hotel, 3201 South 176th Street, Seattle, WA, that it does adopt the annexed rules concerning limited sweepstakes parimutuel wagering, adopting WAC 260-48-329.

We, the Washington Horse Racing 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 WAC 260-48-329 was adopted by the Washington Horse Racing Commission on April 29, 1985, on an emergency basis. The adoption of this rule was pursuant to newly authorized amendments by the legislature contained in RCW 67.16.175(4).

WAC 260-48-329 was also filed with the office of the code reviser on April 29, 1985, for action by the Horse Racing Commission on June 4, 1985, so that in addition to its emergency adoption, the rule was also published in the Register and scheduled for adoption through the normal statutory process of enacting a new rule.

It has come to the attention of the Racing Commission that there may be a gap of a few days between the time when the emergency rule ends, which is a 90-day period, and when the rule adopted through the full statutory process takes effect. Thus, to ensure that the rule is in full force and effect at all times between the end of the 90-day period and when the rule takes effect under the statutory procedure, it is deemed advisable to take

the step of adopting the rule again on an emergency basis to ensure complete continuity.

There are no changes, amendments or modifications of any kind to the rule set forth here from that which has previously been adopted through the emergency process and through the traditional process under the statute.

All of the reasons for the original emergency set forth in the April 29, 1985, statement are still applicable and the intent of the rule to benefit the horse racing industry this year is enhanced and furthered by the action of the Racing Commission in this emergency adoption.

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

This rule is promulgated pursuant to RCW 67.16.175 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED July 17, 1985.

By Warren Chinn  
Chairman

#### NEW SECTION

##### WAC 260-48-329 LIMITED SWEEPSTAKES.

(1) *The limited sweepstakes parimutuel pool is not a parlay and has no connection with or relation to any other parimutuel pool conducted by the association, nor to any win, place, and show pool shown on the totalisator, nor to the rules governing the distribution of such other pools.*

(2) *A limited sweepstakes parimutuel ticket shall be evidence of a binding contract between the holder of the ticket and the association, and said ticket shall constitute an acceptance of the limited sweepstakes provisions and rules contained in RCW 67.16.105, 67.16.170, and 67.16.175.*

(3) *A limited sweepstakes may be given a distinctive name by the association conducting the meeting, subject to approval of the commission.*

(4) *The limited sweepstakes parimutuel pool consists of amounts contributed for a selection for win only in each race designated by the association with the approval of the commission. Each person purchasing a limited sweepstakes ticket shall designate the winning horse in each of the races comprising the limited sweepstakes.*

(5) *Those horses constituting an entry of coupled horses or those horses coupled to constitute the field in a race comprising limited sweepstakes shall race as a single wagering interest for the purpose of the limited sweepstakes parimutuel pool calculations and payouts to the public. However, if any part of either an entry or the field racing as a single wagering interest is a starter in a race, the entry or the filed selection shall remain as the designated selection to win in that race for the limited sweepstakes calculation and the selection shall not be deemed a scratch.*

(6) *The limited sweepstakes parimutuel pool shall be calculated as follows:*

*(a) A portion to be called the major share of up to one hundred percent of the net amount in the parimutuel pool subject to distribution among winning ticket holders shall be distributed among the holders of parimutuel tickets which correctly designate the official winner in each race comprising the limited sweepstakes.*

*(b) A portion to be called the minor share if the major share is less than one hundred percent of the net amount in the parimutuel pool subject to distribution among the holders of parimutuel tickets which correctly designate the second most official winners, but less than the total of all races comprising the limited sweepstakes for that day or night.*

*(c) In the event there is no parimutuel ticket properly issued which correctly designates the official winner in each of the races comprising the limited sweepstakes, the major share of the net parimutuel pool shall not be distributed as provided in (a) of this subsection but shall be retained by the association as distributable amounts, and shall be carried over and included in the limited sweepstakes parimutuel pool for the next succeeding racing date as an additional net amount to be distributed as provided in (a) of this subsection.*

*(d) Except as provided by subsection (1) of this section, should no distribution be made pursuant to (a) of this subsection on the last day of the association's meeting, then that portion of the distributable pool and all moneys accumulated therein shall be distributed to the holder of tickets correctly designating the most winning selections of the races comprising the limited sweepstakes for that day or night.*

*(e) The percentages of the limited sweepstakes parimutuel pool to be designated major share and/or minor share shall be included in the racing association's application to conduct the sale of limited sweepstakes pools and is subject to the approval of the racing commission.*

*(7) In the event a limited sweepstakes ticket designates a selection in any one or more of the races comprising a limited sweepstakes and that selection is scratched, excused, or determined by the stewards to be a nonstarter in the race, the actual favorite, as evidenced by the amounts wagered in the win pool at the time of the start of the race, will be substituted for the nonstarting selection for all purposes, including pool calculations and payoffs.*

*(8) In the event of a dead-heat for win between two or more horses in any limited sweepstakes race, all such horses in the dead-heat for win shall be considered as winning horses in the race for the purpose of calculating the pool.*

*(9)(a) In the event that all races comprising the limited sweepstakes are cancelled or declared as no contest, all parimutuel tickets held on the limited sweepstakes for that day or night shall be refunded and the limited sweepstakes shall be cancelled in its entirety for that day or night and any retained distributable amounts carried over from any prior limited sweepstakes pool pursuant to subsection (6)(c) of this section shall be carried over to the next succeeding racing date of that meeting.*

*(b) In the event that less than all of the races comprising the limited sweepstakes are completed due to the*

cancellation of one or more races or the stewards declaring one or more races as no contest, one hundred percent of the net amount in the parimutuel pool for that day or night exclusive of any retained distributable amounts carried over from any prior limited sweepstakes pool pursuant to subsection (6)(c) of this section shall be subject to distribution among holders of parimutuel tickets which correctly designate the most winners in the completed races of the limited sweepstakes. The retained distributable amounts carried over from any prior limited sweepstakes pool pursuant to subsection (6)(c) of this section shall be carried over to the next succeeding racing date of that meeting.

(10) No parimutuel ticket for the limited sweepstakes pools shall be sold, exchanged or canceled after the time of the closing of wagering in the first of the races comprising a limited sweepstakes, except for such refunds on limited sweepstakes tickets as required by this regulation and no person shall disclose the number or amount of tickets sold in a limited sweepstakes pool or the number or the amount of tickets selecting winners of limited sweepstakes races until such time as the stewards have determined the last race comprising the limited sweepstakes each day to be official.

(11) In the event that an association is unable to distribute the retained distributable amount carried over from any prior limited sweepstakes pool established pursuant to subsection (6)(c) of this section by the end of its race meeting due to the cancellation of the final day(s) or night(s) of racing or any other reason, the retained distributable amount shall be carried forward to the next race meeting having a limited sweepstakes at the same location and of the same breed of horse as the racing association generated the retained distributable amount. The retained distributable amount shall be included in the limited sweepstakes pool for the first day or night of racing at the subsequent race meeting. Such funds shall be immediately deposited in an escrow account to be approved by the commission and may not be withdrawn without approval of the commission.

**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.

### WSR 85-15-073

#### ADOPTED RULES

#### URBAN ARTERIAL BOARD

[Order 85-02, Resolution No. 886—Filed July 22, 1985]

Be it resolved by the Urban Arterial Board, acting at Olympia, Washington, that it does adopt the annexed rules relating to rates of development of functional classes of urban arterials, WAC 479-16-080. The amendment to this rule will define the method by which unobligated urban arterial trust funds will be apportioned at the beginning of each biennium to each functional class of arterial in each region.

This action is taken pursuant to Notice No. WSR 85-11-046 filed with the code reviser on May 16, 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 Urban Arterial Board as authorized in chapter 47.26 RCW.

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

APPROVED AND ADOPTED July 19, 1985.

By Robert A. Plaquet  
Executive Secretary

AMENDATORY SECTION (Amending Order 81-01, Resolution Nos. 666, 667 and 668, filed 1/29/81)

WAC 479-16-080 RATES OF DEVELOPMENT OF FUNCTIONAL CLASSES OF URBAN ARTERIALS. Urban arterial trust funds apportioned to the five regions of the state within the federal urban areas shall be divided between functional classes of urban arterials (~~on a percentage basis as set forth below. PROVIDED, That~~). Beginning July 1, 1985, the urban arterial board at the start of each new biennium shall determine the distribution formula to apportion unobligated arterial trust funds to each functional class of arterial within a given urban region as set forth below. The distribution of funds within each region shall be administered so as to permit complete urban arterial projects in each arterial classification to be authorized and funded(;;).

(1) ~~((Funds obligated prior to July 1, 1981, Puget Sound Region, major arterials 65%, secondary arterials 17%, collector arterials 18%; Northwest Region, major arterials 43%, secondary arterials 36%, collector arterials 21%; Northeast Region, major arterials 62%, secondary arterials 23%, collector arterials 15%; Southeast Region, major arterials 49%, secondary arterials 33%, collector arterials 18%; Southwest Region, major arterials 30%, secondary arterials 35%, collector arterials 35%.~~

(2) Funds obligated subsequent to July 1, 1981, Puget Sound Region, principal arterials 50%, minor arterials 30%, collector arterials 20%; Northwest Region, principal arterials 40%, minor arterials 30%, collector arterials 30%; Northeast Region, principal arterials 59%, minor arterials 24%, collector arterials 17%; Southeast Region, principal arterials 56%, minor arterials 27%, collector arterials 17%; Southwest Region, principal arterials 37%, minor arterials 37%, collector arterials 26%.)) By determining a ratio between functional classes of roadway within each region, based on the estimated cost of improvement for backlog and first biennium deficiencies, found in the current city and county long range plan inventory for two-lane roadways. All improvement costs shall be attributable to those sections with average daily traffic greater than the average traffic weighted by section length for two-lane roadways established from the

long range plan inventory for each functional class within region.

(2) The ratio determined by subsection (1) of this section shall be weighted by the following amount for each classification to assure that the urban arterial construction program shall provide for a more rapid rate of completion of the long range construction needs of principal arterial roads than for minor and collector arterial roads pursuant to RCW 47.26.200 and 47.26.210.

(a) Principal arterial ratio weighted by three.

(b) Minor arterial ratio weighted by two.

(c) Collector arterial ratio weighted by one.

Urban arterial trust funds apportioned to the five regions of the state outside the federal urban areas (incorporated cities) shall not be divided by functional class of arterial.

**WSR 85-15-074**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**GENERAL ADMINISTRATION**  
**(Division of Banking)**  
[Order 60—Filed July 22, 1985]

I, L. O. Malmberg, acting supervisor of the Division of Banking, do promulgate and adopt at Olympia, Washington, the annexed rules relating to industrial loan companies, amending WAC 50-20-050 relating to open-end loan fees and approval fees; WAC 50-20-055 relating to simple interest; and creating new section WAC 50-20-090 relating to increases in interest on open-end loans.

I, L. O. Malmberg, 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 RCW 31.04.090 as amended by section 1, chapter 74, Laws of 1985, and a new section added to chapter 31.04 RCW created by section 3, chapter 74, Laws of 1985, become effective July 28, 1985. These regulations implement the amendments of chapter 74 by placing limits on appraisal fees and open-end loan fees that may be charged by defining simple interest charges collectible, and by describing circumstances in which notice of increases in interest rates on newly authorized "open-end" loans is not required. These emergency regulations are necessary to implement the statute on July 28, 1985, the date on which the amendments under chapter 74 take effect.

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 Division of Banking as authorized in RCW 31.04.150.

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

APPROVED AND ADOPTED July 18, 1985.

By L. O. Malmberg  
Acting Supervisor

AMENDATORY SECTION (Amending Order 59, filed 2/23/84)

**WAC 50-20-050 RESTRICTIONS AS TO CHARGES.** (1) *No company shall charge the borrower for notarial fees.*

(2) *No industrial loan company shall require the purchasing of property insurance from the company or any employee, affiliate or associate of the company or from any agent, broker, or insurance company designated by the company as a condition precedent to the making of a loan nor shall any company decline existing insurance which meets or exceeds the standards set forth in this section.*

*A company may provide insurance on the life and disability of one borrower and on the life of the spouse of the borrower if both are obligors, provided that such insurance coverage shall not exceed the approximate unpaid balance of the total amount repayable under contract of indebtedness scheduled to be outstanding. The premium or cost for all such insurance when written pursuant to the Washington insurance code and regulations issued thereunder, shall not be deemed interest, charges or consideration in connection with the loan transaction and any gain or advantage to the lender arising out of the premium or cost of the insurance or from its sale shall not be a violation of any provision of chapter 31.04 RCW. The amount of the premium or cost of such insurance may be included in the original loan amount and may be paid from the proceeds of the loan.*

*If the loan contract is prepaid in full by cash, a new loan, renewal, refinancing, or otherwise, the credit life and/or accident and health insurance coverage shall be cancelled and a portion of the charge made for such insurance shall be rebated as provided by the Washington insurance code and regulations issued thereunder.*

(3) *No company shall make any charge for the filing, recording or releasing of mortgages or other instruments or for transferring title certificates to automobiles unless such charges are or are in fact to be paid out by the company to the proper officials for such filing, recording, transferring or releasing thereof.*

(4) *In the event a company makes a new loan where any part of the proceeds is used to pay the amount due it on an existing loan within four months from date of the existing loan, no charge for investigation fee shall be permitted, unless the investigation fee on the existing loan is refunded.*

(5) No industrial loan company may charge and collect an annual fee in excess of eighteen dollars payable each year in advance for the privilege of opening and maintaining an open-end loan account.

(6) No industrial loan company may charge and collect an appraisal fee incurred in appraising security offered by the borrower in excess of the actual costs paid to an independent third party professional appraiser. No charge may be made or collected for costs of an appraisal if the loan application is rejected by the company, or if the appraisal is inadequate to meet reasonable appraisal requirements for comparable loans from other lending institutions.

(7) Any note which is prepaid in full by cash, a new loan, refinancing, or otherwise before the final due date, the unearned portion of the interest shall be refunded using the sum of the digits method commonly known as the "Rule of 78's."

PROVIDED, HOWEVER, That in the case of any loan originally scheduled to be repaid in sixty-one months or more which is secured by an investment certificate, the refund of the unearned portion of the interest shall be computed as follows: Interest shall be considered earned at the single nominal annual percentage rate which if applied to the unpaid amounts of principal outstanding from time to time would produce the same total of interest paid at maturity as originally contracted for, based upon the assumption that all payments were made on the loan according to the schedule of payments due on the certificate and calculations were made according to the actuarial method. Interest earned so calculated up to the scheduled due date nearest the date of prepayment shall be subtracted from the original amount of interest included in the note and the balance of such interest shall be refunded.

For purposes of this calculation only, the original principal amount of the loan shall be deemed to be the amount of the total note less the interest deducted in advance. Actuarial method means the method of allocating payments made between principal and interest whereby a payment is applied first to the interest accumulated to date and the remainder then applied to the unpaid principal amount. In computing an actuarial refund, the lender may round the single annual percentage rate used to the nearest quarter of one percent.

In computing any required refund, any prepayment made on or before the fifteenth day following the scheduled payment date on the investment certificate shall be deemed to have been made on the payment date preceding such prepayment. In the case of prepayment prior to the first installment date, the company may retain an amount not to exceed 1/30 of the first month's interest charge for each date between the origination date of the loan and the actual date of prepayment.

AMENDATORY SECTION (Amending Order 48, filed 12/1/82)

WAC 50-20-055 ((ALTERNATE)) SIMPLE INTEREST CHARGES DEFINED. (1) ((An industrial loan company may contract for and receive charges on a loan of money at an annual percentage rate not in excess of the rate which would produce at the scheduled maturity date of the loan the same total of charges including interest, the two percent initial charge deducted in advance and monthly service charge, as would be received on a loan with an equal net cash advance secured by an

installment investment certificate made pursuant to RCW 31.04.090 at the maximum rates permitted, all calculations being based upon the assumption that the loan and purchase of the investment certificate are paid in accordance with their terms.

In such case,)) For purposes of RCW 31.04.090, simple interest charges shall be computed by applying the annual percentage rate to the unpaid balances of the cash advance of the loan outstanding for the time outstanding. Each payment shall be applied first to accumulated charges and the remainder of the payment shall be applied to the unpaid balance of the cash advance until paid in full. Charges ((shall)) may not be payable in advance nor compounded; however, if part or all of the consideration for a new loan contract is the unpaid balance of a prior loan, then the original cash advance payable under such new loan contract may include any unpaid charges which have accrued (the unpaid balance of the cash advance of a discounted loan shall be the balance due after giving effect to any required refund or credit of interest charged). ((For the purpose of computing charges on this alternative basis,)) The charges for each elapsed day shall be 1/365th of the annual rate. The term "net cash advance" as used herein means the "amount financed" disclosed to the borrower pursuant to the federal Truth-in-Lending Act.

(2) The provisions of RCW 31.04.090 as they relate to investment certificates are not applicable to loans upon which interest is computed and charged on this basis.

#### NEW SECTION

WAC 50-20-090 OPEN-END LOANS—INCREASE IN INTEREST—NOTICE TO BORROWER. An industrial loan company is not required to give thirty days written notice of an increase in the interest rate charged on an open-end loan pursuant to RCW 31.04.—(5) (section 3(5), chapter 74, Laws of 1985), if the following conditions are met:

(1) The interest rate charged on the open-end loan is based upon an index approved by the supervisor, and

(2) The borrower has agreed in writing prior to the increase to base the interest rate on the index.

**WSR 85-15-075  
PROPOSED RULES  
DEPARTMENT OF  
SERVICES FOR THE BLIND**

[Filed July 22, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Services for the Blind intends to adopt, amend, or repeal rules concerning vending facility program for the blind, revising chapter 67-35 WAC;

that the agency will at 9:30 a.m., Tuesday, August 27, 1985, in the Seattle Office, 3411 South Alaska Street, Seattle, WA 98118, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 74.18.200 – 74.18.230.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 26, 1985.

Dated: July 22, 1985  
By: Paul Dzedzic  
Director

### STATEMENT OF PURPOSE

**Title:** Describes the business enterprise program operated by the Department of Services for the Blind.

**Description of Purpose:** The business enterprise program provides employment opportunities for blind citizens in food and sundry operations in public buildings.

**Statutory Authority:** RCW 74.18.200 – 74.18.230.

**Summary of Rules:** Makes a distinction between collection of vending machine revenues from administrative offices and revenue from separate service facilities; criteria for establishing vending locations is established; and other rules and regulations governing operation of vending location by blind persons have been amended.

**Reasons Supporting Proposed Action:** Several changes needed to be made to our state regulations so that we would not be in conflict with federal law. In addition, the state law defining which public buildings had to pay revenue from vending machines to the department was changed by the 1985 legislature.

**Agency Personnel Responsible for Drafting, Implementation and Enforcement:** Paul Dzedzic, Director.

**Person or Organization Proposing Rule:** Department of Services for the Blind, 921 Lakeridge Drive, Olympia, WA, a state governmental agency.

**Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement or Fiscal Matters:** None.

**Small Business Economic Impact:** None.

#### AMENDATORY SECTION (Amending Order 84-06, filed 4/16/84)

WAC 67-35-070 SELECTING A LICENSEE OR VENDOR TO OPERATE VENDING FACILITY—PROCEDURE. (1) To select a licensee or vendor to operate an available vending facility, a score is computed for each licensee or vendor. The two vendors ((~~σ~~)) and two licensees having the two highest scores in each respective category as defined in WAC 67-35-030 will be interviewed by a panel representative of the vendors committee, the BEP director, and the building manager. The vendor or licensee who will operate the available vending facility will be chosen in this interview.

(2) Vendor score determination:

(a) A basic evaluation score will reflect a vendor's level of competency, as measured by the financial activities of the vending facility compared with vending facilities whose operations are similar.

(b) A vendor will receive one additional point for each year of experience in the vending facility program up to five points.

(c) The basic evaluation score for a vendor is determined by using three items reported on the vendor's monthly report: Gross income, cost of goods purchased and other operating expenses, and net proceeds. The cost of goods purchased and other operating expenses, gross income and net proceeds is determined and converted into a percentage of gross income. The percentages in each category are converted to points, as shown in WAC 67-35-080, and the sum of the two separate scores become the basic evaluation score. The basic evaluation score for each of the most current four quarters will be averaged, and this average plus points earned by seniority becomes the evaluation score.

(d) To achieve relative ranking of vendor and licensee effectiveness, vending facilities have been grouped into three classifications: Cafeterias, vending machine facilities, and other facilities. Other facilities consist of dry stands, snack bars and lunch counters. Any vending facility which as a result of modification, belongs in a different facility classification will be assigned to that classification and will use the average percentages applicable to that classification. The vendors committee in conjunction with the director of the business enterprise program will group similar vending facilities.

(c) For each group of vending facilities, the national average percentage is used to calculate each item used in the evaluation. These average percentages will be taken from the previous year's Randolph-Sheppard Vending Facility Program Annual Report, which is provided by the United States Department of Education, Office of Rehabilitation Services Administration. The percentages used in the evaluation are the net proceeds to gross income and the cost of goods purchased and other operating expenses. Each federal fiscal year, the vendors shall be informed in writing of the average percentages and to which classification their vending location is assigned.

(f) Any vendor who has not provided the department with current monthly financial statements will not be eligible to bid on available locations.

(3) Licensee score determination:

(a) Individuals completing department sponsored training. The licensee's score will be the total points correct on the preliminary tests, the final examination, and the Randolph-Sheppard test. The BEP director will assure that the potential number of points remain consistent from quarter to quarter.

(b) Challenge test licensee's basic evaluation score will be the score he/she receives on the challenge test.

#### AMENDATORY SECTION (Amending Order 83-09, filed 12/15/83)

WAC 67-35-100 POSTEMPLOYMENT SERVICES. A vendor shall be provided with such postemployment services as are necessary to assure that the maximum vocational potential of each blind vendor is achieved. The postemployment services will be provided by the vocational rehabilitation counselor. Postemployment services will be provided in accordance with ((45)) 34 CFR, section ((+361-40)) 395.42 (a)(13).

#### AMENDATORY SECTION (Amending Order 83-09, filed 12/15/83)

WAC 67-35-130 BLIND VENDORS COMMITTEE—PURPOSE. (1) The blind vendors committee shall:

((+)) (a) Actively participate with the department in major administrative decisions and policy and program development decisions affecting the overall administration of the vending facility program;

((+)) (b) Receive and transmit to the department grievances at the request of vendors, and serve as the advocates for such vendors in connection with such grievances;

((+)) (c) Actively participate with the department in the development and administration of the department's system for the transfer and promotion of vendors;

((+)) (d) Actively participate with the department in the development of training and retraining programs for vendors;

((+)) (e) Sponsor, with the assistance of the department, meetings and instructional conferences for vendors.

(2) The department is ultimately responsible for administration of the vending facility program. The department will consider any blind vendor committee written recommendation. If the department does not adopt recommendations proposed by the blind vendor's committee, the department shall notify the committee in writing within thirty days.

#### AMENDATORY SECTION (Amending Order 83-09, filed 12/15/83)

WAC 67-35-140 VENDING MACHINE INCOME DISPERSED BY DEPARTMENT. Vending machine income from vending machines on federal property which has been received by the department pursuant to ((45)) 34 CFR, section ((+369-32)) 395.32 (b), (c) and (d) shall be paid to each blind vendor (if any) operating a vending facility on such federal property in an amount not to exceed the average income of all blind vendors in the state of Washington as determined each fiscal year on the basis of each prior year's operation,

or the average net income of all blind vendors in the United States, whichever is less.

(1) No vendor shall receive less vending machine income than he/she was receiving during the calendar year 1973 as a direct result of any limitation imposed on such income by this section.

(2) No limitation shall be imposed on income from vending machines combined to create a vending facility, when such facility is maintained, serviced or operated by a blind vendor.

(3) The department shall disperse vending machine income to vendors on at least a quarterly basis.

(4) Vending machine income from vending machines on federal property received by the department and not eligible for distribution to blind vendors under the provisions of this section shall be retained by the department.

(5) Vending machine income which is retained under subsection (4) of this section shall be used by the department for the establishment and maintenance of retirement or pension funds, for health insurance contributions, and for the provision of paid sick leave and vacation time, for vendors, if it is so determined by a majority vote of all vendors after the department has provided to each vendor information on all matters relevant to such purposes. Any vending machine income not necessary for such purposes shall be used by the department for the maintenance and replacement of equipment, the purchase of new equipment, management services, and assuring a fair minimum return to vendors.

AMENDATORY SECTION (Amending Order 83-09, filed 12/15/83)

WAC 67-35-160 BUSINESS ENTERPRISES REVOLVING FUND. (1) There is established in the general fund of the state of Washington an account known as the business enterprises revolving fund (BERF).

(2) The net proceeds from any vending facility or any vending machines in ~~((a))~~ public buildings dedicated to administrative functions, ~~((other than such an operation managed by or assigned to a vendor,))~~ shall be made payable to the business enterprises revolving fund.

(3) "Administrative functions" for purposes of this section shall mean the administrative offices of all state and local entities but does not mean any separately identified service operations performed by the public entity. For example:

(a) Net proceeds from machines located in administrative offices of the state, county and local governments are to be paid; but such income from machines located in places attended by the public for recreational purposes maintained by a municipality or governmental agency, a domed stadium, within jails, etc., is exempt.

(b) Net proceeds from machines located in administrative buildings located in colleges and universities are to be paid; but such income from machines located in dormitories, student activity centers, places where sporting events occur, etc., is exempt.

(c) Net proceeds from machines located in administrative offices of public utilities and port districts are to be paid; but such income from machines located in areas of airports, hospitals, etc., which the public regularly attends, is exempt.

(4) Net proceeds from machines located in state and federal safety roadside rest areas are to be paid.

(5) Net proceeds for purposes of this section shall mean the gross amount received less the cost of the operation including a fair minimum return to the vending machine company. As a minimum, the net proceeds received by the department shall not be less than ten percent of the gross sales of the vending machine or ten dollars per month per machine whichever is greater.

AMENDATORY SECTION (Amending Order 83-09, filed 12/15/83)

WAC 67-35-180 ACCESS TO PROGRAM AND FINANCIAL INFORMATION. The department shall provide to any interested person program and financial information and interpretation concerning the operation of the program, except that confidential information concerning any applicant, trainee, licensee or vendor shall not be released directly or indirectly without written permission of such applicant, trainee, licensee, or vendor as specified in ~~((File 45))~~ 34 CFR, ~~((Chapter 8, Part 1361.47))~~ 361.49; chapter 42.17 RCW and attendant regulations; and department policy B-21.

AMENDATORY SECTION (Amending Order 83-09, filed 12/15/83)

WAC 67-35-190 DEPARTMENT RESPONSIBILITY—DEVELOPMENT OF NEW VENDING FACILITY LOCATIONS. (1) The staff of the vending facility program will select suitable locations for vending facilities and negotiate with the property management a permit or contract specifying the space to be occupied, hours of operation, services and articles to be vended, equipment to be installed and other items as required. The permit or contract will be executed between the department and the management of the property where the vending facility is located.

(2) A suitable location or site shall mean an area fully accessible to vending facility patrons and having:

(a) A minimum of two hundred fifty square feet available for the vending and storage of articles necessary for the operation of a vending facility; and

(b) Sufficient electrical, plumbing, heating, and ventilation outlets for the location and operation of a vending facility in accordance with applicable health laws and building codes; and

(c) A building population that is determined by the business enterprise program staff to be sufficient to provide the blind vendor with reasonable income.

AMENDATORY SECTION (Amending Order 83-09, filed 12/15/83)

WAC 67-35-280 DEPARTMENT RESPONSIBILITY—INSPECTION—REQUIRED CONTACTS. The vending facility program staff will make ~~((bimonthly))~~ annual inspections of the vending facility. The results will be reviewed with the vendor to determine if improvements can be made, and if so, what actions should be taken. ~~((To the maximum extent possible the bimonthly inspections will occur at various times of the day so as to include the different activities of the vending facility.))~~ The vending facility program staff upon adequate notice to the vendor shall inspect records and reports kept by the vendor.

AMENDATORY SECTION (Amending Order 83-09, filed 12/15/83)

WAC 67-35-310 PUBLIC LIABILITY INSURANCE. The vendor shall obtain and maintain continuously public liability insurance with limits of liability not less than:

\$500,000.00 each person personal injury,  
\$500,000.00 each occurrence personal injury, and  
\$500,000.00 each occurrence property damage; or  
insurance coverage specified in the permit or contract,  
~~((which ever))~~ whichever is greater.

AMENDATORY SECTION (Amending Order 83-09, filed 12/15/83)

WAC 67-35-350 VENDOR RESPONSIBILITY—MAINTAINING EQUIPMENT. The vendor will be responsible to exercise proper care of and maintain all equipment and furnishings assigned to the facility including proper cleanliness and mechanical repair of equipment, unless otherwise specified by the terms and conditions of a permit or contract. If the vendor fails to maintain equipment which results in necessary repair, the department may require necessary repair of such equipment and the cost of such required repair ~~((may become the sole responsibility of the vendor))~~ will be paid as outlined in WAC 67-35-230.

AMENDATORY SECTION (Amending Order 83-09, filed 12/15/83)

WAC 67-35-460 RELICENSING. When a licensee's or vendor's license has been suspended by the department, he/she must meet the requirements in WAC 67-35-040, and must demonstrate competency in meeting the criteria of the training course through a period of evaluation or retraining ~~((at the department of services for the blind in order to become relicensed. Upon relicensing, the licensee or vendor shall retain his/her last previously established evaluation score))~~ as outlined in WAC 67-35-055. Upon completion of the training/evaluation the individual will take the challenge test as indicated in WAC 67-35-056.

AMENDATORY SECTION (Amending Order 83-09, filed 12/15/83)

WAC 67-35-520 FULL EVIDENTIARY HEARING—DECISION IN WRITING. Within ten working days after the conclusion of the full evidentiary hearing the director of the department or his/her designee will certify findings to the licensee or vendor in writing specifying in detail the findings and the decision reached, and informing the licensee or vendor of his/her right to request from the secretary of the United States Department of ((Health;)) Education ((and Welfare)) the convening of an ad hoc arbitration panel as provided for in ((45)) 34 CFR, section ((+369-13)) 395.13 and section ((+369-6(e))) 395.6(e).

**WSR 85-15-076**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SERVICES FOR THE BLIND**  
[Filed July 22, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Services for the Blind intends to adopt, amend, or repeal rules concerning prevention of blindness, repealing chapter 67-45 WAC;

that the agency will at 9:30 a.m., Tuesday, August 27, 1985, in the Seattle Office, 3411 South Alaska Street, Seattle, WA 98118, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 74.18.250.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 26, 1985.

Dated: July 22, 1985  
By: Paul Dziedzic  
Director

**STATEMENT OF PURPOSE**

Title: Describes the services offered to prevention of blindness program clients.

Description of Purpose: Repeals the prevention of blindness program due to funding.

Statutory Authority: RCW 74.18.250.

Summary of Rules: Describes services, sets forth eligibility requirements, establishes order of selection, termination of services and appeal rights under the prevention of blindness program.

Reasons Supporting Proposed Action: The legislature did not appropriate sufficient funds to continue the program.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Dziedzic, Director.

Person or Organization Proposing Rule: Department of Services for the Blind, 921 Lakeridge Drive, Olympia, WA, a state governmental agency.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement or Fiscal Matters: None.

Small Business Economic Impact: None.

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 85-15-077**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SERVICES FOR THE BLIND**  
[Filed July 22, 1985]

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

- Amd WAC 67-25-360 Vocational rehabilitation services—Similar benefits.
- Rep WAC 67-25-180 Economic need.
- Rep WAC 67-25-185 Economic need—Financial statement required.
- Rep WAC 67-25-190 Economic need—Standards for determining.
- Rep WAC 67-25-200 Notification of decision;

that the agency will at 9:30 a.m., Tuesday, August 27, 1985, in the Seattle Office, 3411 South Alaska Street, Seattle, WA 98118, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 74.18.140.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 26, 1985.

Dated: July 22, 1985  
By: Paul Dziedzic  
Director

**STATEMENT OF PURPOSE**

Title: Describes the services offered to the vocational rehabilitation clients.

Description of Purpose: Repeals the economic need requirements and concentrates on enforcing similar benefit regulations in a more consistent manner. Revises list of vocational rehabilitation services to be provided without full consideration of similar benefits.

Statutory Authority: RCW 74.18.250.

Summary of Rules: To clarify which vocational rehabilitation services are to be provided without considering similar benefits.

Reasons Supporting Proposed Action: Most clients of the agency are SSI eligible which automatically exempts them from the economic needs test. Therefore, we have a

fairly small number of vocational rehabilitation competitive clients who are affected by the economic need rules and then only for a limited number of services.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Dzedzic, Director.

Person or Organization Proposing Rule: Department of Services for the Blind, 921 Lakeridge Drive, Olympia, WA, a state governmental agency.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, or Fiscal Matters: Will reduce a lot of paperwork for clients and staff time currently utilized to get down to the few people who have private assets who also apply for our services.

Small Business Economic Impact: None.

AMENDATORY SECTION (Amending Order 84-04, filed 9/6/84)

WAC 67-25-360 VOCATIONAL REHABILITATION SERVICES—SIMILAR BENEFITS. (1) In as much as full consideration of similar benefits is required by federal regulations, this section prevails over all other sections describing the conditions under which rehabilitation services will be provided. Similar benefits include all sources of public funds and private insurance benefits for which the client may be eligible.

(2) The following services are provided without full consideration of similar benefits:

- (a) Evaluation of rehabilitation potential;
- (b) Counseling;
- (c) Guidance;
- (d) Referral;
- (e) Placement;
- (f) Vocational and other training services not provided in an institution of higher education(;
- ~~(g) Related and necessary services which may be provided to family members;~~
- ~~(h) Post-employment services).~~

(3) Training in institutions of higher education may be provided only after the client produces proof of application for and denial of eligibility for federal grant programs. Institutions of higher education include universities, colleges, community/junior colleges, vocational schools, technical institutes, or hospital schools of nursing.

(4) The following services may be provided only after giving full consideration to similar benefits:

- (a) Physical and mental restoration services;
- (b) Maintenance;
- (c) Interpreter services for the deaf;
- (d) Reader services for the blind;
- (e) Recruitment and training services in the fields of rehabilitation, health, welfare, public safety, law enforcement, and other public services employment;
- (f) Rehabilitation teaching services;
- (g) Orientation and mobility services for the blind;
- (h) Occupational licenses, tools, equipment, initial stocks and supplies;
- (i) Transportation;
- (j) Telecommunications, sensory, and other technological aids and devices.

(5) Clients are required to apply for and accept similar benefits to which they are entitled before rehabilitation funds may be expended for services.

(6) The vocational rehabilitation counselors and rehabilitation teachers have an obligation to inform clients of known sources of similar benefits and to assist in application for such services when necessary.

(7) Exception to policy in two areas of service:

- (a) Physical and mental restoration; and
- (b) Maintenance may be made with supervisory approval when it has been determined that the lack of such services will delay completion of the client's rehabilitation program.

(8) The consideration of similar benefits will be documented in the client's case record. The documentation will include sources of assistance considered, whether the client applied, acceptable reasons for failure to apply, outcome of application, and basis for the decision to

expend vocational rehabilitation funding for services in subsections (3) and (4) of this section.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 67-25-180 ECONOMIC NEED.
- WAC 67-25-185 ECONOMIC NEED—FINANCIAL STATEMENT REQUIRED.
- WAC 67-25-190 ECONOMIC NEED—STANDARDS FOR DETERMINING.
- WAC 67-25-200 ECONOMIC NEED—NOTIFICATION OF DECISION.

**WSR 85-15-078**

**PROPOSED RULES**

**DEPARTMENT OF TRANSPORTATION**

**(Transportation Commission)**

[Filed July 22, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Transportation Commission intends to adopt, amend, or repeal rules relating to the movement of mobile homes, WAC 468-38-120;

that the agency will at 10:00 a.m., Thursday, September 19, 1985, in the Holiday Inn, 11211 Main, Bellevue, WA, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 46.44.090.

The specific statute these rules are intended to implement is RCW 46.44.170 (section 1, chapter 22, Laws of 1985).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 19, 1985.

Dated: July 18, 1985

By: Lue Clarkson  
Administrator

**STATEMENT OF PURPOSE**

Title: Amendment to WAC 468-38-120.

Summary of Reasons: To amend the regulations relating to the movement of mobile homes.

Statement of Reasons: To amend procedures for payment of county taxes on mobile homes before they are moved. Changes are required by chapter 22, Laws of 1985.

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

Proponent of the Rule: Washington State Department of Transportation and Washington Association of County Officials.

Opponent of the Rule: Unknown.

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

WAC 468-38-120 **OVERSIZE MOBILE HOME TRANSPORT REGULATIONS.** (1) The purpose of this section is to supplement the provisions of chapter 468-38 WAC as they relate to the movement of mobile homes. Where conflicts with other sections of this chapter occur, the following rules apply.

(2) Definitions:

(a) "Mobile home" means all trailers of the semitrailer type with hitch ball coupler designed as structures for human habitation which may have been subsequently adapted to other uses, which are capable of being towed upon the public highways and are more than forty-five feet in length or more than eight and one-half feet in width.

(b) "Modular homes and sectional buildings" means any factory-built housing designed for human habitation which does not contain a permanent frame and must be mounted on a permanent foundation. Modular homes or sectional buildings with their own attached running gear which can be towed are considered to be mobile homes for purposes of this regulation. Modular homes or sectional buildings moved on legally registered trailers are subject to the provisions of chapter 46.44 RCW and the provisions of this chapter of the Washington Administrative Code regulating the movement of overlegal loads.

(c) Oversize permits may be issued to transporters, dealers or owners who shall assume full responsibility while operating under a permit. Operators of tow vehicles and others assisting in the transport must function as agents or employees of the permittee.

(d) A "unit" is a complete or irreducible part of an oversize mobile home, together with its tow vehicle.

(3) Oversize limits: The following regulations apply to mobile homes of semi-trailer design whose width exceeds eight and one-half feet but does not exceed fourteen feet and whose length exceeds forty-five feet but in combination with a tow vehicle does not exceed eighty-five feet.

(4) Oversize mobile home permits may be issued as follows:

(a) Annual permits may be issued only to permittees who are qualified as dealers or manufacturers as provided in chapter 46.70 RCW or to transporters licensed as provided in chapter 46.76 RCW.

Annual permits shall apply only to transport of mobile homes fourteen feet or less in height, above level ground, while being transported.

(b) Monthly permits may be issued to dealers, manufacturers, and transporters under the same conditions as annual permits except that fourteen foot height limitations may be waived.

(c) Single trip permits may be issued to dealers, transporters and owners for a specific combination of tow vehicle and mobile home to travel from a point of origin to a prescribed destination.

~~(A single trip permit for movement of a mobile home within or leaving the state shall not be valid unless there is attached certification by the treasurer of the county in which the mobile home has been located that the requirements of RCW 46.44.170 have been met. Movement permits for mobile homes coming into the state or in transit through the state to another state or province do not require such certification:)~~

(5) The permittee must have insurance in effect while operating under the permit in the minimum amounts of \$100,000 - \$300,000 public liability and \$50,000 property damage. Pilot car operators shall meet the insurance requirements of RCW 46.44.180.

(6) If an accident occurs while transporting a mobile home under permit, the permittee shall immediately notify the nearest state patrol office if the damage is greater than two hundred and fifty dollars to the mobile home or greater than one hundred dollars to other vehicles or structures. Permission to continue the movement must be obtained from the state patrol.

(7) Dealers selling 12 to 14 foot wide mobile homes must advise the prospective purchaser in writing that not all state highways are approved for the transport of 12 to 14 foot wide mobile homes.

(8) Permits issued in accordance with the Uniform Mobile and Modular Home Transportation Regulations of WASHTO will be subject to those regulations and will be honored by the state of Washington if issued by other states.

(9) Mobile homes:

(a) Overall dimensions shall not exceed those stated in the permit except for minor protrusions not to exceed 2 inches, such as door and window hardware. Eaves will be included in the measurement of maximum width. All dimensions shall be reduced to the practical minimum. Mobile homes having a single eave overhang along their length will be transported to allow for safe passing distances.

(b) The complete system of the mobile home, including running gear assembly, shall comply with the rules and regulations adopted by the

United States Department of Housing and Urban Development (24 CFR 280 (1976) and as thereafter amended). Tires shall comply with applicable Federal Motor Carrier Safety Regulations, Title 49, chapter 111. Those mobile homes not certified as qualifying to the minimum H.U.D. specifications shall have brakes on at least two axles and on four wheels. Units of sixty feet or more in length shall have at least three full axles, except that 12-foot wide mobile homes manufactured prior to November 1, 1970, may be moved with a minimum of two axles. The brakes shall be under the control of the driver from the cab of the towing vehicle, and shall be adequate to control the mobile home and its load. They shall be so designed and connected that they shall automatically apply in case of accidental breakaway from the towing vehicle. A wet-cell or approved battery with a full charged rating of 12 volts will be installed in the mobile home to actuate electric brakes in the event of a breakaway. The minimum track width between two wheels on the same axle shall be eight feet. Track width shall be measured from the outer edges of the road bearing tread of tires on a single axle. Tires shall have no signs of separation or excessive aging and shall be inflated to the maximum recommended tire pressure and have tread depth no less than 3/32nd inch in any part of tire contacting the road. Recapped or retreaded tires are not allowed. Minimum combined load rating of mobile home tires must be in excess of their in-transit load. Axles and wheels must be properly aligned to minimize wear and overheating of tires.

(c) The open side of half sections of mobile homes shall be covered in such a way as to prevent billowing of the covering material.

(d) Furnishings or loose objects within the mobile home shall be secured in positions to achieve proper weight and balance.

(10) Tow vehicles:

(a) Tow vehicles shall comply with the following minimum requirements:

MOBILE HOME WIDTH TO BE TOWED	TIRE WIDTH	DRIVE AXLE TIRE RATING	GROSS CURB WEIGHT	(1) REAR AXLE WEIGHT	(1) REAR AXLE RATING
Over 8 1/2' to 10'	7.00"	6 ply	(2)	6,000#	(2)
Over 10' to 12'	8.00"	8 ply	35,000(3)	8,000#	15,000#
Over 12' to 14'	8.25"	10 ply	35,000#	9,000#	15,000#

(1) Includes fuel and accessories prior to hook-up with mobile home.

(2) Not required.

(3) May be waived for older vehicles.

(b) Conventional or cab-forward configuration shall have a minimum wheelbase of 120 inches. Cab-over engine tow vehicles shall have a minimum wheelbase of 89 inches. Tow vehicles shall have a minimum 4-speed transmission. Power shall be sufficient to meet the requirements listed.

(c) Electrical brake controls, wiring and connections to mobile home brake systems will be capable of producing rated voltage and amperage at the mobile home brake magnets in accordance with the mobile home brake manufacturer's specifications.

(11) Signs and flags: In addition to the requirements of WAC 468-38-190, the OVERSIZE LOAD sign will be attached horizontally on the rear of the trailer home with the bottom edge between five and seven feet above the road surface. Sign material shall be impervious to moisture, clean and mounted with adequate supporting anchorage to provide legibility at all times.

(12) Lights: In addition to provisions of WAC 468-38-170, 6-inch diameter flashing amber lights with a minimum of 35 candle power shall be mounted on the upper outer edges of the rear of the trailing unit. They shall be operated with a flashing cycle of 60-120 times per minute during transit. Wiring and connections shall be in good working order.

(13) Travel speeds for mobile homes shall be as set forth in WAC 468-38-340.

(14) Mobile homes traveling in rural areas shall maintain adequate spacing of at least one-half mile between any two mobile home units. All units shall maintain a minimum distance of from 400 to 500 feet behind any truck, truck-tractor or trailer which could impair the visibility of an overtaking vehicle.

(15) The mobile home unit shall be operated in the right lane except when passing. On two-lane highways, units shall not pass other vehicles except when required to pass a vehicle being operated at a speed so slow as to hinder the safe flow of traffic.

(16) (a) A decal issued by the county treasurer shall be displayed on any mobile or modular home being transported on public highways in this state. The decal is not required if one of the following conditions is met:

- (i) When a mobile home is to enter the state;
  - (ii) When a mobile home is being moved from the manufacturer or distributor to a retail sales outlet;
  - (iii) When a mobile home is being moved from the manufacturer or distributor to a purchaser's designated location; or
  - (iv) When a mobile home is being moved between retail sales outlets.
- (b) The county treasurer's decal shall be displayed on the rear of the mobile home while in transport. It shall be issued at the same time as the tax certificate for mobile home movement. If the tax certification is for a double-wide mobile home, two mobile home movement decals shall be issued.
- (c) The decal shall meet the following requirements:
- (i) It shall be at least 8 1/2 inches square.
  - (ii) It shall be printed on Appleton Radiant Florescent Bristol (weight .010) or paper of comparable quality.
  - (iii) It shall be of fluorescent orange color.
  - (iv) It shall show the make, model and serial number of the mobile home, the date issued, the name of the transporter, the transporter's WUTC permit number, the department of transportation special motor vehicle permit number, and the name of the county issuing the decal.
  - (v) It shall display in readily legible script the expiration date of the decal, which shall be not more than fifteen days after the date the decal is issued.
- (d) Mobile home movement decals may not be transferred.

**WSR 85-15-079****EMERGENCY RULES****DEPARTMENT OF TRANSPORTATION  
(Transportation Commission)**

[Order 49, Resolution No. 247—Filed July 22, 1985]

Be it resolved by the Washington State Transportation Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to the movement of mobile homes, WAC 468-38-120.

We, the Washington State Transportation Commission, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is county treasurers need time to establish the system of issuing decals for mobile homes for which county taxes have been paid.

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

This rule is promulgated pursuant to RCW 46.44.170 which directs that the Department of Transportation has authority to implement the provisions of chapter 22, Laws of 1985.

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

APPROVED AND ADOPTED July 18, 1985.

By Pat Wanamaker  
Chairman

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

**WAC 468-38-120 OVERSIZE MOBILE HOME TRANSPORT REGULATIONS.** (1) The purpose of this section is to supplement the provisions of chapter 468-38 WAC as they relate to the movement of mobile homes. Where conflicts with other sections of this chapter occur, the following rules apply.

**(2) Definitions:**

(a) "Mobile home" means all trailers of the semitrailer type with hitch ball coupler designed as structures for human habitation which may have been subsequently adapted to other uses, which are capable of being towed upon the public highways and are more than forty-five feet in length or more than eight and one-half feet in width.

(b) "Modular homes and sectional buildings" means any factory-built housing designed for human habitation which does not contain a permanent frame and must be mounted on a permanent foundation. Modular homes or sectional buildings with their own attached running gear which can be towed are considered to be mobile homes for purposes of this regulation. Modular homes or sectional buildings moved on legally registered trailers are subject to the provisions of chapter 46.44 RCW and the provisions of this chapter of the Washington Administrative Code regulating the movement of overlegal loads.

(c) Oversize permits may be issued to transporters, dealers or owners who shall assume full responsibility while operating under a permit. Operators of tow vehicles and others assisting in the transport must function as agents or employees of the permittee.

(d) A "unit" is a complete or irreducible part of an oversize mobile home, together with its tow vehicle.

(3) Oversize limits: The following regulations apply to mobile homes of semi-trailer design whose width exceeds eight and one-half feet but does not exceed fourteen feet and whose length exceeds forty-five feet but in combination with a tow vehicle does not exceed eighty-five feet.

(4) Oversize mobile home permits may be issued as follows:

(a) Annual permits may be issued only to permittees who are qualified as dealers or manufacturers as provided in chapter 46.70 RCW or to transporters licensed as provided in chapter 46.76 RCW.

Annual permits shall apply only to transport of mobile homes fourteen feet or less in height, above level ground, while being transported.

(b) Monthly permits may be issued to dealers, manufacturers, and transporters under the same conditions as annual permits except that fourteen foot height limitations may be waived.

(c) Single trip permits may be issued to dealers, transporters and owners for a specific combination of tow vehicle and mobile home to travel from a point of origin to a prescribed destination.

~~((A single trip permit for movement of a mobile home within or leaving the state shall not be valid unless there is attached certification by the treasurer of the county in~~

~~which the mobile home has been located that the requirements of RCW 46.44.170 have been met. Movement permits for mobile homes coming into the state or in transit through the state to another state or province do not require such certification.)~~

(5) The permittee must have insurance in effect while operating under the permit in the minimum amounts of \$100,000 - \$300,000 public liability and \$50,000 property damage. Pilot car operators shall meet the insurance requirements of RCW 46.44.180.

(6) If an accident occurs while transporting a mobile home under permit, the permittee shall immediately notify the nearest state patrol office if the damage is greater than two hundred and fifty dollars to the mobile home or greater than one hundred dollars to other vehicles or structures. Permission to continue the movement must be obtained from the state patrol.

(7) Dealers selling 12 to 14 foot wide mobile homes must advise the prospective purchaser in writing that not all state highways are approved for the transport of 12 to 14 foot wide mobile homes.

(8) Permits issued in accordance with the Uniform Mobile and Modular Home Transportation Regulations of WASHTO will be subject to those regulations and will be honored by the state of Washington if issued by other states.

(9) Mobile homes:

(a) Overall dimensions shall not exceed those stated in the permit except for minor protrusions not to exceed 2 inches, such as door and window hardware. Eaves will be included in the measurement of maximum width. All dimensions shall be reduced to the practical minimum. Mobile homes having a single eave overhang along their length will be transported to allow for safe passing distances.

(b) The complete system of the mobile home, including running gear assembly, shall comply with the rules and regulations adopted by the United States Department of Housing and Urban Development (24 CFR 280 (1976) and as thereafter amended). Tires shall comply with applicable Federal Motor Carrier Safety Regulations, Title 49, chapter 111. Those mobile homes not certified as qualifying to the minimum H.U.D. specifications shall have brakes on at least two axles and on four wheels. Units of sixty feet or more in length shall have at least three full axles, except that 12-foot wide mobile homes manufactured prior to November 1, 1970, may be moved with a minimum of two axles. The brakes shall be under the control of the driver from the cab of the towing vehicle, and shall be adequate to control the mobile home and its load. They shall be so designed and connected that they shall automatically apply in case of accidental breakaway from the towing vehicle. A wet-cell or approved battery with a full charged rating of 12 volts will be installed in the mobile home to actuate electric brakes in the event of a breakaway. The minimum track width between two wheels on the same axle shall be eight feet. Track width shall be measured from the outer edges of the road bearing tread of tires on a single axle. Tires shall have no signs of separation or excessive aging and shall be inflated to the maximum recommended tire pressure and have tread depth no less

than 3/32nd inch in any part of tire contacting the road. Recapped or retreaded tires are not allowed. Minimum combined load rating of mobile home tires must be in excess of their in-transit load. Axles and wheels must be properly aligned to minimize wear and overheating of tires.

(c) The open side of half sections of mobile homes shall be covered in such a way as to prevent billowing of the covering material.

(d) Furnishings or loose objects within the mobile home shall be secured in positions to achieve proper weight and balance.

(10) Tow vehicles:

(a) Tow vehicles shall comply with the following minimum requirements:

MOBILE HOME WIDTH TO BE TOWED	DRIVE AXLE TIRE WIDTH	DRIVE AXLE TIRE RATING	GROSS CURB WEIGHT	(1) REAR AXLE WEIGHT	(2) REAR AXLE RATING
Over 8 1/2 to 10'	7.00"	6 ply	(2)	6,000#	(2)
Over 10' to 12'	8.00"	8 ply	35,000(3)	8,000#	15,000#
Over 12 to 14'	8.25"	10 ply	35,000#	9,000#	15,000#

(1) Includes fuel and accessories prior to hook-up with mobile home.

(2) Not required.

(3) May be waived for older vehicles.

(b) Conventional or cab-forward configuration shall have a minimum wheelbase of 120 inches. Cab-over engine tow vehicles shall have a minimum wheelbase of 89 inches. Tow vehicles shall have a minimum 4-speed transmission. Power shall be sufficient to meet the requirements listed.

(c) Electrical brake controls, wiring and connections to mobile home brake systems will be capable of producing rated voltage and amperage at the mobile home brake magnets in accordance with the mobile home brake manufacturer's specifications.

(11) Signs and flags: In addition to the requirements of WAC 468-38-190, the OVERSIZE LOAD sign will be attached horizontally on the rear of the trailer home with the bottom edge between five and seven feet above the road surface. Sign material shall be impervious to moisture, clean and mounted with adequate supporting anchorage to provide legibility at all times.

(12) Lights: In addition to provisions of WAC 468-38-170, 6-inch diameter flashing amber lights with a minimum of 35 candle power shall be mounted on the upper outer edges of the rear of the trailing unit. They shall be operated with a flashing cycle of 60-120 times per minute during transit. Wiring and connections shall be in good working order.

(13) Travel speeds for mobile homes shall be as set forth in WAC 468-38-340.

(14) Mobile homes traveling in rural areas shall maintain adequate spacing of at least one-half mile between any two mobile home units. All units shall maintain a minimum distance of from 400 to 500 feet behind any truck, truck-tractor or trailer which could impair the visibility of an overtaking vehicle.

(15) The mobile home unit shall be operated in the right lane except when passing. On two-lane highways, units shall not pass other vehicles except when required to pass a vehicle being operated at a speed so slow as to hinder the safe flow of traffic.

(16) (a) A decal issued by the county treasurer shall be displayed on any mobile or modular home being transported on public highways in this state. The decal is not required if one of the following conditions is met:

- (i) When a mobile home is to enter the state;
  - (ii) When a mobile home is being moved from the manufacturer or distributor to a retail sales outlet;
  - (iii) When a mobile home is being moved from the manufacturer or distributor to a purchaser's designated location; or
  - (iv) When a mobile home is being moved between retail sales outlets.
- (b) The county treasurer's decal shall be displayed on the rear of the mobile home while in transport. It shall be issued at the same time as the tax certificate for mobile home movement. If the tax certification is for a double-wide mobile home, two mobile home movement decals shall be issued.
- (c) The decal shall meet the following requirements:
- (i) It shall be at least 8 1/2 inches square.
  - (ii) It shall be printed on Appleton Radiant Florescent Bristol (weight .010) or paper of comparable quality.
  - (iii) It shall be of fluorescent orange color.
  - (iv) It shall show the make, model and serial number of the mobile home, the date issued, the name of the transporter, the transporter's WUTC permit number, the department of transportation special motor vehicle permit number, and the name of the county issuing the decal.
  - (v) It shall display in readily legible script the expiration date of the decal, which shall be not more than fifteen days after the date the decal is issued.
- (d) Mobile home movement decals may not be transferred.

**WSR 85-15-080**

**ADOPTED RULES**

**DEPARTMENT OF TRANSPORTATION  
(Transportation Commission)**

[Order 48, Resolution No. 246—Filed July 22, 1985]

Be it resolved by the Washington State Transportation Commission, acting at Room 1D2, Transportation Building, Olympia, Washington, that it does adopt the annexed rules relating to the change in local agency match for urban arterial trust funds from 10 percent to 20 percent.

This action is taken pursuant to Notice No. WSR 85-11-060 filed with the code reviser on May 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 under the general rule-making authority of the Washington State Transportation Commission as authorized in RCW 47.01.071.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State

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

APPROVED AND ADOPTED July 18, 1985.

By Pat Wanamaker  
Chairman

AMENDATORY SECTION (Amending DOT Order 10 and Comm. Order 1, Resolution No. 13, filed 12/20/78)

WAC 468-18-090 MATCHING OF URBAN ARTERIAL TRUST ACCOUNT MONEYS. ((+) Urban arterial trust account monies shall be matched in the case of cities from local funds by an amount not less than 10 percent of the total costs of the construction project. Counties shall match urban arterial trust account monies from locally collected road funds by an amount not less than 40 percent of the total costs of the construction project.

(2) Urban arterial trust account monies for city or county arterial projects authorized by the urban arterial board on or after May 20, 1971, shall be matched from local funds by an amount not less than 10 percent of the total cost of the construction project.)) Urban arterial trust account moneys for city and county arterial projects originally authorized by the urban arterial board for either the design phase or the construction phase between May 20, 1971, and July 1, 1985, shall be matched from local funds by an amount not less than ten percent of the total cost of the construction for the life of the project.

Urban arterial trust account moneys for city and county arterial projects lying within federally designated urban areas authorized by the urban arterial board on or after July 1, 1985, shall be matched by an amount not less than twenty percent of the total cost of the construction project.

Urban arterial trust account moneys for city arterial projects lying outside federally designated urban areas authorized by the urban arterial board on or after July 1, 1985, shall be matched by not less than ten percent of the total cost of the construction project.

**WSR 85-15-081**

**EMERGENCY RULES**

**DEPARTMENT OF  
VETERANS AFFAIRS**

[Order 84-06—Filed July 23, 1985]

I, John Reynolds, assistant director of the Department of Veterans Affairs, do promulgate and adopt at East 11th and Washington Streets, Olympia, Washington, the annexed rules relating to the Washington veterans home and the Washington soldiers home and colony.

I, John Reynolds, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting

the emergency is the existing rules of conduct for members of the Washington veterans home and the Washington soldiers home and colony have been declared invalid and unenforceable by a Pierce County superior court ruling.

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

This rule is promulgated under the general rule-making authority of the Department of Veterans Affairs as authorized in RCW 43.60A.070.

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

APPROVED AND ADOPTED July 23, 1985.

By John Reynolds  
Assistant Director

AMENDATORY SECTION (Amending Order 80-01, filed 7/17/80)

WAC 484-20-010 DEFINITIONS. (1) Administrative appeal - The request for reversal or modification of an administrative decision.

(2) Aid and attendance fund - Aid and attendance funds are:

(a) Those received by members from the veterans administration for the benefit of members for aid and attendance; and

(b) Funds administered in accordance with WAC 484-20-065 through 484-20-075.

(3) Allowable income - That income not less than the amount stipulated by RCW 72.36.120 and 72.36.130 which a member may keep for his or her personal use except as delineated in WAC 484-20-065 and 484-20-075.

(4) Department - The department of veterans affairs.

(5) Duly constituted body, representative of the members - A body elected by the general membership of the home which shall act for the general membership in those cases where the RCWs or these WACs so specify.

(6) Director - The director of the department of veterans affairs or his designee.

(7) Gross misconduct - Intentional or negligent conduct evidencing substantial disregard (a) for the interests of other home member(s), staff person(s), or visitor(s), or (b) for the offending member's duties and obligations as a member of the home.

(8) Member - An individual admitted to the Washington soldiers' home, the Washington soldiers' home colony or the Washington veterans' home.

(9) Superintendent - The superintendent of the Washington soldiers' home and colony and/or the superintendent of the Washington veterans' home.

(10) Supplementary rules - Rules published under the authority of the superintendents and pertaining to the personal conduct of members as provided by WAC 484-20-085.

(11) Supplementary policies and procedures - Policies and procedures published under authority of the superintendents which significantly affect the members.

(12) Veterans and soldiers home revolving funds - The repository for income in excess of allowable income which shall include an aid and attendance account.

(13) Administrative appeal - The request for reversal or modification of an administrative decision.

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-20-085 MEMBERS' RIGHTS AND RESPONSIBILITIES RULES OF CONDUCT - NOTIFICATION. (1) Each new home member and employee shall be advised in writing of the following supplementary rules

(a) His rights and responsibilities,

(b) Acts prohibited in the institution,

(c) Disciplinary action which may be taken in the event of misconduct and of the member's right to request a fair hearing pursuant to WAC 484-20-105.

(2) Each member shall be provided with a copy of the rules in this chapter and of any supplementary rules adopted pursuant to WAC 484-20-090. Copies of all rules shall be conspicuously posted in the home) furnished with the home's policies regarding member rights and with a copy of chapter 484-20 WAC.

AMENDATORY SECTION (Amending Order 80-01, filed 7/17/80)

WAC 484-20-090 SUPPLEMENTARY RULES PROMULGATION RULES OF CONDUCT. (1) The superintendent of each home shall promulgate supplementary rules not inconsistent with the substance and intent of the rules in this chapter provided such supplementary rules have been approved in writing by the director or designee before being put into effect. Further, rules relating to the personal conduct of the members shall have approval of a duly constituted body representative of the members.) Members of the homes are required to comply with the following rules of conduct:

(1) Rules of conduct pertaining to health and safety.

(a) Emergency evacuation. Any time a fire or alarm is sounded, every member must evacuate the building immediately and report to the designated evacuation area. He/she will not be permitted to return to the evacuated building until informed that he/she may do so by an authorized person. Nursing care unit members must follow the instructions of the nursing staff.

(b) Personal cleanliness. Members must maintain their person, belongings, rooms, and jointly-shared toilet areas in such a manner so as not to reasonably offend their neighbors or create fire, health, and/or sanitation problems. Each domiciliary member is responsible for the cleanliness and sanitation of his own person and his own living quarters. When vacated, the room shall be left in a clean condition. Each domiciliary member is responsible for proper disposition of waste and refuse which is accumulated in his room.

(c) Electrical appliances. Only low wattage electrical appliances such as television sets, electric clocks, electric razors, fans of 150 watts or less with acceptable finger guards, radios, audio and/or video recorders, and disc playing machines may be used in members' rooms. Use of any other electric equipment requires the approval of the superintendent.

(d) Repair of rooms. Any alterations or repairs required, including the hanging of pictures, must be done by home staff. Connection of television sets to the home's master antenna system by anyone other than authorized personnel is prohibited. A similar prohibition applies to any tampering with the master antenna system or any of its components. Requests for such repairs and/or installations must be made through a building captain.

(e) Alcohol - drugs. Possession or use of intoxicating beverages (except as authorized below), narcotics, or controlled substances on the grounds of the Washington veterans' homes without a physician's written prescription is prohibited. Drugs which were prescribed by a physician but which are no longer used by the member to whom they were issued, shall be turned in to the home pharmacy. Beer and wine may be served and consumed on the grounds at certain home-sponsored activities within limitations set by the home administration.

(f) Weapons. Members possessing firearms, ammunition, explosive or dangerous weapons must turn them in to the administration office. Possession of any of these items on the home grounds is prohibited.

(g) Animals. Possession or feeding of animals on home grounds is prohibited unless sanctioned by the superintendent.

(2) General rules of conduct.

(a) Visiting hours. Visiting hours for guests are 8:00 a.m. to 10:00 p.m. These may be extended if other members are not disturbed.

(b) Program listening. Radios, television sets, and tape recording-playing devices may be used in members' rooms, provided that volume levels are kept at a level that does not disturb others. Between the hours of 10:00 p.m. and 7:00 a.m., volume on such equipment must be reduced to match reduced noise levels in the general surroundings so that others will not be disturbed. The use of headphones, while not required, is strongly encouraged for those who wish to use such equipment after 10:00 p.m.

(c) Leave. Members leaving the grounds for any purpose must sign out with the building captain, C.Q., or appropriate nurses' station in such a manner as prescribed by the home administration. Upon returning, the member must sign in again. After returning from pass or furlough, the member must stay in his/her room overnight before permission to go on pass or furlough can be granted, except in the case of emergency. Leaving the grounds without proper authorization, or failure to return from pass or furlough at the prescribed time without obtaining permission for an extension, makes the member absent without official leave. Members being admitted to the home must remain in their rooms overnight before pass or leave privileges may be exercised unless an exception is granted by the administration.

(d) Respect for property. No person may deface or destroy walls, buildings, trees, shrubbery, fences, grounds, or any other property or possessions belonging to the state of Washington or to any other person. Appropriation of the property of another person, corporate entity and the state of Washington without permission is also prohibited.

(e) Vehicle registration. Vehicles must be registered annually with the administration of the home. Members must possess a valid Washington state driver's license and must provide proof of ownership and/or registration. The requirement to register applies to vehicles owned by members, owned by another and registered in the name of the member, and any vehicle regardless of ownership that is regularly in the possession of the member. Vehicles must have current license tags and they must display the home identification sticker. All traffic and parking control signs must be obeyed. Members must comply with the provisions of the Washington state financial responsibility law.

(f) Conduct between members and staff. Members will conduct themselves in an orderly, courteous, and cooperative manner at all times among themselves, with visitors, and with staff members. Obscene and/or threatening language, or any physically assaultive behavior, directed at another person, whether on the grounds or off the grounds during a home-sponsored activity, will be considered a violation of this rule. Members will obey all valid instructions directed at them by staff acting in an officially authorized capacity. This includes member employees in positions of authority.

(g) Attire of home members. Dress of home members must meet acceptable standards. While in living areas, the following specific guidelines are established:

(i) Between 8:00 a.m. and 10:00 p.m., domiciliary members must be dressed in a manner so as not to reasonably offend the sensitivity of others when outside their rooms;

(ii) Members residing in living areas where both male and female residents are housed must at all times be dressed in a manner so as not to reasonably offend the sensitivity of others when outside their rooms.

AMENDATORY SECTION (Amending Order 80-01, filed 7/17/80)

WAC 484-20-100 VIOLATION—INVESTIGATION. Reports of possible rule violations (~~(of supplementary rules)~~) shall be investigated by the superintendent or designee. The superintendent charging a violation of the rules or other misconduct by a member shall have the burden of establishing the violation by clear, cogent and convincing evidence.

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-20-105 PENALTIES. The superintendent may impose penalties for the violation of (~~(supplementary rules)~~) rules of conduct or for gross misconduct; such penalties may include:

(1) Restricting the member to the home grounds for a maximum of ((thirty)) sixty days((-or));

When determined appropriate by the superintendent, a reasonable requirement for signing in at designated intervals may be imposed during a period of restriction.

(2) An enforced furlough to a maximum of sixty days(;-or);

(3) ((Discharge from the home)) A combination of penalties subsections (1) and (2) of this section provided the combined total time does not exceed sixty days;

(4) Transfer to another DVA home or colony;

(5) Discharge from a home pursuant to WAC 484-20-120.

AMENDATORY SECTION (Amending Order 80-01, filed 7/17/80)

WAC 484-20-110 FAIR HEARING. (1) Any member ((dissatisfied with the determination of violation by the superintendent, or the penalty imposed, if any, as a result of this chapter,)) upon whom a penalty has been imposed under WAC 484-20-105 may request a fair hearing from the superintendent or the director((-A member who desires a fair hearing shall request such hearing)) within thirty days after receiving notice from the superintendent as to the determination of violation and penalty, if any. Disciplinary sanctions imposed pursuant to this chapter shall be deferred until the outcome of any such appeal except where, in the judgment of the superintendent or other person acting in his absence, the member's conduct is a threat to the health and safety of others.

(2) A request for fair hearing may be made either verbally or in writing and may be filed in the office of the superintendent or the director. If made verbally, such a request shall promptly be reduced to writing.

(3) All requests for fair hearings shall:

(a) Specify the date of the penalty which is being appealed from;

(b) Specify as precisely as possible the issue to be adjudicated at the fair hearing.

(c) Set forth the address of the member, his/her representative or attorney; and

(d) Be signed by the member, his/her representative or attorney.

(4) ((At any time after the filing of the request, the member shall have the right of access to and may examine any files and records of the home regarding the case which contain information which is relevant and material to the grievance. This right of access and examination shall extend to the member's representative or attorney if so authorized in writing by the member. All evidence to be used by the home or colony at the hearing, as well as the case file of the applicant, must be made available upon request at least five days prior to the date of the hearing.

(5) A fair hearing ((in accordance with the provisions of chapter 388-08 WAC)) shall be held, within ((thirty)) sixty days after receipt of the request ((and shall be held either)), in the home or colony in which the client resides(;- or in the county in which he has been receiving services)). The fair hearing shall be conducted pursuant to chapter 10-08 WAC by ((a hearing officer appointed by the director for such purposes)) an administrative law judge from the office of administrative

hearings who shall issue a proposed decision for consideration by the director. If the parties cannot satisfactorily agree on informal procedures for discovery, the administrative law judge may issue orders specifying the conditions under which discovery shall proceed.

((6) The department shall notify a member who has requested a fair hearing of the time and place of said hearing at least ten days prior to the time thereof by registered mail or by personal service upon said member, unless agreed otherwise in writing by the member and the department.

(7) In the fair hearing any party shall be entitled to be represented by counsel and shall be entitled to introduce evidence and to cross-examine witnesses.

(8) Rules of evidence:

(a) All relevant and material evidence is admissible at fair hearings which in the opinion of the hearing officer is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. In passing upon the admissibility of evidence the officer conducting the hearing shall give consideration to, but shall not be bound to follow, rules of evidence governing civil proceedings.

(b) When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The hearing officer may, at his/her discretion, either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the precise ground of objection at the time evidence is offered.

(c) The record of the hearing shall contain all evidence, whether oral or documentary, upon which the final decision is based. The final decision shall not take into consideration any evidence or information not introduced as evidence at the hearing and included in the record of the hearing.

(d) Documentary evidence may be received in the form of copies and excerpts or through incorporation by reference.

(9) The department shall not be required to pay fees or mileage to witnesses appearing at fair hearings.

(10) The department or the hearing officer may take, or cause to be taken, depositions and interrogatories for use as evidence in the fair hearing when such action will expedite any fair hearing.

(11) Any party who desires a continuance shall immediately upon receipt of a notice of hearing, or as soon thereafter as facts requiring such continuance come to his knowledge, notify the department or its designated hearing officer of said desire, stating in detail the reasons why such continuance is necessary. The department or its hearing officer, in passing upon a request for continuance, shall consider whether such request was promptly and timely made. The department or its hearing officer may grant a continuance for good cause shown, and may at any time order a continuance upon its own motion. If during the hearing it appears that further testimony or argument should be received in the interest of justice, the hearing officer conducting the hearing may, at his

~~discretion, continue the hearing and fix the date for introduction of additional evidence or presentation of argument.~~

~~(12) A member shall have the right to withdraw his appeal at any time prior to the hearing officer's decision by filing a written notice of withdrawal with the department. If, after being duly notified of a hearing a member or his representative fails to appear, the appeal shall be considered abandoned and dismissed for failure to prosecute.~~

~~(13) The fair hearing shall be closed to the public, with only the hearing officer, the member and his representative, the member's witnesses, and the department's representatives and witnesses in attendance, unless the client has made a written request to the department that the hearing be open to the public.~~

~~(14) In any fair hearing proceedings, the hearing officer may at his discretion direct the parties or their representatives to appear at a specified time and place for a conference to consider a simplification of the issues involved, the possibility of obtaining stipulations, admissions of fact, and relevant documents, and such other matters as may aid in efficient disposition of the proceedings.~~

~~(15) In the absence of controverting evidence, the hearing officer may, upon request made during a fair hearing officially notice:~~

~~(a) General customs and practices followed in the transaction of business;~~

~~(b) Facts generally and widely known to all informed persons as are not subject to reasonable dispute;~~

~~(c) The disposition of any proceedings then pending before or previously concluded by the department;~~

~~(d) Matters within the technical knowledge of the department as a body of experts, or pertaining to its duties, responsibilities, or jurisdiction.~~

~~(16)) (5) The ((department)) administrative law judge shall, within thirty days after the date of the fair hearing, issue a proposed decision and notify the member ((in writing of its decision)) and director. Such notification shall include a concise statement of the nature of the proceedings, contain appropriate findings of fact and conclusions of law, and specify in reasonable detail the reasons for the decision.~~

~~((17)) (6) In computing any period of time prescribed or allowed by department rules or by applicable statutes, the date of the act, event or decision after which the designated period of time begins to run is not included. The last day of the period so computed is to be included unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a legal holiday.~~

~~(7) Any party adversely affected by a proposal for decision may file written argument and exception with the director. Written argument and exception must be filed within fifteen days from the date the proposal for decision was mailed to the parties. Such fifteen-day period may be extended by the director or his or her designee upon motion of a party when the motion is filed during the fifteen-day period and good cause for the extension~~

is shown. Good cause includes mistake, inadvertence, and excusable neglect on the part of the moving party or unavoidable casualty or misfortune preventing the moving party from timely filing. Upon a showing of good cause either party may file exception and argument within thirty days of the date the proposed decision was mailed to the parties.

(8) The director, or his or her designee, shall personally consider the whole record or such portions of the record as are cited by a party or parties in exception and argument. The director or designee shall render the final department decision. The director or designee may accept additional evidence to correct omissions in the record upon his or her own motion or the motion of a party. The director or designee may remand the proceedings to the administrative law judge for the taking of additional evidence or argument.

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-20-120 DISCHARGE. A member may be discharged ((from the home)) by the superintendent with the concurrence of the director or person acting in his/her absence.

(1) When the member so requests;

(2) When the member has sufficient financial ability to support himself or herself outside the home;

(3) When the member no longer needs the care and services of the home, regardless of financial ability;

(4) For conviction of a felony or gross misdemeanor;

(5) For repeated violation of the general rules of conduct, WAC 484-20-090;

(6) For gross misconduct whether or not such conduct also violates the rules of conduct, WAC 484-20-090;

(7) When a member has been absent without leave for a period in excess of fifteen days;

(8) For intentional failure to fulfill the requirement of any disciplinary sanction;

(9) For failure to correct a condition which violates any rule of conduct pertaining to health and safety of members, staff, or visitors to the home within a reasonable time specified in a written notice to the member from a staff member acting in an official capacity, including member employees in positions of authority which notice specifies that discharge may accompany such failure.

The discharge shall be reduced to writing. If the discharge is disciplinary, it shall state the reasons for the action.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 484-20-125 DISCHARGE—HONORABLE.

(2) WAC 484-20-130 DISCHARGE—DISCIPLINARY.

(3) WAC 484-20-155 ADMINISTRATIVE APPEAL.

**WSR 85-15-082**  
**EMERGENCY RULES**  
**HIGHER EDUCATION**  
**PERSONNEL BOARD**  
 [Order 130—Filed July 23, 1985]

Be it resolved by the Higher Education Personnel Board, acting at Centralia Community College, Centralia, Washington, that it does adopt the annexed rules relating to:

Amd	WAC 251-18-240	Certification—Method.
Amd	WAC 251-22-040	Holidays.
Amd	WAC 251-22-090	Vacation leave—Cash payment.
Amd	WAC 251-04-020	Definitions ("management employee," "nonmanagement employees").
Amd	WAC 251-08-090	Salary—Periodic increment.
Rep	WAC 251-08-091	Periodic increment withheld—Management employees.
Amd	WAC 251-20-010	Employee performance evaluation—Authority, purpose, use.
Amd	WAC 251-20-030	Method of evaluation.
Amd	WAC 251-20-040	Employee performance evaluation—Procedure.
Rep	WAC 251-20-045	Annual performance evaluation—Distribution of ratings—Management employees.
Amd	WAC 251-20-050	Employee performance evaluation—Appeal.

We, the Higher Education Personnel Board, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is to implement the provisions of EHB 116, EHB 222 and SSB 3179. These amendments become effective on July 28, 1985.

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

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

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

APPROVED AND ADOPTED June 21, 1985.

By John A. Spitz  
 Director

AMENDATORY SECTION (Amending Order 119, filed 7/31/84)

**WAC 251-18-240 CERTIFICATION—METHOD.** (1) Upon receipt of a personnel request, the personnel officer shall provide the following number of names to the employing official in writing:

(a) When there are names on the institution-wide layoff list for the class, a single name for each vacancy to be filled by the certification.

(b) When there are no names on the institution-wide layoff list for the class, four more names than there are vacancies to be filled by the certification.

(2) Names shall be certified in strict order of standing on the eligible list(s).

(3) When it is necessary to use more than one eligible list to complete a certification, each eligible list must be exhausted before progressing to the next eligible list. Eligible lists shall be used for filling classified vacancies in the strict order of priority listed below:

(a) Unless the personnel officer has established a combined eligible list in accordance with WAC 251-18-180(~~(f8))~~(10):

- (i) Institution-wide layoff list;
- (ii) Organizational unit promotional list;
- (iii) Institution-wide promotional list;
- (iv) Special employment program layoff list;
- (v) State-wide layoff list;
- (vi) Interinstitutional employee list;
- (vii) Intersystem employee list;
- (viii) Open competitive or noncompetitive list.

(b) When the personnel officer has established a combined eligible list:

- (i) Institution-wide layoff list;
- (ii) Combined eligible list.

AMENDATORY SECTION (Amending Order 108, filed 9/23/83, effective 10/24/83)

**WAC 251-22-040 HOLIDAYS.** (1) Legal holidays are designated by statute. The following holidays are identified per RCW 1.16.050:

- (a) The first day of January (New Year's Day);
- (b) ~~((The twelfth day of February (Abraham Lincoln's birthday)))~~ The third Monday of January (Martin Luther King, Jr.'s birthday);
- (c) ~~The third Monday of February ((George Washington's birthday))~~ President's Day;
- (d) The last Monday of May (Memorial Day);
- (e) The fourth day of July (Independence Day);
- (f) The first Monday in September (Labor Day);
- (g) The eleventh day of November, (Veteran's Day);
- (h) The fourth Thursday of November (Thanksgiving Day);
- (i) The day immediately following Thanksgiving Day; and
- (j) The twenty-fifth day of December (Christmas Day).

Each higher education institution will provide qualifying employees in pay status with a paid holiday on the above days. However, the governing board of each institution, and in the case of the community college system through the state board for community college education, may designate other days to be observed in lieu of the above holidays. Holiday schedules must be filed annually with the director for approval prior to implementation and may not be modified without prior approval by the director. Schedules may be submitted on a calendar or fiscal year basis. When an institution establishes an in lieu of schedule, paid holidays shall be granted based on the approved in lieu of schedule.

(2) Classified employees working twelve-month schedules or cyclic year position employees who work full monthly schedules throughout their work year shall receive the number of holidays for which they qualify

during their scheduled work year as set forth in this section. Qualification is determined by being in pay status on the work day preceding the holiday(s).

(3) Cyclic year position employees scheduled to work less than full monthly schedules throughout their work year qualify for holiday compensation if they work or are in pay status on their last regularly scheduled working day preceding the holiday(s) in that month.

(4) Part time classified employees shall be entitled to the number of paid hours on a holiday that their monthly schedule bears to a full time schedule.

(5) Full time alternate work schedule employees shall receive eight hours of regular holiday pay per holiday. Any differences between the scheduled shift for the day and eight hours may be adjusted by use of vacation leave, use or accumulation of compensatory time as appropriate, or leave without pay.

(6) When a holiday falls on an employee's regularly scheduled day off, he/she shall receive a day of compensatory time off.

(7) Holiday time worked shall be compensated as provided in WAC 251-09-035.

(8) Whenever a holiday falls on Sunday, the following Monday shall be considered a nonworking or legal holiday. When a holiday falls on Saturday, the preceding Friday shall be considered a nonworking or legal holiday.

(9) Employees terminating immediately prior to a holiday do not qualify for holidays occurring after termination.

(10) Employees shall be entitled to one paid personal holiday per calendar year in addition to those specified in this section as provided in WAC 251-22-045.

#### AMENDATORY SECTION (Amending Order 117, filed 6/1/84)

**WAC 251-22-090 VACATION LEAVE—CASH PAYMENT.** Classified employees who have completed six continuous months of employment and who separate from service by resignation, layoff, dismissal, retirement or death are entitled to a lump sum cash payment for all unused vacation leave (~~((except that accrued under WAC 251-22-080(2)))~~). In the case of voluntary resignation, an employee may be required to provide fourteen calendar days' notice to qualify for such lump sum cash payment. (~~((Excess vacation leave accumulated as prescribed in WAC 251-22-080(2) must be taken as vacation leave or be lost as provided in WAC 251-22-080(2))~~) Vacation leave payable under WAC 251-22-080 and this section shall be computed and paid as prescribed by the office of financial management.

#### AMENDATORY SECTION (Amending Order 123, filed 1/30/85)

**WAC 251-04-020 DEFINITIONS.** Unless the context clearly indicates otherwise, the words used in these rules shall have the meanings given in this section.

"ADMINISTRATIVE ASSISTANT EXEMPTION" – A president or vice president may have individual(s) acting as

his/her administrative assistant(s). The employee normally performs supportive work for his/her superior as an individual contributor without subordinates.

"ADMINISTRATIVE EMPLOYEES" – Personnel whose responsibilities require them to spend at least 80% of their work hours as follows:

(1) Primary duty is office or nonmanual work directly related to the management policies or general business operations; and

(2) Must have the authority to make important decisions, customarily and regularly exercise discretion and independent judgment, as distinguished from using skills and following procedures; and

(3) Must regularly assist an executive or administrative employee, or perform work under, only general supervision along specialized or technical lines requiring special training, experience or knowledge; and

(4) Must be paid at a rate of at least \$672 per month exclusive of board, lodging or other facilities.

For persons whose salaries exceed \$1083 per month, the 80% limitation does not apply if the primary duty consists of responsible office or nonmanual work directly related to management policies or general business operations.

"AGRICULTURAL EMPLOYEES" – Employees performing work which includes farming and all its branches, including cultivating the soil, or growing or harvesting crops, or raising livestock, bees, fur-bearing animals, or poultry, or doing any practices performed by a farmer or on a farm as an incident to or in conjunction with such farming operations.

"ALLOCATION" – The assignment of an individual position to an appropriate class on the basis of the kind, difficulty, and responsibility of the work of the position.

"ANNUAL PERFORMANCE EVALUATION" – The official annual performance rating of an employee recorded on a form approved by the board.

"APPOINTING AUTHORITY" – A person or group of persons lawfully authorized to make appointments.

"AVAILABILITY" – An estimate of the number of women, minorities, and handicapped persons who have the skills and abilities required for employment in a particular job group as determined from an analysis of relevant data.

"BOARD" – The higher education personnel board established under the provisions of the higher education personnel law.

"CERTIFICATION" – The act of providing an employing official or appointing authority with the names of the appropriate eligibles to be considered for appointment to fill a vacancy.

"CHARGES" – A detailed statement of the specific incidents alleging cause for dismissal or disciplinary action.

"CLASS" – One or more positions sufficiently similar with respect to duties and responsibilities that the same descriptive title may be used with propriety to designate each position allocated to the class; that the same general qualification requirements are needed for performance of the duties of the class; that the same tests of fitness may be used to select employees; and that the same

schedule of pay can be applied with equity to all positions in the class under the same or substantially the same employment conditions.

"CLASSIFIED SERVICE" – All positions in the higher education institutions which are subject to the provisions of the higher education personnel law.

"COLLECTIVE BARGAINING" – The performance of the mutual obligation of the appointing authority and the certified exclusive bargaining representative to meet at reasonable times, to confer and bargain in good faith, and to execute a written agreement with respect to those personnel matters over which the appointing authority may lawfully exercise discretion.

"COMPETITIVE SERVICE" – All positions in the classified service for which a competitive examination is required as a condition precedent to appointment.

"CORRECTIVE EMPLOYMENT PROGRAM" – A program designed to increase the employment of handicapped persons and of women and minorities who are underutilized in certain job groups because of present or past practices or other conditions which resulted in limited employment opportunities.

"COUNSELING EXEMPTION" – Individuals in counseling-exempt positions are responsible for directing and/or participating in providing academic, athletic, medical, career, financial aid, student activity and/or personal counseling to students. Such activities include, but are not limited to, providing individual and group guidance services using recognized professional techniques and practices.

"CYCLIC YEAR POSITION" – A position scheduled to work less than twelve full months each year, due to known, recurring periods in the annual cycle when the position is not needed.

"DEMOTION" – The change of an employee from a position in one class to a position in another class which has a lower salary range maximum.

"DEVELOPMENT" – The attainment through work experience and training of proficiency in skills which will enable the employee to perform higher level duties.

"DIRECTOR" – The personnel director of the higher education personnel board.

"DISMISSAL" – The termination of an individual's employment for just cause as specified in these rules.

"ELIGIBLE" – An applicant for a position in the competitive service who has met the minimum qualifications for the class involved, has been admitted to and passed the examinations, and has met all requirements for eligibility as stated on the bulletin board posting; or an applicant for a position in the noncompetitive service who has met all requirements for eligibility as stated on the bulletin board posting.

"ELIGIBLE LIST" – A list established by the personnel officer, composed of names of persons who have made proper application, met the minimum qualifications, and successfully completed the required examination process to be certified for vacancies in a class at the institution.

"EMPLOYEE" – A person working in the classified service at an institution.

"EMPLOYEE ORGANIZATION" – Any lawful association, labor organization, federation, council, or brotherhood,

having as one of its purposes the improvement of working conditions among employees, and which has filed a notice of intent to represent employees with the director, and which has been authorized in accordance with WAC 251-14-020.

"EMPLOYING OFFICIAL" – An administrative or supervisory employee designated by the appointing authority to exercise responsibility for requesting certification, interviewing eligibles, and employing classified employees.

"EXAMINATIONS" – Any measures or assessments used in the process of identifying names for certification to vacancies in accordance with RCW 28B.16.100(2) and WAC 251-18-240.

"EXECUTIVE EMPLOYEES" – Management personnel whose responsibilities require them to spend at least 80% of their work hours as follows:

(1) Primary duty must be management of a recognized department or subdivision; and

(2) Must customarily and regularly direct the work of two or more employees; and

(3) Must have the authority to hire and fire, or to recommend with authority on these and other actions affecting employees; and

(4) Must customarily and regularly exercise discretionary powers; and

(5) Must be paid at a rate of at least \$672 per month exclusive of board, lodging or other facilities.

For persons whose salaries exceed \$1083 per month, the 80% limitation does not apply if he/she regularly directs the work of at least two other employees and the primary duty is management of a recognized department or subdivision.

"EXECUTIVE HEAD EXEMPTION" – Executive heads of major academic or administrative divisions are analogous in the hierarchy to vice presidents, deans and chairmen. Directors may be executive heads as determined by the higher education personnel board. An executive head is in charge of a separate budget unit and directs subordinates.

"EXEMPT POSITION" – A position properly designated as exempt from the application of these rules as provided in WAC 251-04-040. (Also see separate definitions of "administrative assistant exemption," "executive head exemption," "research exemption," "counseling exemption," "extension and/or continuing education exemption," "graphic arts or publication exemption," and "principal assistant exemption.")

"EXTENSION AND/OR CONTINUING EDUCATION EXEMPTION" – Individuals considered exempt in this category are responsible for originating and developing formal education programs for the general public, usually involving close contact with faculty and staff or training or consulting with specific groups in the community to enable them to provide specialized training and/or services to the community.

"FINAL EXAMINATION SCORE" – An applicant's final passing score on an examination, plus any veterans preference or other applicable credits added in accordance with WAC 251-18-130, 251-18-180 (6) and/or (8)(b).

"FRINGE BENEFITS" – As used in the conduct of salary surveys, the term shall include but not be limited to compensation for leave time, including vacation, civil,

and personal leave; employer retirement contributions; health insurance payments, including life, accident, and health insurance, workmen's compensation, and sick leave; and stock options, bonuses, and purchase discounts where appropriate.

"FULL-TIME EMPLOYMENT" – Work consisting of forty hours per week.

"GRAPHIC ARTS OR PUBLICATION EXEMPTION" – Individuals qualifying for exemption under this category will be involved in performing selected graphic arts or publication activities requiring prescribed academic preparation or special training. Positions of this type are those which use special visual techniques, require original design and layout and/or can be distinguished from positions associated with the standard editorial functions.

"GRIEVANCE" – A dispute filed in accordance with a grievance procedure of a signed collective bargaining agreement.

"HANDICAPPED PERSON" – Any person with physical, mental or sensory impairments that would impede that individual in obtaining and maintaining permanent employment and promotional opportunities. The impairments must be material rather than slight, static and permanent in that they are seldom fully corrected by medical replacement, therapy, or surgical means.

"HEARING EXAMINER" – An individual appointed by the board to preside over, conduct and make recommended decisions including findings of fact and conclusions of law in all cases of employee appeals to the board.

"INSTITUTIONS OF HIGHER EDUCATION" – The University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges. For purposes of application of these rules, the term shall be considered to include the various related boards as defined in this section, unless specifically indicated to the contrary.

"JOB GROUP" – For affirmative action goal-setting purposes, a group of jobs having similar content, wage rates and opportunities. An EEO job category may consist of one or more job groups.

"JOB CATEGORIES" – Those groupings required in equal employment opportunity reports to federal agencies.

"LATERAL MOVEMENT" – Appointment of an employee to a position in another class which has the same salary range maximum as the employee's current class.

"LAYOFF" – Any of the following management initiated actions caused by lack of funds or lack of work:

- (1) Separation from service to an institution;
- (2) Separation from service within a class;
- (3) Reduction in the work year, and/or
- (4) Reduction in the number of work hours.

"LAYOFF SENIORITY" – The total amount of service an employee earns as a result of unbroken classified employment and statutory allowance.

"LAYOFF UNIT" – A clearly identified structure within an institution, which is approved by the director, and within which employment/layoff options are determined in accordance with the reduction in force procedure.

"LEAD" – An employee who performs the same duties as other employees in his/her work group and in addition regularly assigns, instructs and checks the work of the employees.

~~("MANAGEMENT EMPLOYEE" – An employee whose position: (1) Is at system-wide salary range 49 or above, and (2) includes supervision of subordinates, and (3) includes responsibilities normally associated with management such as planning, organizing, directing, and controlling a program or function.~~

~~"NONMANAGEMENT EMPLOYEES" – All classified employees except those defined as "management employees.")~~

"NONCOMPETITIVE SERVICE" – All positions in the classified service for which a competitive examination is not required.

"ORGANIZATIONAL UNIT" – A clearly identified structure, or substructure of persons employed to achieve a common goal or function under the direction of a single official. An organizational unit may consist of either an administrative entity or a geographically separated activity.

"PART-TIME EMPLOYMENT" – Work of twenty or more hours per week but less than full time employment with an understanding of continuing employment for six months or more.

"PERIODIC INCREMENT DATE" – ("P.I.D.") – The date upon which an employee is scheduled to move to a higher salary step within the range for his/her current class.

"PERMANENT EMPLOYEE" – An employee who has successfully completed a probationary period at the institution within the current period of employment or trial service period resulting from promotion, transfer, lateral movement, or voluntary demotion from another institution, related board or state agency.

"PERSONNEL OFFICER" – The principal employee in each institution/related board responsible for administrative and technical personnel activities of the classified service.

"P.I.D." – Commonly used abbreviation for periodic increment date.

"POSITION" – A set of duties and responsibilities normally utilizing the full or part time employment of one employee.

"PRINCIPAL ASSISTANT EXEMPTION" – Individuals qualifying for exemption under this category function as second-in-command in importance levels. The individual may perform many of the functions of his/her superior in the superior's absence, or alternatively may have major administrative or program responsibilities. Reporting relationships will not be below that of the executive head. In some institutions an executive head may have more than one principal assistant as determined by the higher education personnel board.

"PROBATIONARY PERIOD" – The initial six-month period of employment in a class following appointment from an eligible list of a nonpermanent employee. However, upon prior approval by the board, the probationary period for selected classes may be established for a period in excess of six months but not to exceed twelve months.

"**PROBATIONARY REAPPOINTMENT**" – Appointment of a probationary employee from an eligible list to a position in a different class.

"**PROFESSIONAL EMPLOYEES**" – Personnel whose responsibilities require them to spend at least 80% of their work hours as follows:

(1) Primary duty must involve work that requires knowledge of an advanced type in a field of science or learning, customarily obtained by a prolonged course of specialized instruction and study or work that is original and creative in character in a recognized field of artistic endeavor and the result of which depends primarily on invention, imagination, or talent; and

(2) Must consistently exercise discretion and judgment; and

(3) Must do work that is predominantly intellectual and varied, as distinguished from routine or mechanical duties; and

(4) Must be paid at a rate of at least \$737 per month exclusive of board, lodging or other facilities.

For persons whose salaries exceed \$1083 per month, the 80% limitation does not apply if the primary duty consists of work requiring knowledge of an advanced type in a field of science or learning which requires consistent exercise of discretion and judgment.

"**PROMOTION**" – The appointment as a result of recruitment, examination and certification, of a permanent employee to a position in another class having a higher salary range maximum.

"**PROVISIONAL APPOINTMENT**" – Appointment made prior to establishment of an eligible list, per the provisions of WAC 251-18-300. A person so appointed is required to apply through the competitive process to be considered for the position on a permanent basis.

"**PUBLIC RECORDS**" – Any writing containing information relating to conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

"**RATING FACTOR**" – An element, duty, responsibility, skill, ability, or other specific aspect of performance which is rated as part of the annual performance evaluation.

"**REALLOCATION**" – The assignment of a position by the personnel officer to a different class.

"**REASSIGNMENT**" – A management initiated movement of a classified employee from one position to another in the same class.

"**RELATED BOARDS**" – The state board for community college education, the council for postsecondary education, the higher education personnel board, and such other boards, councils and commissions related to higher education as may be established. For purposes of application of these rules, the term "institution" shall be considered to include these related boards, unless specifically indicated to the contrary.

"**RESEARCH EXEMPTION**" – Individuals in research-exempt positions spend the majority of their time in one or more of the following activities: Identification and definition of research problems, design of approaches or

hypotheses and methodology to be used, design of specific phases of research projects, analysis of results, development of conclusion and hypothesis, presentation of research results in publishable form.

"**RESIGNATION**" – A voluntary termination of employment.

"**REVERSION**" – The return of a permanent employee from trial service to the most recent class in which permanent status was achieved at the institution.

"**SUPERVISOR**" – Any individual having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other employees, or responsibility to direct them or adjust their grievances, or effectively to recommend such action if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

"**SUSPENSION**" – An enforced absence without pay for disciplinary purposes.

"**TEMPORARY APPOINTMENT**" –

(1) Work performed in the absence of an employee on leave for:

(a) Less than ninety consecutive calendar days (WAC 251-18-350(4));

(b) Ninety or more consecutive calendar days (WAC 251-18-350(2)); or

(2) Formal assignment of the duties and responsibilities of a higher level class for a period of less than ninety consecutive calendar days; or

(3) Performance of extra work required at a work load peak, a special project, or a cyclic work load which does not exceed one hundred seventy-nine consecutive calendar days.

"**TRAINING**" – Formal and systematic learning activities intended to provide employees with the knowledge and skills necessary to become proficient or qualified in a particular field.

"**TRANSFER**" – An employee initiated change from one classified position to another in the same class without a break in service.

"**TRIAL SERVICE**" – The initial period of employment following promotion, transfer, demotion, or lateral movement into a class in which the employee has not held permanent status at the institution or related board, beginning with the effective date of the change and continuing for six months, unless interrupted as provided in these rules or extended as provided in WAC 251-18-330(6).

"**UNDERUTILIZATION**" – Having fewer minorities, women, or handicapped persons in a particular job group than would reasonably be expected by their availability.

"**UNION SHOP**" – A union membership provision which, as a condition of employment, requires all employees within a bargaining unit to become members of an employee organization.

"**UNION SHOP REPRESENTATIVE**" – An employee organization which is the exclusive representative of a bargaining unit that has been certified by the director as the union shop representative following an election wherein a majority of employees in the bargaining unit

voted in favor of requiring membership in the employee organization as a condition of employment.

"UNION SHOP REPRESENTATION FEE" – Employees who are granted a nonassociation right based on religious tenets or teachings of a church or religious body of which they are members, must pay a representation fee to the union shop representative. Such fee is equivalent to the regular dues of the employee organization minus any monthly premiums for union sponsored insurance programs.

"WRITING" – Handwriting, typewriting, printing, photostating, photographing and every other means of recording any form of communication or representation including letters, words, pictures, sounds, or symbols or combination thereof and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

AMENDATORY SECTION (Amending Order 119, filed 7/31/84)

WAC 251-08-090 SALARY—PERIODIC INCREMENT. (1) ~~((Nonmanagement))~~ Employees whose performance permits them to retain job status in the classified service shall receive periodic increments within the steps of the salary range. The salary of each employee shall be increased two steps on the periodic increment date and annually thereafter on the periodic increment date, not to exceed the maximum step of the range.

(2) ~~((The salary of each management employee shall be increased two steps on the periodic increment date, not to exceed the maximum step of the range as follows:~~

~~(a) Upon successful completion of a probationary period or trial service period for employees appointed at the first step of the salary range.~~

~~(b) On annual periodic increment dates, providing the employee's annual overall performance evaluation rating is "meets expectations" or higher.~~

~~(3)) When the periodic increment date falls on the same effective date as another salary action, the periodic increment shall be applied prior to, and in addition to, any other action resulting in a salary increase or decrease.~~

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 251-08-091 PERIODIC INCREMENT WITHHELD—MANAGEMENT EMPLOYEES.

AMENDATORY SECTION (Amending Order 119, filed 7/31/84)

WAC 251-20-010 EMPLOYEE PERFORMANCE EVALUATION—AUTHORITY, PURPOSE, USE. (1) The rules contained in this chapter follow from the authority of the higher education personnel law, chapter 28B.16 RCW ~~((28B.16.105 and 28B.16.250))~~, which requires that standardized employee performance

evaluation procedures and forms be used by institutions of higher education for the appraisal of employee job performance at least annually.

(2) Supervisors will conduct annual performance evaluations ~~((for uses including but not limited to the following:~~

~~(a)))~~ to record and inform employees regarding how well they have contributed to the fulfillment of institution and job objectives.

~~((b) To award periodic increment increases for management employees.))~~

AMENDATORY SECTION (Amending Order 119, filed 7/31/84)

WAC 251-20-030 METHOD OF EVALUATION. (1) Employee performance is to be rated for each "rating factor" on the approved form on the basis of performance expectations determined by the supervisor.

(2) Upon appointment to a position, the employee's supervisor will provide the employee with a copy of the following:

(a) The specification for the class.

(b) The employee's specific position duties and responsibilities which relate to the specification.

(3) Written performance expectations for each of the rating factors shall be provided to the employee in sufficient time to allow the employee to meet the work expectations (normally within thirty calendar days after appointment to an existing position and within ninety calendar days after appointment to a newly created or significantly modified position).

(4) The supervisor's performance expectations shall remain in effect for future evaluations unless action is taken to modify them and the employee has been provided with a copy of them.

(5) Each "rating factor" will be rated and recorded in one of the rating categories on the approved evaluation form.

~~((6) Each management employee shall be given an overall performance rating which will be recorded on the approved form in one of the following five rating categories: "Outstanding," "exceeds expectations," "meets expectations," "needs improvement" or "unsatisfactory."~~

~~(7) The director shall establish procedures for determining assigned overall scores and overall performance ratings for management employees and shall make them available through a personnel bulletin.))~~

AMENDATORY SECTION (Amending Order 119, filed 7/31/84)

WAC 251-20-040 EMPLOYEE PERFORMANCE EVALUATION—PROCEDURE. (1) Each employee shall be evaluated at least annually by his/her immediate supervisor ~~((prior to the date on which the employee would be eligible to receive a periodic increment increase in salary))~~. The evaluation process shall use the form(s) as provided in WAC 251-20-020 and shall be in accord with the provisions of this chapter.

(2) Prior to review by the second level of supervision, the employee shall be provided an opportunity to comment on the evaluation and to discuss his/her comments and the final evaluation with the supervisor.

(3) The evaluation shall be reviewed by the employee's second level of supervision (or management designee as determined by the institution).

(4) A copy of the completed annual evaluation form will be provided to the employee upon request.

(5) Performance evaluations shall be retained in the employee's file for no more than three years.

**AMENDATORY SECTION** (Amending Order 119, filed 7/31/84)

**WAC 251-20-050 EMPLOYEE PERFORMANCE EVALUATION—APPEAL.** An appeal against action under this chapter shall be restricted (~~as follows:~~ ~~(+)~~) to allegations of irregularities in the use of the approved form and/or the procedures outlined in WAC 251-20-010, 251-20-020, 251-20-030, and 251-20-040, as provided in WAC 251-12-075.

~~((2) To a reduction in salary resulting from withholding of a periodic increment as provided in WAC 251-12-080.))~~

**REPEALER**

The following section of the Washington Administrative Code is repealed:

**WAC 251-20-045 ANNUAL PERFORMANCE EVALUATION—DISTRIBUTION OF RATINGS—MANAGEMENT EMPLOYEES.**

**WSR 85-15-083  
EMERGENCY RULES  
DEPARTMENT OF FISHERIES**  
[Order 85-85—Filed July 23, 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 these rules are adopted in conformance with the Pacific Marine Fisheries Commission recommendations as modified to prevent overharvest of chinook salmon while taking coho salmon allocations.

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

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

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

APPROVED AND ADOPTED July 23, 1985.

By Gene DiDonato  
for William R. Wilkerson  
Director

**NEW SECTION**

**WAC 220-56-19000R SALTWATER SEASONS AND BAG LIMITS—SALMON.** Notwithstanding the provisions of WAC 220-56-190, effective 12:01 a.m. July 24, 1985, until further notice it is unlawful to fish for or possess salmon taken for personal use from all waters west of the Bonilla-Tatoosh Line, Pacific Ocean waters, Washington waters at the mouth of the Columbia River west of a line projected north-south through Buoy 10, and Strait of Juan de Fuca waters westerly of a line projected true north from the mouth of the Sekiu River except as provided for in this section:

(1) Those waters westerly of the mouth of the Sekiu River and northerly of a line projected true west from the mouth of the Queets River: Open to salmon fishing immediately to 11:59 p.m. September 19, 1985, except closed from 12:01 a.m. Friday through 11:59 p.m. Saturday each week during the open period and except closed to salmon fishing within an area bounded by a line projected from the shoreline one mile due north from the mouth of the Sekiu River, thence westerly meandering one mile off shore to a point one mile due west of Cape Flattery, thence southerly in a straight line to the Umatilla Reef Light, thence due east to shore. Special bag limit of two salmon daily, only one of which may be a chinook salmon. Minimum size 16 inches for coho salmon and 24 inches for chinook salmon.

(2) Those waters southerly of a line projected true west from the mouth of the Queets River, northerly of a line projected true west from Klipsan Beach (46 degrees, 28 minutes, 12 seconds north latitude), and westerly of the territorial sea boundary referenced on Chart 18500, 21st ed., Dept. Commerce, NOAA, National Ocean Survey (outside three miles): Open to salmon fishing immediately to 11:59 p.m. September 19, 1985, except closed from 12:01 a.m. Friday to 11:59 p.m. Saturday each week during the open period. Bag limit F.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. July 24, 1985:

**WAC 220-56-19000Q SALTWATER SEASONS AND BAG LIMITS—SALMON. (85-69)**

**WSR 85-15-084**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed July 23, 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 community options program entry system (COPES), amending WAC 388-15-620 and 388-15-630;

that the agency will at 10:00 a.m., Wednesday, August 28, 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 September 4, 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 74.08.043 and 78.08.390 [74.08.390].

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 28, 1985.

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

David A. Hogan, Director  
 Division of Administration and Personnel  
 Department of Social and Health Services  
 Mailstop OB 14  
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, at State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by August 14, 1985. The meeting site is in a location which is barrier free.

Dated: July 19, 1985

By: David A. Hogan

Division of Administration and Personnel

#### STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-15-620 and 388-15-630.

Purpose of the Rule Change: To ensure compliance with the approved request for Medicaid waiver.

Reasons These Rules are Necessary: To clarify COPES personal care payment policies and to increase the payment rate.

Statutory Authority: RCW 74.08.043 and 74.08.390.

Summary of the Rule Change: WAC 388-15-620 is amended to include the actual cost for adult day health and home health in the total plan of care costs; and 388-15-630 is amended to limit payment to unrelated providers of personal care services in the provider's residence to licensed and contracted adult family homes. Prohibits COPES payment for personal care by a spouse

or nonqualified relative. Increases the payment for service to individual and independent personal care providers.

Person Responsible for the Drafting, Implementation and Enforcement of the Rule: Mary Lou Pearson, Program Manager, Bureau of Aging and Adult Services, mailstop OB-43G, Olympia.

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

#### AMENDATORY SECTION (Amending Order 2101, filed 5/30/84)

WAC 388-15-620 COPES—SERVICES. (1) The following services may be authorized to COPES eligible recipients, based on department assessment of need and plan of care:

(a) Congregate care as defined in WAC 388-15-560 through 388-15-568. In addition, congregate care facilities may provide medication administration to COPES eligible clients(;) when this service is required by the department and performed by a registered nurse under the general direction of a licensed physician or dentist. (Refer to RCW 18.88.285 and WAC 308-120-100 through 308-120-522.)

(b) Adult family care as defined in WAC 388-15-551 through 388-15-555.

(c) Adult day health.

(d) Home health services as defined in WAC 388-86-045.

(e) Personal care services (which include) are services provided to a person residing in his or her established residence including meal preparation, dressing/undressing, care of appearance, body care, bed transfer, ambulation, wheelchair transfer, bathing, toileting, and reminding to take medicines. Other forms of household assistance such as house cleaning, telephoning, laundry, and writing are allowed when the recipient is unable to perform these tasks independently. Personal care also includes protective supervision when required due to the recipient's diminished mental capacity or judgment. Sterile procedures and administration of medications are not authorized personal care tasks, unless the provider is a licensed health practitioner or a member of the recipient's immediate family.

(f) Case management.

(2) Additional personal care services may not be authorized to recipients residing in congregate care facilities or adult family homes(; ~~since personal care is provided by these facilities~~).

(3) Adult day health and home health services are provided only when the recipient requires congregate care, adult family home services, or personal care. The (~~average~~) actual cost for adult day health and home health services must be included in the total plan of care costs.

(4) Applicants whose incomes exceed the cost for services are not eligible for COPES.

#### AMENDATORY SECTION (Amending Order 2101, filed 5/30/84)

WAC 388-15-630 COPES—PAYMENT—PROCEDURES. (1) All nonexempt income of a person receiving COPES services shall be allocated according to procedures in WAC 388-83-200.

(2) The department shall pay to the providers of congregate care, home health services, adult day health care, and adult family home care a sum not to exceed the rates set forth in the most recent schedule of rates established and published by the department.

(3) The department shall pay for care of recipients living in the nonrelated provider's established residence at the adult family home rate when the provider's home is a licensed and contracted adult family home.

(4) The department shall pay for personal care services provided by a relative, except a spouse. Payment to a father, mother, son, or daughter shall be made only when:

(a) The relative will not provide the care unpaid, and

(b) The relative's income, including spousal income, is less than the medically needy income level (MNIL) adjusted for household size.

(5) The department shall pay for personal care of a recipient residing in his or her established residence at least the federal minimum hourly wage rate(§) to individual and independent providers (of personal care), but shall not pay more than three dollars and (~~eighty-five~~) ninety-seven cents per hour. When the provider assists the recipient full time, a standby hourly wage shall be paid when the provider must be with the recipient but is not directly assisting the client. This standby wage shall not exceed twenty-five cents per hour.

~~((4))~~ (6) The department shall pay to private and public agencies providing personal care the same hourly unit rate reimbursement established by the department for chore services personal care.

~~((5))~~ (7) Payments for COPES services plus the recipient's income allocated for maintenance in the home shall not exceed ninety percent of the average state-wide monthly rate for nursing home care.

~~((6))~~ (8) Income allocated for maintenance needs in the home cannot exceed the medically needy income level~~((s))~~.

**WSR 85-15-085**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
[Filed July 23, 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 Time loss compensation—Lien, amending WAC 388-28-392;

that the agency will at 10:00 a.m., Wednesday, August 28, 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 September 4, 1985.

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

The specific statute these rules are intended to implement is chapter 245, Laws of 1985.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 28, 1985.

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

David A. Hogan, Director  
Division of Administration and Personnel  
Department of Social and Health Services  
Mailstop OB 14  
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, at State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by August 14, 1985. The meeting site is in a location which is barrier free.

Dated: July 19, 1985

By: David A. Hogan

Division of Administration and Personnel

**STATEMENT OF PURPOSE**

Re: WAC 388-28-392.

Purpose of the Rule Change: To allow 100 percent collection of time-loss benefits from one source rather than the current 80 percent from labor and industries.

Reason These Rules are Necessary: To comply with the May 10, 1985, passage of chapter 245, Laws of 1985, which amends RCW 74.04.530, 74.04.540 and 74.04.550.

Statutory Authority: RCW 74.08.080.

Summary of the Rule Change: The Department of Social and Health Services now has the authority to recover up to the full amount of either the public assistance paid or the time-loss compensation payable, whichever is less, for duplicated time periods. The change also clarifies the department's authority to recover from any time loss insurer.

Person Responsible for the Drafting, Implementation and Enforcement of the Rule Change: Mary Rose M. Trepanier, Division of Income Assistance, mailstop OB-31C, phone 753-3177.

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

AMENDATORY SECTION (Amending Order 1818, filed 6/2/82)

WAC 388-28-392 COMMUNITY, SEPARATE, AND JOINTLY OWNED PROPERTY—~~((LABOR AND INDUSTRIES))~~ TIME-LOSS COMPENSATION—LIEN. (1) The department of social and health services (DSHS) is authorized to file a lien upon ~~((labor and industries))~~ the time-loss compensation payable to a recipient of public assistance.

Provisions of this section do not apply to persons when the person's eligibility for ~~((labor and industries))~~ time-loss benefits is based upon an injury or illness occurring prior to July 1, 1972.

(2) By accepting public assistance, a recipient is deemed to have subrogated to DSHS his or her right to recover ~~((net))~~ time-loss compensation. DSHS shall compute the department's claim for subrogation up to ~~((eighty))~~ one hundred percent of the lesser amount of either the public assistance or time-loss compensation paid, for the periods when both public assistance and time-loss are paid to the injured worker.

(a) When the public assistance unit is composed of several adults not married to each other, and the adults' dependents in an assistance unit, the claims for subrogation will be made as if the injured worker and his or her dependents were on a separate assistance grant.

(i) If the unmarried adults on a public assistance grant have a common child, that child will be counted as one of the injured worker's dependents.

(ii) If an injured worker or one of his or her dependents receives other income which is budgeted against the public assistance grant, the claim for subrogation will be made as if that other income were budgeted against continuing assistance for the injured worker and his or her dependents in the household.

(b) When the period of duplicated benefits from public assistance and time-loss compensation terminates, or if continuing assistance is paid to supplement time-loss compensation to bring the injured worker's income up to the grant payment standard, DSHS shall make no further claim under this lien against the time-loss compensation.

(c) In computing the amounts of claims for subrogation, DSHS shall compute the payments for time loss and public assistance paid for less than a full month on the actual number of days paid.

(3) A copy of the statement of lien and notice to ~~((the department of labor and industries to))~~ withhold and deliver time-loss compensation to DSHS shall be mailed to a recipient no later than ~~((three days))~~ the next business day after such statement has been sent to the department of labor and industries or the self-insurer.

(4) DSHS shall advise an applicant or recipient of the provisions of this section when it is known ~~((that))~~ such individual may be eligible for time-loss compensation from labor and industries or the self-insurer.

(5) Any person feeling himself or herself aggrieved by the action of DSHS in impounding his or her time-loss compensation shall have the right to a fair hearing as provided in chapter 388-08 WAC.

**WSR 85-15-086**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed July 23, 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 eyeglasses and examination, amending WAC 388-86-030;

that the agency will at 10:00 a.m., Wednesday, August 28, 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 September 4, 1985.

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

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 28, 1985.

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

David A. Hogan, Director  
 Division of Administration and Personnel  
 Department of Social and Health Services  
 Mailstop OB 14  
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, at State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by August 14, 1985. The meeting site is in a location which is barrier free.

Dated: July 19, 1985

By: David A. Hogan

Division of Administration and Personnel

**STATEMENT OF PURPOSE**

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-86-030.

Purpose of the Rule Change: To establish more effective controls over the eyeglass program.

Reason These Rules are Necessary: There is no effective control on the number of eye exams and eyeglasses requested and received by recipients.

Statutory Authority: RCW 74.08.090.

Summary of the Rule Change: Clarifies that services for which payment will be made includes examinations, fitting services and materials. The limitation of one refraction and one pair of glasses per year will apply to all programs. Lists specific services which require prior approval.

Person Responsible for the Drafting, Implementation and Enforcement of the Rule: Jim Sparks, Program

Manager, Division of Medical Assistance, HB-41, 753-7316.

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

AMENDATORY SECTION (Amending Order 1900, filed 11/4/82)

WAC 388-86-030 EYEGLASSES AND EXAMINATIONS.

(1) The department shall provide eye examinations and eyeglasses when a refractive error of sufficient magnitude exists to require corrective lenses. Payment for examinations, fitting services and materials shall be made on the basis of rates established by the department or through HMO or optical supplier contracts.

(2) ~~((Under the limited casualty program))~~ Only one refraction and one pair of glasses per eligible recipient will be provided during a twelve-month period, except for eye services provided under the EPSDT program, or in extenuating circumstances when medically necessary.

(3) Prior authorization by the ~~((ESO medical consultant))~~ office of the medical director or his designee ~~((in the county of residence))~~ is ~~((not))~~ required for ~~((eye examinations performed for the purpose of prescribing corrective lenses except in the provision of certain eyeglasses (lenses or frames)))~~ other special eyeglass services including but not limited to, contact lenses, low vision aids, executive bifocals and trifocals, artificial eyes and two pair of glasses in lieu of bifocal or trifocal lenses.

(4) ~~((Examinations, unless medically indicated, are limited to two in a twelve-month period, except for eye examinations and eyeglasses provided to recipients of EPSDT, see chapter 388-86 WAC.~~

~~((5-A))~~ The choice of frames is limited to frames listed in the current division of medical assistance numbered memoranda ~~((is offered recipients))~~ on that subject. Frames are not provided for cosmetic effect or psychological support.

~~((6))~~ (5) Sunglasses, photochromic or varalux type lenses and orthoptics therapy are not provided.

~~((7))~~ Two pair of glasses in lieu of bifocal or trifocal lenses are not provided.

~~((8))~~ Contact lenses and orthoptics therapy are not provided.

~~((9))~~ (6) Except for services as defined in WAC 388-86-027 group screening for eyeglasses is not permitted under the program.

**WSR 85-15-087**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed July 23, 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 hearing aids, amending WAC 388-86-040;

that the agency will at 10:00 a.m., Wednesday, August 28, 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 September 4, 1985.

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

The specific statute these rules are intended to implement is chapter 74.09 [74.08] RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 28, 1985.

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

David A. Hogan, Director  
Division of Administration and Personnel  
Department of Social and Health Services  
Mailstop OB 14  
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, at State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by August 14, 1985. The meeting site is in a location which is barrier free.

Dated: July 19, 1985

By: David A. Hogan

Division of Administration and Personnel

### STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.025.

Re: Amending WAC 388-86-040.

Purpose of the Rule Change: To remove the prior approval requirement for hearing aids.

Reason the Rule is Necessary: To provide more efficient service by removing unnecessary administrative procedures.

Statutory Authority: RCW 74.08.090.

Summary of the Rule Change: Deletes the requirements for authorization by the CSO for hearing aid evaluations and prior approval for hearing aids. Adds a cross reference for exception to limitations in subsection (1). Incorporates the recipients responsibilities into subsections (1)(a) and (1)(b) and removes reference to the limited casualty program.

Person Responsible for the Drafting, Implementation and Enforcement of the Rule: Jim Sparks, Program Manager, Division of Medical Assistance, HB-41, 753-7316.

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

### AMENDATORY SECTION (Amending Order 2063, filed 1/4/84)

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

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

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

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

(iii) ~~(When covered by a one-year warranty, and/or)~~ The recipient is responsible for purchase of batteries, any attachments and replacements.

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

(c) For exceptions to this subsection see WAC 388-87-027.

(2) ~~((Hearing aid evaluations are authorized on an individual basis by the CSO.))~~ Group screening for hearing aids is not permitted under the program.

(3) ~~((Prior approval is required for the purchase or trial period rental of hearing aids.~~

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

~~((5) After expiration of warranties, the owner is responsible for repairs and for purchase of batteries, any attachments and replacements. ((6)) (4) Individuals under age eighteen must be referred to the crippled children's service conservation of hearing program.~~

~~((7)) (5) Individuals twenty-one years of age and over may sign a waiver statement declining the medical evaluation for religious or personal beliefs that preclude consultation with a physician.~~

~~((8) Hearing aids are not provided to recipients of the limited casualty program.))~~

**WSR 85-15-088**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**VETERANS AFFAIRS**  
[Filed July 23, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Veterans Affairs intends to adopt, amend, or repeal rules concerning the Washington veterans home and the Washington soldiers home and colony;

that the agency will at 2:00 p.m., Tuesday, August 27, 1985, in the Auditorium, Washington Veterans Home, Retsil, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 29, 1985.

The authority under which these rules are proposed is RCW 43.60A.070.

The specific statute these rules are intended to implement is RCW 72.36.030, 72.36.080, 72.36.120 and 72.36.130.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 28, 1985.

Dated: July 23, 1985

By: John A. Reynolds

Assistant Director, Admin. Services

### STATEMENT OF PURPOSE

Proposed Rules Regarding: Admissions procedures, member rules of conduct, and the treatment of member assets and income at the Washington veterans home and the Washington soldiers home and colony.

Authority: RCW 43.60A.070.

Specific Statutes this Rule is Intended to Implement: RCW 72.36.030, 72.36.080, 72.36.120 and 72.36.130.

Summary of Proposed Amendments: WAC 484-20-010 Definitions, to add the definition of gross misconduct as substantial disregard for the rights of others or a disregard for the obligations/duties as a member of the home. To remove supplementary rules and add rules of conduct in a new section. WAC 484-20-015 Application for membership, to allow admission for a specified length of time. WAC 484-20-030 Eligibility—Military service, to conform with changes in RCW 41.04.005, making eligible those veterans who have served in nondeclared wars or insurrections. WAC 484-20-040 Eligibility—Property resources, increases the asset limitations for eligibility from \$1,500 to \$1,600. To allow the director to make exception to property limits, based not only on the recommendation of the superintendent, but also for good

cause shown. WAC 484-20-065 Use of income and assets of member, to require members to relinquish all income in excess of allowable income to the revolving fund. The amount given to the revolving fund is not to exceed the cost of care. Exceptions may be made for members on furlough or on therapeutic employment. Members who usually receive aid and attendance from VA, but who have lost this benefit due to excess assets, will contribute that same amount to the revolving fund monthly until they qualify for this benefit again. New subsection (7) contains and clarifies the provisions of WAC 484-20-125 now repealed, requiring members whose personal fund accumulates to the extent that they can financially provide for their care, may request a discharge or relinquish assets in excess of the cost of care for one year to the home. WAC 484-20-068 Duly constituted body, to establish a representative body for each home, representing each living unit resulting in a proportionate representation of members receiving domiciliary care, nursing care and soldiers home colony members. Representatives of each living unit are to be elected by the members of that living unit. In case of a vacancy, the superintendent shall select a replacement subject to confirmation by a majority of elected representatives. The superintendent shall chair the meeting, but shall have no vote. Meetings may be called by the superintendent or by request of the majority of the body. WAC 484-20-070 Revolving fund, a proposed budget will be prepared and presented to the duly constituted body for approval. When this budget is approved, the superintendent or his representative can make expenditures from the revolving fund in accordance with the approved budget. The budget must continue to fund existing civil service positions unless a RIF terminates a position and all appeal rights of that employee are exhausted. WAC 484-20-075 Aid and attendance account, the portion of each member's excess income which comes from aid and attendance benefits, will be deposited in the A and A account within the revolving fund. An amount of the excess income received from nursing care members who are not receiving A and A benefits, will also be deposited in the A and A account. An amount (equivalent to the housebound rates paid by VA) of the excess income from domiciliary care members who are also receiving direct care services, will also be deposited in the A and A account. WAC 484-20-085 Members' rights and rules of conduct—Notification, each member and employee will be furnished with a copy of the homes' policies regarding member rights and a copy of chapter 484-20 WAC. WAC 484-20-090 Rules of conduct, rules of conduct will be put into the WAC rather than having them listed in supplementary rules. Rules of conduct pertaining to health and safety: Emergency evacuation—Must leave buildings when alarms sound; Personal cleanliness—Persons and living areas must be clean; Electrical appliances—Only low-wattage appliances with acceptable safety features are allowed; Repair of rooms—Any alterations to rooms must be done by home staff; Alcohol - drugs—Possession or use of intoxicating beverages, narcotics, or controlled substances on the grounds of the homes without a physician's prescription is prohibited. Drugs which were

prescribed by a physician and are no longer being used by the member for whom prescribed will be turned in to the pharmacy. Beer and wine may be served and consumed on the grounds at certain home-sponsored activities within limitations set by the home administration; Weapons—Must be turned in to the administration. Possession is prohibited; and Animals—Possession or feeding of animals is prohibited. General rules of conduct: Visiting hours—Visiting hours for guests are 8:00 a.m. to 10:00 p.m. and may be extended if other members are not disturbed; Program listening—May be done in members' rooms provided volume level is not disturbing to others; Leave—Must sign out and in as appropriate. Member must stay in his/her room overnight before leaving again. Leaving without proper authorization or failure to return from leave on time makes the member absent without leave; Respect for property—No person may deface or destroy property, or take property which does not belong to him/her. Members are required to reimburse the home for theft and intentional or negligent injury to state property; Vehicle registration—All vehicles used on the home grounds must be registered with the home superintendent. All traffic and parking controls must be obeyed; Conduct between members and staff—Members will conduct themselves in an orderly, courteous, and cooperative manner at all times among themselves, with visitors, and with staff; and Attire of home members—Must meet acceptable standards. WAC 484-20-100 Violation—Investigation, reports of rule violation as described under WAC 484-20-085, or other misconduct, will be investigated by the superintendent or his designee. WAC 484-20-105 Penalties, the superintendent may impose penalties for violation of rules of conduct, from gross misconduct or for failure to comply with WAC 484-20-065, use of income and assets of member. Maximum time for restricting a member to the home grounds is changed from 30 to 60 days. This change would allow for a combination of penalties provided that the combined total time does not exceed 60 days. When determined appropriate by the superintendent, a reasonable requirement for signing in at designated intervals may be imposed during a period of restriction. WAC 484-20-110 Fair hearing, to allow any member who has had a penalty imposed upon him/her under WAC 484-20-105 to request a fair hearing either from the superintendent or the director. Disciplinary actions are to be deferred until the outcome of the appeal unless the member's conduct is a threat to the health and safety of others. The time limit for requesting a fair hearing is changed to 30 days after receiving notification of violation. The fair hearing must be held within 60 days of receipt of the request. Fair hearings will be conducted by an administrative law judge from the Office of Administrative Hearings and will give a proposed decision to the director. This change would allow notification of the hearing to be sent either by certified or registered mail. WAC 484-20-120 Discharge, a member may be discharged by the superintendent: When the member so requests; when the member appears to have sufficient financial ability to support himself or herself outside the home; when the member appears not to need the care and services of the home regardless of financial ability;

when the care requirements of the member cannot be provided by the home; for a conviction of a felony or gross misdemeanor; for repeated violation of the general rules of conduct; for gross misconduct whether or not it also violates the rules of conduct in WAC 484-20-090; absent without leave for more than 15 days; for failure to fulfill the requirement of any disciplinary action; and for failure to correct a condition within a reasonable length of time which violates any rule of conduct pertaining to the safety of members.

The following sections of the Washington Administrative Code are repealed: WAC 484-20-125 Discharge—Honorable; WAC 484-20-130 Discharge—Disciplinary; and WAC 484-20-155 Administrative appeal.

Agency Personnel Responsible for Drafting: John Reynolds, DVA, Olympia, mailstop ED-11; Implementation: Randy Fisher, DVA, Olympia, mailstop ED-11; and Enforcement: Dale Hoagland, Washington Soldiers Home, P.O. Box 500, Orting, WA 98360, and Herb Stumpf, Washington Veterans Home, Retsil, WA 98378.

Department of Veterans Affairs, governmental.

#### AMENDATORY SECTION (Amending Order 80-01, filed 7/17/80)

WAC 484-20-010 DEFINITIONS. ~~((1) Aid and attendance fund—Aid and attendance funds are~~

~~(a) those received by members from the veterans administration for the benefit of members for aid and attendance, and~~

~~(b) funds administered in accordance with WAC 484-20-065 through 484-20-075.~~

~~((2)) The following words or phrases are used in this chapter in the meaning given, unless the context clearly indicates another meaning.~~

~~(1) Allowable income—That minimal monthly income (not less than the) amount stipulated by RCW 72.36.120 and 72.36.130 which a member may keep for his or her personal use (except as delineated in WAC 484-20-065 and 484-20-075) and increased as provided in WAC 484-20-065.~~

~~((3)) (2) Department—The department of veterans affairs.~~

~~((4)) (3) Duly constituted body, representative of the members—A body elected by the general membership of the home which shall act for the general membership in those cases where the RCWs or these WACs so specify.~~

~~((5)) (4) Director—The director of the department of veterans affairs or his designee.~~

~~((6)) (5) Gross misconduct—Intentional or negligent conduct evidencing substantial disregard (a) for the interests of other home member(s), staff person(s), or visitor(s), or (b) for the offending member's duties and obligations as a member of the home.~~

~~(6) Member—An individual admitted to the Washington soldiers' home, the Washington soldiers' home colony or the Washington veterans' home.~~

~~(7) Superintendent—The superintendent of the Washington soldiers' home and colony and/or the superintendent of the Washington veterans' home.~~

~~((8) Supplementary rules—Rules published under the authority of the superintendents and pertaining to the personal conduct of members as provided by WAC 484-20-085.~~

~~(9) Supplementary policies and procedures—Policies and procedures published under authority of the superintendents which significantly affect the members.~~

~~(10) Veterans and soldiers home revolving funds—The repository for income in excess of allowable income which shall include an aid and attendance account.~~

~~((11) Administrative appeal—The request for reversal or modification of an administrative decision.)~~

#### AMENDATORY SECTION (Amending Order 80-01, filed 7/17/80)

WAC 484-20-015 APPLICATION FOR MEMBERSHIP. (1) An application for admission to membership in the Washington veterans' home, the Washington soldiers' home or the Washington soldiers' home colony shall be made to the superintendent on forms prescribed by the director. Admissions may be made for an indefinite or for a specified period of time.

(2) An applicant shall ~~((either))~~ submit ~~either~~ a copy of his or her military discharge or other acceptable proof of qualifying military service with the application ~~((or present a copy at the time of admission))~~. An individual whose eligibility is based on the military service of a spouse shall provide proof of the spouse's service.

(3) The superintendent shall review the application and the supporting evidence and make a recommendation to the director that the application be approved or disapproved. After the director's decision is made, the superintendent shall notify the applicant in writing of the decision. The superintendent may reject an application when the applicant fails to meet eligibility requirements for admission. If an applicant is denied admission, the document so informing him shall include a statement of the reason and authority for such denial.

(4) An applicant denied admission may, within thirty days of mailing of a written notification of denial, submit a written request for ~~((an appeal to))~~ reconsideration by the director.

(5) An applicant shall not be admitted without approval by the director.

(6) Subject to the availability of the appropriate level of care required, individuals shall be admitted in the order in which their applications are approved.

#### AMENDATORY SECTION (Amending Order 80-01, filed 7/17/80)

WAC 484-20-030 ELIGIBILITY—MILITARY SERVICE. (1) An applicant must have served

(a) In the armed forces of the United States government in any of its wars and have received an honorable discharge or received a discharge for physical reasons with an honorable record, or

(b) As a member of the state militia (Washington national guard), and have been disabled in line of duty without regard to wartime service, and have received an honorable discharge or received a discharge for physical reasons with an honorable record, or

(c) In any branch of the armed forces of the United States and have received the armed forces expeditionary medal, or marine corps and navy expeditionary medal, for opposed action on foreign soil and have received an honorable discharge or received a discharge for physical reasons with an honorable record.

(2) The inclusive dates referred to in subsection (1)(a) are

(a) Civil War – April 12, 1861, to May 26, 1865,

(b) Spanish-American War – April 21, 1898, to August 12, 1898,

(c) Philippine Insurrection – August 13, 1898, to July 4, 1902, or August 13, 1898, to July 15, 1903, if in Moro Province,

(d) Boxer Rebellion – June 10, 1900, to June 12, 1901,

(e) World War I – April 6, 1917, to November 11, 1918; extended to April 1, 1920, for those veterans who served in Russia; also extended through July 1, 1921, for those veterans who served after November 11, 1918, and before July 2, 1921, provided that such veterans had at least one day of service between April 5, 1917, and November 12, 1918,

(f) World War II – December 7, 1941, to December 31, 1946,

(g) Korean War – June 27, 1950, to January 31, 1955,

(h) Viet Nam – August 5, 1964, to August 7, 1975.

#### AMENDATORY SECTION (Amending Order 80-01, filed 7/17/80)

WAC 484-20-040 ELIGIBILITY—PROPERTY RESOURCES.

(1) To be eligible for membership an applicant may not possess cash or its equivalent, or equity in real or personal property with a total value in excess of ~~((51500))~~ \$1600 except as provided in subsections (2) through (4) of this section.

(2) ~~((Upon recommendation of the superintendent))~~ For good cause shown the director may authorize an exception to the limit in subsection (1) of this section.

(3) An applicant for membership in the colony of the state soldiers' home may not own real property except property within the Orting school district which is the domicile of the applicant(s).

(4) An applicant for membership in either home may own real property in excess of ~~((51500))~~ \$1600 provided such property is the domicile of the spouse and/or dependent children of the applicant.

AMENDATORY SECTION (Amending Order 80-01, filed 7/17/80)

WAC 484-20-065 USE OF INCOME ((BY)) AND ASSETS OF MEMBER. (1) ~~((A member who is receiving aid and attendance shall be charged an amount determined appropriate by the superintendent up to the cost of care per month with the funds so collected to be deposited in the aid and attendance account of the revolving fund.~~

~~(2) A member who receives nursing care, but does not receive a specific allowance from the veterans administration for aid and attendance shall contribute an amount to the aid and attendance account equivalent to the amount of aid and attendance allowance he/she would receive if entitled, spouses and surviving spouses receiving nursing care may be required to relinquish an amount equivalent to the amount a veteran is required to relinquish, provided that the aid and attendance charge may be reduced to an amount that will leave the member with sufficient funds to fully meet the member's needs.~~

~~(3)) Members shall relinquish monthly all income in excess of allowable income to the veterans' home or soldiers' home revolving fund except as outlined in subsection (4) of this section. The amount relinquished shall not exceed the total cost of care of the member determined consistent with subsection (7) of this section. The superintendent may make exceptions for income of individuals on furlough who are attempting to reestablish residency within the community and for earnings of members participating in therapeutic employment programs approved by the superintendent.~~

~~(2) Allowable income shall be increased by a portion of each future increase of the maximum annual income limitation as set for a single veteran without dependents as authorized by P.L. 95-588. ((Subsequent to June 30, 1980:)) The ((monthly)) increase will be determined by the formula  $P(\%) \times A/12$  rounded to the nearest dollar. ('P' equals the percent of increase, 'A' equals the amount of increase).~~

~~((4) Members shall contribute all income in excess of allowable income to the veterans home or soldiers home revolving fund except as outlined in subsection (2) except that such amount shall not exceed the total cost of care of the member. The superintendent may make exceptions for individuals on furlough who are attempting to reestablish residency within the community.~~

~~(5)) (3) Members shall be required to apply for any and all entitlements or benefits as soon as they become eligible or within ten working days of receiving a written directive to do so by the homes administration.~~

~~(4) A member may contribute toward the ((support)) necessary support of a ((nonresident)) nonmember spouse, dependent children or dependent parent an amount approved by the superintendent based on an itemized statement of the requirements of such relative(s). ((The needs of the dependents will take precedence over any requirement that the individual relinquish funds to the home.~~

~~(6) The provisions of this section do not apply to members of the soldiers' home colony.~~

~~(7) Individuals who are normally in receipt of aid and attendance allowance from the veterans administration and whose benefits have been discontinued as a result of their estate having exceeded the maximum authorized by the veterans administration, shall continue, during the period in which benefits are discontinued, pay from the estate the normal monthly amount of aid and attendance allowance to the aid and attendance account.)~~

~~(5) Individuals who are normally in receipt of income from the veterans administration and whose income has been discontinued as a result of their funds having exceeded the maximum authorized by the veterans administration, shall continue, during the period in which benefits are discontinued to pay from their estate the normal monthly amount of aid and attendance allowance to the aid and attendance account.~~

~~(6) The provisions of this section do not apply to members of the soldiers' home colony.~~

~~(7) A member who receives or accumulates funds in excess of the equivalent cost of his/her care at the home for one year based upon four times the total operating cost from the most recent quarter for which reports are readily available attributable to that member's level of care (i.e., domiciliary or nursing care) divided by the average member population for that level of care during the same quarter, must relinquish such excess assets to the revolving fund or request voluntary discharge.~~

~~(8) Members are required to disclose to the department all income and assets when requested by the homes' administration.~~

AMENDATORY SECTION (Amending Order 80-01, filed 7/17/80)

WAC 484-20-068 DULY CONSTITUTED BODY. ~~((The duly constituted body, representative of the members, shall be selected by a vote of the general home membership. One representative from each living unit (including the Washington Soldiers' Home Colony) shall constitute the body, representative of the members. Each level of care must be represented (light nursing, heavy nursing and domiciliary:))~~

~~(1) Each home shall have a duly constituted body representative of the home members established to approve revolving fund disbursements and to communicate to the home's administration member needs and concerns.~~

~~(2) The duly constituted body shall be composed of representatives elected annually, to serve for the succeeding calendar year.~~

~~(3) Representation of home members receiving domiciliary care, nursing care and soldiers home colony members shall make up the duly constituted body.~~

~~(4) Representatives will be elected from living units to be designated by the superintendent.~~

~~(5) Representatives from the living units shall be elected by members of that living unit.~~

~~(6) The members receiving the largest number of votes from each living unit shall be elected to the duly constituted body.~~

~~(7) In the event of a vacancy due to an insufficient number of members requesting to serve or the resignation, medical disability (established by the medical director at the home), death or discharge from the home, the superintendent shall select a member representative to fill such vacancy subject to confirmation by a majority of the elected representatives.~~

~~(8) The duly constituted body shall meet when called together on reasonable notice by the superintendent or his delegee. The presence of at least two-thirds of the representatives is necessary to constitute a quorum. The superintendent or his delegee shall chair meetings of the duly constituted body and the homes' administration but shall have no vote.~~

~~(9) On the written request of a majority of the duly constituted body the superintendent shall call a meeting to be held within fourteen days of the request for such meeting and shall provide notice to each representative.~~

AMENDATORY SECTION (Amending Order 80-01, filed 7/17/80)

WAC 484-20-070 VETERANS HOME OR SOLDIERS HOME REVOLVING FUND. (1) The superintendent shall deposit ~~((income in excess of allowable income))~~ all funds relinquished pursuant to WAC 484-20-065 in a revolving fund.

(2) Disbursement from the revolving fund shall be for the welfare and benefit of the members.

(3) Disbursement from the revolving fund shall be on authorization of the superintendent or his duly authorized representative after approval has been received from ((a)) the duly constituted body, representative of the members.

(4) A proposed budget shall be prepared for each fiscal year by the superintendent or a duly authorized representative which shall delineate income by sources and allocations by category ~~((which)).~~ This budget shall be ~~((approved by))~~ presented to the duly constituted body representative of the members ~~((If agreement between the superintendent and the duly constituted body cannot be reached, the director of the department of veterans affairs shall make the final determination on an appropriate allocation of funds and the appropriateness of budget disbursements and expenses. This section does not authorize unilateral relocation or disbursement of funds))~~ for approval. Approval of the budget shall constitute authority for the superintendent or his duly authorized representative to make disbursements from the revolving fund in accordance with the approved budget. If agreement between the superintendent and the duly constituted body cannot be reached the duly constituted body may appeal any budget item in dispute to the director, in which case the decision of the director shall be final.

(5) Expenditure of the revolving funds shall be subject to the provisions of state law and state personnel merit system rules. The revolving fund budget must contain continued funding for existing civil service positions until such time as the director or his delegee, either individually or pursuant to a good faith request from the majority of the duly constituted body, terminates position(s) through a reduction-in-force and all appeal rights of affected civil service employees have been exhausted.

(6) A quarterly report of the revolving fund activity shall be available for public inspection.

AMENDATORY SECTION (Amending Order 80-01, filed 7/17/80)

WAC 484-20-075 AID AND ATTENDANCE ACCOUNT. (1) The superintendent shall establish an aid and attendance account within the home's revolving fund. Expenditures from this account may be made exclusively in connection with provision of direct care services to the members(;) limited to nursing(;) and other health related care services.

(2) The portion of each members income in which is derived from a veterans administration aid and attendance allowance shall be deposited to the aid and attendance account within the revolving fund.

(3) An amount, equivalent to the nursing care aid and attendance allowance payable to a veteran under Public Law 95-588, for nursing care members, shall be deposited to the aid and attendance account of the revolving fund.

(4) An amount, equivalent to housebound rates payable under Public Law 95-588, of income of domiciliary members receiving direct care services in addition to those services provided to all domiciliary members shall be deposited to the aid and attendance account of the revolving fund.

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-20-085 MEMBERS' RIGHTS AND ((RESPONSIBILITIES)) RULES OF CONDUCT--NOTIFICATION. ((+)) Each new home member and new employee shall be ((advised in writing of the following supplementary rules

(a) his rights and responsibilities;  
(b) acts prohibited in the institution;  
(c) disciplinary action which may be taken in the event of misconduct and of the member's right to request a fair hearing pursuant to WAC 484-20-105.

(2) Each member shall be provided with a copy of the rules in this chapter and of any supplementary rules adopted pursuant to WAC 484-20-090. Copies of all rules shall be conspicuously posted in the home.) furnished with the home's policies regarding member rights and with a copy of chapter 484-20 WAC.

AMENDATORY SECTION (Amending Order 80-01, filed 7/17/80)

WAC 484-20-090 ((SUPPLEMENTARY RULES--PROMULGATION)) RULES OF CONDUCT. ((The superintendent of each home shall promulgate supplementary rules not inconsistent with the substance and intent of the rules in this chapter provided such supplementary rules have been approved in writing by the director or designee before being put into effect. Further, rules relating to the personal conduct of the members shall have approval of a duly constituted body representative of the members.)) Members of the homes are required to comply with the following rules of conduct:

(1) Rules of conduct pertaining to health and safety.  
(a) Emergency evacuation. Any time a fire or alarm is sounded, domiciliary members must evacuate the building immediately and report to the designated evacuation area. He/she will not be permitted to return to the evacuated building until informed that he/she may do so by an authorized person. Nursing care unit members must follow the instructions of the nursing staff.

(b) Personal cleanliness. Members must maintain their person, belongings, rooms, and jointly-shared toilet areas in such a manner so as not to reasonably offend their neighbors or create fire, health, and/or sanitation problems. Each domiciliary member is responsible for the cleanliness and sanitation of his own person and his own living quarters. When vacated, the room shall be left in a clean condition. Each domiciliary member is responsible for proper disposition of waste and refuse which is accumulated in his room.

(c) Electrical appliances. Only low wattage electrical appliances such as television sets, electric clocks, electric razors, fans of 150 watts or less with acceptable finger guards, radios, audio and/or video recorders, and disc playing machines may be used in members' rooms. Use of any other electric equipment requires the written approval of the superintendent.

(d) Repair of rooms. Any alterations or repairs required, including the hanging of pictures, must be done by home staff. Connection of television sets to the home's master antenna system by anyone other than authorized personnel is prohibited. A similar prohibition applies

to any tampering with the master antenna system or any of its components. Requests for such repairs and/or installations must be made through a building captain.

(e) Alcohol - drugs. Possession or use of intoxicating beverages (except as authorized below), narcotics, or controlled substances on the grounds of the Washington veterans' homes without a physician's written prescription is prohibited. Drugs which were prescribed by a physician but which are no longer used by the member to whom they were issued, shall be turned in to the home pharmacy. Beer and wine may be served and consumed on the grounds at certain home-sponsored activities within limitations set by the home administration.

(f) Weapons. Members possessing firearms, ammunition, explosive or dangerous weapons must turn them in to the administration office. Possession of any of these items on the home grounds is prohibited.

(g) Animals. Possession or feeding of animals on home grounds is prohibited except when specifically sanctioned by the superintendent.

(2) General rules of conduct.

(a) Visiting hours. Visiting hours for guests are 8:00 a.m. to 10:00 p.m. These may be extended if other members are not disturbed.

(b) Program listening. Radios, television sets, and tape recording-playing devices may be used in members' rooms, provided that volume levels are kept at a level that does not disturb others. Between the hours of 10:00 p.m. and 7:00 a.m., volume on such equipment must be reduced to match reduced noise levels in the general surroundings so that others will not be disturbed. The use of headphones, while not required, is strongly encouraged for those who wish to use such equipment after 10:00 p.m.

(c) Leave. Members leaving the grounds for any purpose must sign out with the building captain, C.Q., or appropriate nurses' station in such a manner as prescribed by the home administration. Upon returning, the member must sign in again. After returning from pass or furlough, the member must stay in his/her room overnight before permission to go on pass or furlough can be granted, except in the case of emergency. Leaving the grounds without proper authorization, or failure to return from pass or furlough at the prescribed time without obtaining permission for an extension, makes the member absent without official leave. Members being admitted to the home must remain in their rooms overnight before pass or leave privileges may be exercised unless an exception is granted by the administration.

(d) Respect for property. No person may deface or destroy walls, buildings, trees, shrubbery, fences, grounds, or any other property or possessions belonging to the state of Washington or to any other person. Appropriation of the property of another person, corporate entity or the state of Washington without permission is also prohibited. Members are required to reimburse the home for theft and intentional or negligent injury to state property.

(e) Vehicle registration. Vehicles kept on home grounds must be registered annually with the administration of the home. Members who drive on the home grounds must possess a valid Washington state driver's license and must provide proof of ownership and/or registration. The requirement to register applies to vehicles owned by members, owned by another and registered in the name of the member, and any vehicle regardless of ownership that is regularly in the possession of the member. Vehicles must have current license tags and they must display the home identification sticker. All traffic and parking control signs must be obeyed. Members must comply with the provisions of the Washington state financial responsibility law.

(f) Conduct between members and staff. Members will conduct themselves in an orderly, courteous, and cooperative manner at all times among themselves, with visitors, and with staff members. Obscene, sexually or racially demeaning, or threatening language, or behavior, or any physically assaultive behavior, directed at another person, whether on the grounds or off the grounds during a home-sponsored activity, will be considered a violation of this rule. Members will obey all valid instructions directed at them by staff acting in an officially authorized capacity. This includes member employees in positions of authority.

(g) Attire of home members. Members must dress in a manner so as not to reasonably offend the sensitivity of others when outside their rooms.

AMENDATORY SECTION (Amending Order 80-01, filed 7/17/80)

WAC 484-20-100 VIOLATION--INVESTIGATION. Reports of possible rule violations ((of supplementary rules)) shall be investigated by the superintendent or designee. The superintendent charging a violation of the rules or other misconduct by a member shall have the

burden of establishing the violation by clear, cogent and convincing evidence.

#### AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-20-105 PENALTIES. The superintendent may impose penalties for the violation of ~~((supplementary rules))~~ rules of conduct, for gross misconduct or for willful failure to comply with any responsibility placed upon them by WAC 484-20-065; such penalties may include:

(1) Restricting the member to the home grounds for a maximum of ~~((thirty))~~ sixty days ~~((or))~~;

When determined appropriate by the superintendent, a reasonable requirement for signing in at designated intervals may be imposed during a period of restriction.

(2) An enforced furlough to a maximum of sixty days ~~((or))~~;

(3) ~~((Discharge from the home))~~ A combination of penalties in subsections (1) and (2) of this section provided the combined total time does not exceed sixty days;

(4) Transfer to another DVA home or colony;

(5) Discharge from a home pursuant to WAC 484-20-120.

#### AMENDATORY SECTION (Amending Order 80-01, filed 7/17/80)

WAC 484-20-110 FAIR HEARING. (1) Any member ~~((dissatisfied with the determination of violation by the superintendent, or the penalty imposed, if any, as a result of this chapter.))~~ upon whom a penalty has been imposed under WAC 484-20-105 may request a fair hearing from the superintendent or the director. A member who desires a fair hearing shall request such hearing within thirty days after receiving notice from the superintendent as to the determination of violation and penalty, if any. Disciplinary sanctions imposed pursuant to this chapter shall be deferred until the outcome of any such appeal except where, in the judgment of the superintendent or other person acting in his absence, the member's conduct is a threat to the health and safety of others.

(2) A request for fair hearing may be made either verbally or in writing and may be filed in the office of the superintendent or the director. If made verbally, such a request shall promptly be reduced to writing.

(3) All requests for fair hearings shall:

(a) Specify the date of the written notice penalty which is being appealed from;

(b) Specify as precisely as possible the issues to be adjudicated at the fair hearing;

(c) Set forth the address of the member ~~((:))~~ and his/her representative or attorney if any; and

(d) Be signed by the member ~~((:))~~ or his/her representative or attorney.

(4) ~~((At any time after the filing of the request, the member shall have the right of access to and may examine any files and records of the home regarding the case which contain information which is relevant and material to the grievance. This right of access and examination shall extend to the member's representative or attorney if so authorized in writing by the member. All evidence to be used by the home or colony at the hearing, as well as the case file of the applicant, must be made available upon request at least five days prior to the date of the hearing.~~

~~((5))~~ A fair hearing ~~((in accordance with the provisions of chapter 388-08 WAC))~~ shall be held, within ~~((thirty))~~ sixty days after receipt of the request ~~((and shall be held either)),~~ in the home or colony in which the client resides ~~((or in the county in which he has been receiving services)).~~ The fair hearing shall be conducted pursuant to chapter 10-08 WAC by ~~((a hearing officer appointed by the director for such purposes))~~ an administrative law judge from the office of administrative hearings who shall issue a proposed decision for consideration by the director. If the parties cannot satisfactorily agree on informal procedures for discovery, the administrative law judge may issue orders specifying the conditions under which discovery shall proceed.

~~((6))~~ The department shall notify a member who has requested a fair hearing of the time and place of said hearing at least ten days prior to the time thereof by registered mail or by personal service upon said member, unless agreed otherwise in writing by the member and the department.

(7) In the fair hearing any party shall be entitled to be represented by counsel and shall be entitled to introduce evidence and to cross-examine witnesses.

~~((8))~~ Rules of evidence:

~~((a))~~ All relevant and material evidence is admissible at fair hearings which in the opinion of the hearing officer is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. In passing upon the admissibility of evidence the officer conducting the hearing shall give consideration to, but shall not be bound to follow, rules of evidence governing civil proceedings.

~~((b))~~ When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The hearing officer may, at his/her discretion, either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the precise ground of objection at the time evidence is offered.

~~((c))~~ The record of the hearing shall contain all evidence, whether oral or documentary, upon which the final decision is based. The final decision shall not take into consideration any evidence or information not introduced as evidence at the hearing and included in the record of the hearing.

~~((d))~~ Documentary evidence may be received in the form of copies and excerpts or through incorporation by reference.

~~((9))~~ The department shall not be required to pay fees or mileage to witnesses appearing at fair hearings.

~~((10))~~ The department or the hearing officer may take, or cause to be taken, depositions and interrogatories for use as evidence in the fair hearing when such action will expedite any fair hearing.

~~((11))~~ Any party who desires a continuance shall immediately upon receipt of a notice of hearing, or as soon thereafter as facts requiring such continuance come to his knowledge, notify the department or its designated hearing officer of said desire, stating in detail the reasons why such continuance is necessary. The department or its hearing officer, in passing upon a request for continuance, shall consider whether such request was promptly and timely made. The department or its hearing officer may grant a continuance for good cause shown, and may at any time order a continuance upon its own motion. If during the hearing it appears that further testimony or argument should be received in the interest of justice, the hearing officer conducting the hearing may, at his discretion, continue the hearing and fix the date for introduction of additional evidence or presentation of argument.

~~((12))~~ A member shall have the right to withdraw his appeal at any time prior to the hearing officer's decision by filing a written notice of withdrawal with the department. If, after being duly notified of a hearing a member or his representative fails to appear, the appeal shall be considered abandoned and dismissed for failure to prosecute.

~~((13))~~ The fair hearing shall be closed to the public, with only the hearing officer, the member and his representative, the member's witnesses, and the department's representatives and witnesses in attendance, unless the client has made a written request to the department that the hearing be open to the public.

~~((14))~~ In any fair hearing proceedings, the hearing officer may at his discretion direct the parties or their representatives to appear at a specified time and place for a conference to consider a simplification of the issues involved, the possibility of obtaining stipulations, admissions of fact, and relevant documents, and such other matters as may aid in efficient disposition of the proceedings.

~~((15))~~ In the absence of controverting evidence, the hearing officer may, upon request made during a fair hearing officially notice:

(a) General customs and practices followed in the transaction of business;

(b) Facts generally and widely known to all informed persons as are not subject to reasonable dispute;

(c) The disposition of any proceedings then pending before or previously concluded by the department;

(d) Matters within the technical knowledge of the department as a body of experts, or pertaining to its duties, responsibilities, or jurisdiction.

~~((16))~~ (5) The ~~((department))~~ administrative law judge shall, within thirty days after the date of the fair hearing, ~~((notify the member in writing of its))~~ issue a proposed decision and notify the member and director. Such notification shall include a concise statement of the nature of the proceedings, contain appropriate findings of fact and conclusions of law, and specify in reasonable detail the reasons for the decision.

~~((17))~~ (6) In computing any period of time prescribed or allowed by department rules or by applicable statutes, the date of the act, event or decision after which the designated period of time begins to run is not included. The last day of the period so computed is to be included

unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a legal holiday.

(7) Any party adversely affected by a proposal for decision may file written argument and exception with the director. Written argument and exception must be filed within fifteen days from the date the proposal for decision was mailed to the parties. Such fifteen-day period may be extended by the director or his or her designee upon motion of a party when the motion is filed during the fifteen-day period and good cause for the extension is shown. Good cause includes mistake, inadvertence, and excusable neglect on the part of the moving party or unavoidable casualty or misfortune preventing the moving party from timely filing. Upon a showing of good cause either party may file exception and argument within thirty days of the date the proposed decision was mailed to the parties.

(8) The director, or his or her designee, shall personally consider the whole record or such portions of the record as are cited by a party or parties in exception and argument. The director or designee shall render the final department decision. The director or designee may accept additional evidence to correct omissions in the record upon his or her own motion or the motion of a party. The director or designee may remand the proceedings to the administrative law judge for the taking of additional evidence or argument.

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-20-120 DISCHARGE. A member may be discharged ((from the home)) by the superintendent.

- (1) When the member so requests;
  - (2) When the member has sufficient financial ability to support himself or herself outside the home;
  - (3) When the member no longer needs the care and services of the home, regardless of financial ability;
  - (4) When the care requirements of the member cannot be provided by the home;
  - (5) For failure to comply with the provisions of WAC 484-20-065, use of income and assets of member;
  - (6) For conviction of a felony or gross misdemeanor;
  - (7) For repeated violation of the general rules of conduct, WAC 484-20-090;
  - (8) For gross misconduct whether or not such conduct also violates the rules of conduct, WAC 484-20-090;
  - (9) When a member has been absent without leave for a period in excess of fifteen days;
  - (10) For failure to fulfill the requirement of any disciplinary sanction;
  - (11) For failure to correct a condition which violates any rule of conduct pertaining to health and safety of members, staff, or visitors to the home within a reasonable time specified in a written notice to the member from a staff member acting in an official capacity, including member employees in positions of authority which notice specifies that discharge may accompany such failure.
- The discharge shall be reduced to writing. If the discharge is disciplinary, it shall state the reasons for the action.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 484-20-125 DISCHARGE—HONORABLE.
- WAC 484-20-130 DISCHARGE—DISCIPLINARY.
- WAC 484-20-155 ADMINISTRATIVE APPEAL.

**WSR 85-15-089**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(General Provisions)**  
 [Filed July 24, 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 labor camp certification of occupancy, new WAC 440-44-100;

that the agency will at 10:00 a.m., Wednesday, September 18, 1985, in the Auditorium, Cascade Natural Gas, 614 North Mission, Wenatchee, WA 98801, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 25, 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 September 18, 1985.

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

David A. Hogan, Director  
 Division of Administration and Personnel  
 Department of Social and Health Services  
 Mailstop OB 14  
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, at State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by September 4, 1985. The meeting site is in a location which is barrier free.

Dated: July 22, 1985

By: David A. Hogan

Division of Administration and Personnel

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.025.

Re: New WAC 440-44-100.

Purpose of the Rule or Rule Change: To establish fees for labor camp certificates of occupancy.

Reason These Rules are Necessary: To establish a fee schedule for labor camp certificates of occupancy.

Statutory Authority: RCW 42.20A.055 [43.20A.055].

Summary of the Rule or Rule Change: Establishes labor camp certificate of occupancy fees.

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

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

The subject rules are not compliance regulations. The fees are necessary to carry out the provisions of chapter 248-63 WAC, standards for labor camps, as enforced by DSHS. The labor camp certificate of occupancy fees are based upon the size of the camp and the costs to the department for the required regulatory activity. This new rule will have no adverse economic impact on small businesses; therefore, no economic impact statement is required under the Regulatory Fairness Act.

NEW SECTION

WAC 440-44-100 LABOR CAMP CERTIFICATE OF OCCUPANCY FEES. Annual certificate fees for the state-administered program shall be:

Size of Facility (number of units)	Annual Fee
5-15	\$ 70
16-35	120
36-55	180
56 or more	225

**WSR 85-15-090**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2259—Filed July 24, 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 general assistance, amending chapter 388-37 WAC.

This action is taken pursuant to Notice No. WSR 85-12-026 filed with the code reviser on May 31, 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 July 23, 1985.

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

AMENDATORY SECTION (Amending Order 2152, filed 9/17/84)

WAC 388-37-030 CONTINUING GENERAL ASSISTANCE—ELIGIBLE PERSONS. When other eligibility has been established, continuing general assistance shall be granted to:

(1) Incapacitated persons. As used in this section, incapacitated person means a person physically, emotionally, or mentally unable to work as a result of a condition expected to continue for at least sixty days from date of application, except as provided in WAC 388-37-038 (1) through (4). Incapacity refers to the individual's capacity to earn income by employment. It does not refer to the availability or lack of job opportunities.

(a) Eligible individuals are:

(i) An incapacitated single person age eighteen or older.

(ii) A married couple if both persons are incapacitated.

(iii) The incapacitated spouse in the case of a married couple when only one person is employable. The income and resources of the employable spouse shall be considered as described in WAC 388-28-500 (2)(a) and (b).

~~((iv) Persons in approved drug or alcoholism treatment programs may be eligible for less than a sixty-day period in accordance with the terms of their treatment plan, as provided in WAC 388-37-038 (3) and (4).))~~

(b) An incapacitated individual must accept and follow through on required available medical treatment, which can reasonably be expected to render him or her able to work, unless there is good cause for failure to do so.

The department shall make the "good cause" determination based on the criteria in WAC 388-37-037(4).

~~((Individuals found to be incapacitated due to alcoholism or drug abuse must be participating in an approved alcoholism or certified drug treatment program, unless there is good cause for failure to do so.))~~

(c) An incapacitated individual may also receive medical services provided under the state-financed medical care services program as defined in WAC 388-86-120.

(2) Effective August 23, 1983, pregnant women who:

(a) Meet all income and resource eligibility criteria for the federal aid to dependent children program; and

(b) Are in their first or second trimester of pregnancy and categorically eligible for a federal aid medical assistance program; or

(c) Are members of two-parent households during a time when the aid to dependent children-employable program is in effect, but do not meet categorical eligibility for AFDC-E. These women may receive a continuing general assistance grant and medical assistance under the state-financed medical care services program for the duration of their pregnancy.

AMENDATORY SECTION (Amending Order 2152, filed 9/17/84)

WAC 388-37-060 CONGREGATE CARE—ALCOHOLISM TREATMENT. (1) For persons eligible for congregate care, see WAC 388-15-562.

(2) Alcoholism treatment is provided to the detoxified alcoholic in congregate care facilities for which the treatment program has been approved by the state. Treatment may be:

(a) Intensive inpatient treatment services for thirty days or less.

(b) Long-term services in a nonintensive program in an extended care recovery house for one hundred and eighty days. This program may be extended in individual cases.

(c) Residential rehabilitative services in a recovery house setting for up to sixty days.

(3) An individual's need for alcoholism treatment in either a privately or publicly operated facility shall be determined by:

(a) Evaluation and recommendation ~~((of a state-approved community alcoholism center))~~ by a qualified alcoholism counselor employed in a state approved intensive alcoholism treatment facility, halfway house, or outpatient treatment program, or

(b) A court order.

(4) Persons receiving services in an intensive alcoholism treatment program shall not be required to participate in the cost of care. Following the month of admission income of individuals receiving recovery house or extended care recovery house rehabilitative services shall be considered according to the rules applicable to the program under which the benefits are received.

#### NEW SECTION

**WAC 388-37-100 PROGRESSIVE EVALUATION PROCESS.** (1) Unless medical documentation requirements are waived by WAC 388-37-038, the department will determine the existence, severity, and duration of incapacity for the general assistance-unemployable (GAU) program using a step-by-step evaluation process. Each step of the process will be applied sequentially, until a decision to approve or deny has been made. This process will be hereinafter referred to as the progressive evaluation process (PEP).

(2) There are seven steps to the progressive evaluation process. Each individual will be evaluated using the same sequence of steps as set forth in WAC 388-37-110 through 388-37-190 and using as many steps as necessary to reach a decision as to whether or not incapacity exists.

(a) Step I involves a review of the medical evidence received to ensure the requirements are met in accordance with WAC 388-37-035.

(b) Step II is used to assign an overall mental severity rating.

(c) Step III is used to assign physical severity ratings.

(d) Step IV assigns one overall severity rating for each individual when a combination of impairments exists.

(e) Step V is used to determine the present mental and/or physical functional capacities of the individual.

(f) Step VI reviews the possibility that the individual can still do some type of relevant past work.

(g) Step VII assesses the ability of the individual to perform other work when the individual is not capable of doing any relevant past work and is less than fifty-five years of age.

#### NEW SECTION

**WAC 388-37-110 DETERMINATION OF SEVERITY—GENERAL DEFINITIONS.** (1) Severity of a medical impairment is defined as the degree to which an individual is restricted in ability to perform basic work-related activities as measured on a scale from one to five.

(2) Basic work-related activities are: Sitting, standing, walking, lifting, carrying, handling, seeing, hearing, communicating, and understanding and following instructions.

(3) The five severity ratings are defined as follows:

(a) A severity rating of "01" means no impairment has been identified by clear objective medical information. The ability to engage in the basic work-related activities is not restricted.

(b) A severity rating of "02" means a mild impairment exists which would not significantly interfere with the basic work-related activities.

(c) A severity rating of "03" means a moderate impairment exists, resulting in a significant interference with one or more of the basic work-related activities.

(d) A severity rating of "04" means a marked impairment exists, resulting in a very significant restriction of the ability to perform one or more of the basic work-related activities.

(e) A severity rating of "05" means the ability to perform one or more of the basic work-related activities is absent.

(4) One overall severity rating is determined for each individual based on an assessment of the severity of each diagnosed impairment and an assessment of whether the effect of multiple impairments significantly interferes with one or more basic work-related activities.

(a) Individuals with an overall severity rating of "01" or "02" shall be considered capable of gainful employment and shall not be eligible for GAU, subject to the provisions in WAC 388-37-050(2).

(b) Individuals with an overall severity rating of "03" or "04" may or may not be incapacitated from gainful employment, depending on a further assessment of functional capacities and vocational factors.

(c) Individuals with an overall severity rating of "05" shall be considered incapacitated and eligible for GAU.

(5) All decisions to deny incapacity based on the progressive evaluation process are subject to the provisions in WAC 388-37-050(2).

#### NEW SECTION

**WAC 388-37-115 PROGRESSIVE EVALUATION PROCESS STEP I—REVIEW OF MEDICAL DOCUMENTATION.** The department will review medical documentation prior to making a determination of incapacity in order to insure the following requirements have been met:

(1) The medical report must contain sufficient information on which to determine incapacity per WAC 388-37-035(2). If the information received is not sufficient to determine incapacity, the department can require complete information before any incapacity decision is made.

(2) The medical report must be a written report from an authorized medical professional.

(3) The impairment(s) must be expected to last at least sixty days from the date of application.

(4) The medical report must document the existence of a potentially incapacitating condition.

#### NEW SECTION

**WAC 388-37-120 PROGRESSIVE EVALUATION PROCESS STEP II—SEVERITY OF MENTAL IMPAIRMENTS.** If a mental impairment is claimed, the severity rating of the mental or emotional disorder shall be determined on the basis of psychosocial and treatment history, clinical findings, results of special tests, and professionally observed symptomatology which indicate impairment of ability to perform basic work-related activities.

(1) A diagnosis of mental retardation shall be assigned a severity rating as follows:

(a) An IQ of 85 or above will be considered within normal limits and will be rated "01".

(b) An IQ of 70 to 84 will be considered as borderline intellectual functioning and will be rated "03".

(c) An IQ of 69 or below will be rated "05".

(d) When more than one IQ score (e.g., verbal and performance scores) is reported on a standardized IQ test, the severity rating will be based on the lowest of these scores.

(2) Individuals diagnosed as having organic brain damage shall be assigned a rating based on the most severe of the following three areas of impairment:

(a) Marked memory defect for recent events.

(b) Impoverished, slowed, perseverative thinking, with confusion or disorientation.

(c) Labile, shallow, or coarse affect.

(3) The severity of a functional psychotic or nonpsychotic disorder shall be based on a clinical assessment of these twelve symptoms: Depressed mood, suicidal trends, expression of anxiety or fear, expression of anger, social withdrawal, motor agitation, motor retardation, paranoid behavior, hallucinations, thought disorder, hyperactivity/elation, and physical complaints; and an overall assessment of the intensity and pervasiveness of these symptoms and their effect on ability to perform work-related activities.

(a) An individual shall be assigned a minimum rating of "03" when at least one of the above symptoms is present and one or more of the following conditions are met:

(i) A diagnosis of psychotic disorder has been made; or

(ii) The individual has been hospitalized for psychiatric reasons two or more times within the preceding two years; or

(iii) The individual has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months duration within the preceding two years; or

(iv) The individual is considered as at least moderately impaired by three or more of the symptoms listed above; or

(v) The individual is considered as at least moderately impaired in the overall assessment of intensity and pervasiveness of these symptoms.

(b) An individual shall be assigned a minimum rating of "04" when the overall assessment of the intensity and pervasiveness of these symptoms is marked, or when it is moderate and three or more of the above symptoms are present to a marked degree or more.

(c) An individual shall be assigned a rating of "05" when the overall assessment of the intensity and pervasiveness of these symptoms is severe or when it is marked and three or more of the above symptoms are present to a severe degree.

(4) When an individual is diagnosed as being impaired in more than one area (i.e., mental retardation, organic brain damage, or functional disorder), one mental rating shall be assigned based on ratings in each of the three areas according to the following:

(a) An individual with at least two moderate impairments or at least one moderate and one marked impairment is considered to have an overall mental severity rating of "04".

(b) An individual with at least two marked impairments is considered to have an overall mental severity rating of "05".

(5) Based on the overall mental severity rating a determination of incapacity may be made as follows:

(a) An individual with no significant claimed physical impairment and an overall mental severity rating of "01" or "02" is not eligible for GAU, provided the overall functioning level appears consistent with this rating.

(b) An individual with an overall mental severity rating of "05", who meets the time limits in WAC 388-37-030(1), is eligible for GAU regardless of whether there is a significant claimed physical impairment, provided the overall functioning level appears consistent with this rating.

(c) An individual with an overall mental severity rating of "03" or "04" and no significant claimed physical impairment must be evaluated to determine how functional capacity is affected by the mental impairment.

(d) An individual with an overall mental severity rating of "01", "02", "03" or "04", who claims a significant physical impairment, must have the severity of the physical impairment evaluated, if necessary to determine incapacity.

#### NEW SECTION

WAC 388-37-130 PROGRESSIVE EVALUATION PROCESS STEP III—SEVERITY OF PHYSICAL IMPAIRMENTS. (1) If a physical impairment is claimed the severity rating of the physical disorder shall be determined on the basis of current medical evidence which provides an objective description of an individual's medical condition.

(2) Each diagnosed impairment shall be assigned a severity rating based on the following method:

(a) The examining physician's estimated severity rating will be used when the following three conditions are met:

(i) The doctor's rating is substantiated by and is consistent with the medical evidence provided; and

(ii) The doctor's assessment of functional capacities is consistent with the given severity rating as defined in WAC 388-37-110; and

(iii) No evidence to the contrary exists either within the same evaluation or another current evaluation on the same individual.

(b) When the doctor has not assigned a severity rating or that rating does not meet the conditions in (a) of this subsection, the department shall assign a rating based on the medical assessment of functional capacities in conjunction with the severity ratings as defined in WAC 388-37-110.

(3) Based on the severity rating of each physical impairment, a determination of incapacity will be made as follows:

(a) An individual with no physical impairment rated higher than "02" and whose overall functioning level

appears consistent with the rating, shall not be eligible for GAU.

(b) An individual with a severity rating of "05" for any impairment, who meets the time limits in WAC 388-37-030(1), is eligible for GAU, provided the overall functioning level appears consistent with this rating.

(c) An individual with only one physical impairment with a severity of "03" or "04" and no significant mental impairment must be evaluated to determine how functional capacity is affected by the physical impairment.

(d) The effect of multiple significant physical impairments or a combination of significant mental and physical impairments will be determined according to WAC 388-37-140.

#### NEW SECTION

WAC 388-37-135 ALCOHOLISM/DRUG ADDICTION. (1) Unless otherwise exempted by WAC 388-37-038 (3) or (4), individuals claiming incapacity due to alcoholism or drug addiction will be required to provide medical evidence in accordance with WAC 388-37-035 which substantiates impaired ability to perform basic work-related activities. Supplemental evidence from a professional alcohol or drug counselor may be requested as needed to further assess the condition(s) and/or to recommend appropriate treatment.

(2) Severity of physical impairments associated with alcoholism or drug addiction shall be assessed according to WAC 388-37-130.

(3) Severity of organic brain syndrome associated with alcoholism or drug addiction shall be assessed according to WAC 388-37-120(2).

(4) Severity of functional nonpsychotic mental and emotional disorders associated with alcoholism or drug addiction shall be assessed according to WAC 388-37-120(3).

(5) Individuals found to be incapacitated due to alcoholism or drug addiction must participate in an approved alcoholism or certified drug treatment program, unless there is good cause for failure to do so.

#### NEW SECTION

WAC 388-37-140 PROGRESSIVE EVALUATION PROCESS STEP IV—MULTIPLE IMPAIRMENTS. (1) When an applicant has more than one diagnosed impairment rated "03" or "04," but none rated "05," one overall rating shall be determined as follows:

(a) Each diagnosis shall be classified according to body system based upon International Classification of Diseases (ICD), 9th Revision.

(b) If all the diagnosed impairments are classified within the same body system, the overall severity rating will be equal to the highest rated impairment within that system.

(2) If more than one body system is involved (including mental disorders), the overall severity will be determined by the following, using the highest rating from each body system:

(a) An individual with at least two moderate impairments or at least one marked and one moderate impairment is considered to have an overall severity rating of "04".

(b) An individual with at least two marked impairments is considered to have an overall severity rating of "05".

(3) Based on the overall severity rating, a determination of incapacity is made as follows:

(a) An individual with an overall severity rating of "05," who meets the time limits in WAC 388-37-030(1) is eligible for GAU.

(b) Individuals with a severity rating of "03" or "04" must be evaluated to determine how their multiple physical and/or mental impairments affect their functional capacity.

#### NEW SECTION

WAC 388-37-150 PROGRESSIVE EVALUATION PROCESS STEP V—FUNCTIONAL CAPACITIES—MENTAL IMPAIRMENTS. (1) Functional capacities of persons with mental impairments with an overall severity rating of "03" or "04" are evaluated in terms of two factors:

(a) Cognitive factors include the ability to understand, remember, and follow instructions; learn new tasks; exercise judgment and make decisions; and perform routine tasks without undue supervision.

(b) Social factors include ability to relate appropriately to coworkers and supervisors, interact appropriately in public contacts, tolerate the pressures of a work setting, care for self and maintain appropriate behavior in a work setting.

(2) If an individual is at least moderately impaired in his/her ability to understand, remember and follow simple instructions and is at least moderately limited in his/her ability to learn new tasks, exercise judgment, and make decisions, and perform routine tasks without undue supervision, the individual is considered eligible for GAU. If no moderate impairment exists in these areas, social factors will be assessed.

(3) If the individual can understand, remember, and follow simple one or two step instructions, but is at least moderately impaired in his/her ability to understand, remember, and follow complex three or more step instructions, and is markedly limited in his/her ability to learn new tasks, exercise judgment and make decisions, and perform routine tasks without undue supervision, the individual is considered eligible for GAU. If no marked limitation exists in these areas, social factors will be assessed.

(4) If there is no impairment or a mild impairment in the ability of the individual to understand, remember and follow both simple and complex instructions, social factors will be assessed.

(5) Responses given by the psychiatrist or mental health professional concerning the applicant's social functional limitations are assessed by the department. If a combination of significant limitations exists in the area of social functioning which preclude gainful employment, the individual is considered eligible for GAU.

(6) Individuals who are not eligible for GAU on the basis of significant impairment of functional capacities, shall have their ability to perform relevant past work evaluated according to WAC 388-37-180.

#### NEW SECTION

**WAC 388-37-160 PROGRESSIVE EVALUATION PROCESS STEP V—FUNCTIONAL CAPACITIES—PHYSICAL IMPAIRMENTS.** For individuals with a physical impairment with an overall severity rating of "03" or "04," the department shall consider the effect of the physical impairment(s) on the ability to perform work-related activities. Functional capacities will be assessed on the basis of the individual's exertional, exertionally-related and nonexertional physical limitations. For any limitation to be considered, it must be substantiated by the medical evidence and directly related to the diagnosed impairment(s).

(1) Physical impairments which limit exertion are those which result in the restriction of activities such as standing, walking, lifting, and carrying. As defined in this section, occasional lifting means less than one-third of the time and frequent lifting means one-third to two-thirds of the time. Levels of exertion are divided into the following four categories:

(a) **Sedentary:** A person is in this category when capable of lifting ten pounds maximum or severely restricted in ability to stand and/or walk for a total of six hours in an eight-hour work day.

(b) **Light:** A person is in this category when capable of occasionally lifting twenty pounds maximum with frequent lifting and/or carrying of objects weighing up to ten pounds, or moderately restricted in ability to stand and/or walk for a total of six hours in an eight-hour work day.

(c) **Medium:** A person is in this category when capable of occasionally lifting fifty pounds maximum with frequent lifting and/or carrying of objects weighing up to twenty-five pounds and is unrestricted or mildly restricted in ability to stand and/or walk for a total of six hours in an eight-hour day.

(d) **Heavy:** A person is in this category when capable of occasionally lifting one hundred pounds or more, with frequent lifting and/or carrying of objects weighing up to fifty pounds, and is unrestricted in ability to stand and/or walk a total of six hours in an eight-hour work day.

(2) Physical impairments which may limit exertionally-related abilities are those which cause restrictions in mobility, agility or flexation, including balancing, handling, stooping, pulling, pushing, reaching, and sitting.

(3) Nonexertional physical limitations include any limitation not listed in subsections (1) and (2) of this section. These include, but are not limited to, sensory impairments, allergies, seizure disorders, etc., such as seeing, hearing, environmental restrictions, or ability to operate dangerous machinery.

(4) Based on an individual's physical exertional, exertionally-related and nonexertional limitations, an evaluation will be made of the individual's ability to

perform relevant past work according to WAC 388-37-180.

#### NEW SECTION

**WAC 388-37-170 EVALUATION OF VOCATIONAL FACTORS FOR STEPS VI AND VII.** (1) The vocational factors used in evaluating incapacity are age, education, and work experience.

(2) Vocational factors are considered only when an overall severity rating of an "03" or "04" has been determined.

(3) Educational factors refer primarily to formal schooling or other training which contributes to the individual's ability to meet vocational requirements. The following classifications are used when evaluating the educational level of an individual:

(a) **Illiteracy** refers to the inability to read or write. An individual who is able to sign his or her name, but cannot read or write a simple communication (e.g., instructions, inventory lists) is considered illiterate. Generally, an illiterate person has little or no formal schooling (six years or less).

(b) **Limited education.** Absent evidence to the contrary, a seventh grade through the eleventh grade of formal education is considered a limited education.

(c) **High school education and above.** Absent evidence to the contrary, these educational capacities qualify an individual for work at a semi-skilled through skilled level of job complexity. A General Education Equivalency Degree (GED) falls into this category.

(4) **Work experience.**

(a) Work experience is evaluated to see if it constitutes relevant past work. Relevant past work is any work normally done for pay or profit in the past five years. To be "relevant," a job must have been done for a period long enough to show that the worker had the ability to do that type of work on an ongoing basis (i.e., at least thirty days for unskilled work; at least three months for semi-skilled work; at least six months for skilled work).

(b) Jobs held for very brief periods of time (less than thirty days), work done in a sheltered workshop or with other special considerations, and the duties of a student or housewife are not counted as relevant work experience.

(c) A job history which includes many jobs held for short periods of time, even though long enough to meet the time criteria for the skill level of the job, may or may not constitute relevant past work. Consideration must be given to the reasons for frequent job changes and the nature of the work or skill involved.

#### NEW SECTION

**WAC 388-37-180 PROGRESSIVE EVALUATION PROCESS STEP VI—EVALUATION OF CAPACITY TO PERFORM PAST WORK.** (1) Prior to considering age and educational factors, the ability of an individual to perform relevant past work will be assessed in relation to current functional capacities.

(2) All of the individual's relevant past work shall be evaluated to determine exertional and skill requirements for each job.

(a) If the individual is currently able to perform at the exertional and skill levels of one or more of his/her relevant past jobs, other cognitive, social, and/or nonexertional requirements of the job will be considered.

(b) An individual will be ineligible for GAU if he or she is still capable of performing the necessary physical and/or mental activities required of a relevant past job or other work for which he or she has recently acquired specific skills through successful completion of vocational training.

(c) An individual at least moderately impaired and age fifty-five or older who is unable to meet the physical and/or mental demands of any relevant past work, or has no relevant past work, shall be considered incapacitated and eligible for GAU.

(d) If the individual is currently unable to meet the mental and/or physical demands of any of his/her past jobs and is under age fifty-five, he/she is evaluated for capacity to do other work.

#### NEW SECTION

WAC 388-37-190 PROGRESSIVE EVALUATION PROCESS STEP VII—ASSESSMENT OF CAPACITY TO PERFORM OTHER WORK. (1) Individuals with a severity rating of "03" or "04" whose incapacity has not yet been determined by Step VI, shall be assessed for possible referral for an administrative review.

(2) The department shall approve GAU for individuals who have a significant physical limitation and:

- (a) Are limited to sedentary work; or
- (b) Are limited to light work, and are:
  - (i) Age fifty or older; or
  - (ii) Age thirty-five or older and cannot speak, read, or write English; or
  - (iii) Age eighteen or older, with less than a twelfth grade education and no relevant past work; or
- (c) Are limited to medium work, and are age fifty or older, with less than a twelfth grade education and no relevant past work; or
- (d) Can do heavy work and are age fifty-five or older.

(3) The department shall approve GAU for individuals who have a significant mental impairment, and:

- (a) Are age fifty or older and have at least a "moderate" limitation in the ability to relate appropriately to coworkers and supervisors and a "marked" limitation in the ability to respond appropriately to and tolerate the pressures and expectations of a normal work setting; or
- (b) Are age eighteen to fifty-four and have a "severe" limitation in the ability to respond appropriately to and tolerate the pressures and expectations of a normal work setting; or

(c) Are age eighteen to forty-nine and have a severity rating of "04" and at least one of the twelve symptoms identified in WAC 388-37-120(3) listed as "severe" and have a "moderate" limitation in the ability to relate appropriately to coworkers and supervisors and a "marked" limitation in the ability to respond appropriately to and

tolerate the pressures and expectations of a normal work setting.

(4) The department shall approve GAU for the individual who has both a significant mental and a significant physical limitation when either of those impairments meet the criteria in subsections (2) and (3) of this section, except that:

(a) The age requirement in subsection (3)(a) of this section does not apply; and

(b) The individual may have relevant past work.

(5) All individuals who do not meet the criteria under subsection (2), (3), or (4) of this section and who have either a significant mental or significant nonexertional physical impairment shall have their incapacity determined by administrative review.

(a) This review will be performed by at least two departmental designees.

(b) Criteria for this review includes, but is not limited to, an assessment of all available medical information along with any vocational factors which may pose a barrier to employment.

(6) All individuals who do not meet the criteria under subsection (2), (3), (4), or (5) of this section are not considered incapacitated for GAU.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-37-036 INCAPACITY—FUNCTIONAL, MENTAL, AND EMOTIONAL DISORDERS.

**WSR 85-15-091**  
**PROPOSED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
 [Filed July 24, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning SPI—Access to public records, chapter 392-105 WAC;

that the agency will at 9:00 a.m., Tuesday, August 27, 1985, in the Old Capitol Building, Wanamaker Conference Room, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 5, 1985.

The authority under which these rules are proposed is RCW 42.17.250, 42.17.260 and 42.17.320.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 27, 1985.

Dated: July 24, 1985  
 By: Frank B. Brouillet  
 Superintendent of Public Instruction

## STATEMENT OF PURPOSE

Rule: Chapter 392-105 WAC, SPI—Access to public records.

Rule Section(s): WAC 392-105-003 Description of organization.

Statutory Authority: RCW 42.17.250, 42.17.260 and 42.17.320.

Purpose of the Rule(s): To describe agency organization.

Summary of the New Rule(s) and/or Amendments: WAC 392-105-003 Description of organization—Transfers certification responsibilities from assistant superintendent for special services to deputy superintendent and clarifies responsibility for Chapter I and Chapter II federal programs.

Reasons Which Support the Proposed Action(s): Mini-reorganization of agency.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Implementation and Enforcement: Frank B. Brouillet, SPI, 4-6904.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: No.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): [No information supplied by agency.]

AMENDATORY SECTION (Amending Order 82-12, filed 9/14/82)

## WAC 392-105-003 DESCRIPTION OF ORGANIZATION.

(1) The superintendent of public instruction is a constitutional officer of the state charged with supervision over all matters pertaining to public schools. The superintendent of public instruction is also the statutory chief executive officer of the state board of education. Administrative offices of the superintendent of public instruction and the state board of education are located in Olympia, Washington.

(2) Organization of the superintendent of public instruction's office is divided into four operating divisions, the office of the deputy superintendent of public instruction, and the office of the secretary (executive director) to the state board of education.

(a) The office of the secretary (executive director) to the state board of education keeps the records for all board proceedings. The secretary to the state board of education is appointed by the state board of education.

(b) The office of the deputy superintendent of public instruction directs and coordinates the activities of the four operating divisions of the agency, the offices of professional education and certification, and several agency-wide support services sections. The deputy superintendent of public instruction is appointed by and reports directly to the superintendent of public instruction.

(c) The division of financial services is managed by an assistant superintendent. This person is appointed by the superintendent of public instruction and reports to the deputy superintendent. The division administers state apportionment and school building assistance to the school districts, maintains agency accounts, jointly with the state auditor develops accounting manuals for school districts and educational service districts, budget forms for school districts and educational services districts (ESDs) and administers the school systems statewide financial reporting and accounting systems, provides technical assistance to school districts for accounting and budgetary systems, and administers the school lunch, pupil transportation, and federal accounts programs.

(d) The instructional programs and services division is managed by an assistant superintendent. This person is appointed by the superintendent of public instruction and reports to the deputy superintendent. The division provides a wide range of technical assistance services to

school districts in the development of basic education programs, learning resources and multicultural/equity. In addition, the division has responsibility for supervising and managing supplementary federal education programs, including Chapter 1—Migrant and Chapter 2 and for administering the state's traffic safety program.

(e) The special services (~~and professional programs~~) division is managed by an assistant superintendent. This person is appointed by the superintendent of public instruction and reports to the deputy superintendent. The division assists school districts in the development of gifted programs and health services programs and pupil personnel services, supervises the federal and state special education programs in the schools and state institutions, maintains liaison with private schools regarding all agency programs, manages the institutional education programs, and remediation programs, including the (~~the~~) Chapter 1—Regular programs (~~and supervises professional education and certification~~).

(f) The vocational-technical and adult education services division is managed by an assistant superintendent. This person is appointed by the superintendent of public instruction and reports to the deputy superintendent. The division administers the approval process for vocational-technical programs and procedures for distribution of federal and state funds. It also provides technical services for adult basic, industrial arts, career education, educational clinics, and community schools programs.

## WSR 85-15-092

## PROPOSED RULES

SUPERINTENDENT OF  
PUBLIC INSTRUCTION

[Filed July 24, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning Finance—Group total salary and insurance benefits compliance, chapter 392-127 WAC;

that the agency will at 9:00 a.m., Tuesday, August 27, 1985, in the Old Capitol Building, Wanamaker Conference Room, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 5, 1985.

The authority under which these rules are proposed is RCW 28A.58.095.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 27, 1985.

Dated: July 24, 1985

By: Frank Brouillet

Superintendent of Public Instruction

## STATEMENT OF PURPOSE

Rule: Chapter 392-127 WAC, Finance—Group total salary and insurance benefits compliance.

Rule Section(s): WAC 392-127-260, 392-127-360, 392-127-295, 392-127-395, 392-127-550 and 392-127-650.

Statutory Authority: RCW 28A.58.095.

Purpose of the Rule(s): To ensure no school district board of directors shall provide group total salary and insurance benefit increases that violate RCW 28A.58.095(1).

Summary of the New Rule(s) and/or Amendments: WAC 392-127-260 Definition—Certificated Group II,

clarifies the definition of a certificated Group II employee; 392-127-360 Definition—Classified Group II, clarifies the definition of a classified Group II employee; 392-127-295 Definition—Prior school year certificated average annual insurance benefits—For certificated Group I, this revision allows the prior year insurance benefits to be at least the amount stated in the appropriations act for compensation purposes times 12. Previously, the definition was only based on the prior year insurance benefits for current staff even if this amount was less than the amount stated in the appropriations act for compensation purposes times 12; 392-127-395 Definition—Prior school year classified average annual insurance benefits—For classified Group I, this revision allows the prior year insurance benefits to be at least the amount stated in the appropriations act for compensation purposes times 12. Previously, the definition was only based on the prior year insurance benefits for current staff even if this amount was less than the amount stated in the appropriations act for compensation purposes times 12; 392-127-550 Certificated group compliance process—Compliance of insurance benefits—Direct comparison, this revision provides an additional comparison for testing insurance benefits compliance. In addition to a comparison with the amount stated in the appropriations act for compensation purposes, the district shall be in compliance if those Group I employees who are above the amount of insurance benefits stated in the appropriations act for compensation purposes times 12 were held to their prior year level in the current year; and 392-127-650 Classified group compliance process—Compliance of insurance benefits—Direct comparison, this revision provides an additional comparison for testing insurance benefits compliance. In addition to a comparison with the amount stated in the appropriations act for compensation purposes, the district shall be in compliance if those Group I employees who are above the amount of insurance benefits stated in the appropriations act for compensation purposes times 12 were held to their prior year level in the current year.

Reasons Which Support the Proposed Action(s): Provide consistency between the application of chapters 392-126 and 392-127 WAC.

Person or Organization Proposing the Rule(s): Superintendent of Public Instruction, government.

Agency Personnel Responsible for Drafting: Ralph Julnes, Legal, 753-2298; Implementation: Perry G. Keithley, Financial Services, 753-6742; and Enforcement: Bruce P. Mrkvicka, School Apportionment and Research, 753-6708.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: No.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): [No information supplied by agency.]

#### AMENDATORY SECTION (Amending Order 84-31, filed 8/13/84)

WAC 392-127-010 PURPOSE. The purpose of this chapter is to set forth policies and procedures to ensure that no school district board

of directors shall provide group total salary and insurance benefit increases that violate the provisions of RCW 28A.58.095(1) which implement the requirements of the state Operating Appropriations Act.

#### AMENDATORY SECTION (Amending Order 84-31, filed 8/13/84)

WAC 392-127-260 DEFINITION—CERTIFICATED GROUP II. As used in this chapter, "certificated Group II" means the group composed of:

- (1) All certificated nonsupervisory employees; and
- (2) Those certificated supervisory employees who are represented by a collective bargaining agent or agents who also represent certificated nonsupervisory employees.

#### AMENDATORY SECTION (Amending Order 84-31, filed 8/13/84)

WAC 392-127-295 DEFINITION—PRIOR SCHOOL YEAR CERTIFICATED AVERAGE ANNUAL INSURANCE BENEFITS—FOR CERTIFICATED GROUP I. As used in this chapter, "prior school year certificated average annual insurance benefits" means the greater of:

- (1) The insurance benefit amount authorized in the state Operating Appropriations Act for compensation purposes multiplied by twelve months per full-time equivalent staff unit; or
- (2) The insurance benefits calculated in the following manner:
  - ~~((+))~~ (a) Determine the annual insurance benefits for each individual certificated employee assigned to certificated Group I in the same position(s) held by the employee in the current school year;
  - ~~((+))~~ (b) Determine the total of the annual insurance benefits obtained in ~~((subsection +))~~ (a) of this ~~((section))~~ subsection;
  - ~~((+))~~ (c) Divide the result obtained in ~~((subsection +))~~ (b) of this ~~((section))~~ subsection by the district's number of full-time equivalent certificated employees assigned to certificated Group I ~~((and~~
  - ~~(4) The result obtained in subsection (3) of this section is the prior school year certificated average annual insurance benefits for certificated Group I).~~

#### AMENDATORY SECTION (Amending Order 84-31, filed 8/13/84)

WAC 392-127-360 DEFINITION—CLASSIFIED GROUP II. As used in this chapter, "classified Group II" means the group composed of:

- (1) All classified nonsupervisory employees; and
- (2) Those classified supervisory employees who are represented by a collective bargaining agent or agents who also represent classified nonsupervisory employees.

#### AMENDATORY SECTION (Amending Order 84-31, filed 8/13/84)

WAC 392-127-395 DEFINITION—PRIOR SCHOOL YEAR CLASSIFIED AVERAGE ANNUAL INSURANCE BENEFITS—FOR CLASSIFIED GROUP I. As used in this chapter, "prior school year classified average annual insurance benefits" means the greater of:

- (1) The insurance benefit amount authorized in the state Operating Appropriations Act for compensation purposes multiplied by twelve months per full-time equivalent staff unit; or
- (2) The insurance benefits calculated in the following manner:
  - ~~((+))~~ (a) Determine the annual insurance benefits for each individual classified employee assigned to classified Group I in the various district-assigned job classifications occupied by the employee in the current school year;
  - ~~((+))~~ (b) Determine the total of the annual insurance benefits obtained in ~~((subsection +))~~ (a) of this ~~((section))~~ subsection;
  - ~~((+))~~ (c) Divide the result obtained in ~~((subsection +))~~ (b) of this ~~((section))~~ subsection by the district's number of full-time equivalent classified employees assigned to classified Group I ~~((and~~
  - ~~(4) The result obtained in subsection (3) of this section is the prior school year classified average annual insurance benefits for classified Group I).~~

#### AMENDATORY SECTION (Amending Order 84-31, filed 8/13/84)

WAC 392-127-550 CERTIFICATED GROUP COMPLIANCE PROCESS—COMPLIANCE OF INSURANCE BENEFITS—DIRECT COMPARISON. Compliance for insurance benefits shall be calculated by comparing the current school year certificated average annual insurance benefits for the certificated Group I employees to the insurance benefits authorized in the Operating Appropriations Act for compensation purposes multiplied by twelve. The district shall be in

compliance with the certificated insurance benefits provided if the current school year certificated average annual insurance benefits for certificated Group I employees is equal to or less than the insurance benefits authorized in the Operating Appropriations Act for compensation purposes multiplied by twelve.

In the event the school district's current school year certificated average annual insurance benefits exceed the insurance benefits authorized in the Operating Appropriations Act for compensation purposes multiplied by twelve, ((compliance with insurance benefits shall be calculated by comparing the current school year certificated average annual insurance benefits for certificated Group I employees to the prior school year certificated average annual insurance benefits provided by the school district for certificated Group I employees. The district shall be in compliance with the certificated insurance benefits if the current school year certificated average annual insurance benefits for certificated Group I employees is equal to or less than the prior school year certificated average annual insurance benefits provided by the school district for certificated Group I employees)) the district shall be in compliance with this section if:

(1) For those certificated Group I employees whose prior school year insurance benefits exceeds the insurance benefits authorized in the Operating Appropriations Act for compensation purposes multiplied by twelve, the average of those employees' current school year insurance benefits does not exceed the average of these employees' prior school year insurance benefits; and

(2) For those certificated Group I employees whose prior school year insurance benefits were equal to or less than the insurance benefits authorized in the Operating Appropriations Act for compensation purposes multiplied by twelve, the average of these employees' current school year insurance benefits does not exceed the insurance benefits authorized in the Operating Appropriations Act for compensation purposes multiplied by twelve.

#### AMENDATORY SECTION (Amending Order 84-31, filed 8/13/84)

WAC 392-127-565 CERTIFICATED GROUP COMPLIANCE PROCESS—CALCULATION OF PENALTY FOR NONCOMPLIANCE ON SALARIES. If the superintendent of public instruction has determined that a school district has violated the group total salary and insurance benefits compliance relative to certificated salaries, the superintendent of public instruction shall direct the assistant superintendent for financial services to withhold for the current school year the amount calculated by multiplying the result obtained in WAC 392-127-545 by the current school year certificated average annualized salary for certificated Group II. The result obtained is then multiplied by the district's number of full-time equivalent staff calculated for certificated Group I. The result is further multiplied by the number of months the salary increase is provided in the Operating Appropriations Act currently in effect divided by twelve. The result obtained shall be the amount to be withheld. The amount to be withheld shall be entered as a negative adjustment to the next monthly apportionment payment after the district receives written notification that the funds are to be withheld.

#### AMENDATORY SECTION (Amending Order 84-31, filed 8/13/84)

WAC 392-127-650 CLASSIFIED GROUP COMPLIANCE PROCESS—COMPLIANCE OF INSURANCE BENEFITS—DIRECT COMPARISON. Compliance for insurance benefits shall be calculated by comparing the current school year classified average annual insurance benefits for the classified Group I employees to the insurance benefits authorized in the Operating Appropriations Act for compensation purposes multiplied by twelve. The district shall be in compliance with the classified insurance benefits provided if the average current school year classified annual insurance benefits for classified Group I employees is equal to or less than the insurance benefits authorized in the Operating Appropriations Act for compensation purposes multiplied by twelve.

In the event the school district's current school year classified insurance benefits exceed the insurance benefits authorized in the Operating Appropriations Act for compensation purposes multiplied by twelve, ((compliance for insurance benefits shall be calculated by comparing the current school year classified average annual insurance benefits for classified Group I employees to the prior school year classified average annual insurance benefits provided by the school district for classified Group I employees. The district shall be in compliance with the classified insurance benefits if the current school year classified average annual insurance benefits for classified Group I employees is equal to or

less than the prior school year classified average annual insurance benefits provided by the school district for classified Group I employees)) the district shall be in compliance with this section if:

(1) For those classified Group I employees whose prior school year insurance benefits exceeds the insurance benefits authorized in the Operating Appropriations Act for compensation purposes multiplied by twelve, the average of those employees' current school year insurance benefits does not exceed the average of these employees' prior school year insurance benefits; and

(2) For those classified Group I employees whose prior school year insurance benefits were equal to or less than the insurance benefits authorized in the Operating Appropriations Act for compensation purposes multiplied by twelve, the average of these employees' current school year insurance benefits does not exceed the insurance benefits authorized in the Operating Appropriations Act for compensation purposes multiplied by twelve.

#### AMENDATORY SECTION (Amending Order 84-31, filed 8/13/84)

WAC 392-127-665 CLASSIFIED GROUP COMPLIANCE PROCESS—CALCULATION OF PENALTY FOR NONCOMPLIANCE ON SALARIES. If the superintendent of public instruction has determined that a school district has violated the group total salary and insurance benefits compliance relative to classified salaries, the superintendent of public instruction shall direct the assistant superintendent for financial services to withhold for the current school year the amount calculated by multiplying the result obtained in WAC 392-127-645 by the current school year classified average annualized salary for classified Group II. The result obtained is then multiplied by the district's number of full-time equivalent staff calculated for classified Group I. The result is further multiplied by the number of months the salary increase is provided in the Operating Appropriations Act currently in effect divided by twelve. The result obtained shall be the amount to be withheld. The amount to be withheld shall be entered as a negative adjustment to the next monthly apportionment payment after the district receives written notification that the funds are to be withheld.

### WSR 85-15-093

#### PROPOSED RULES

#### DEPARTMENT OF CORRECTIONS

[Filed July 24, 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 transfer of citizens of foreign countries, adopting chapter 137-67 WAC.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 3, 1985.

The authority under which these rules are proposed is RCW 72.68.010.

The specific statute these rules are intended to implement is RCW 43.06.350 and 72.68.010.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 27, 1985.

Dated: July 19, 1985

By: Robert E. Trimble  
for Amos E. Reed  
Secretary

#### STATEMENT OF PURPOSE

Title and Purpose of Rule: Adopt chapter 137-67 WAC, Transfer of citizens of foreign countries.

Statutory Authority: RCW 72.68.010.

Statute Implemented: RCW 43.06.350 and 72.68.010.

Summary of Rule: To establish the process by which inmates of adult corrections institutions may apply for transfer to their countries of citizenship or origin.

Person Responsible for Drafting Rule: Robert W. Sampson, Administrator, Office of Contracts and Regulations, Department of Corrections, FN-61, Olympia, Washington 98504, (206) 753-5770; Implementing and Enforcing: Walter L. Kautzky, Director, Division of Prisons, Department of Corrections, FN-61, Olympia, Washington 98504, (206) 753-1502.

Person or Organization Proposing the Rule: Department of Corrections.

Agency Comments and Recommendations: None.

The adoption of this rule is not necessitated by federal law or federal or state court action.

The adoption of this rule will have no economic impact on small businesses.

Chapter 137-67 WAC

TRANSFER OF CITIZENS OF FOREIGN COUNTRIES

WAC

137-67-010	Purpose.
137-67-015	Definitions.
137-67-020	Request for transfer.
137-67-025	Initial notification.
137-67-030	Process for application.
137-67-035	Referral by the secretary to the Office of International Affairs, Criminal Division, Department of Justice.
137-67-040	Verification hearing.
137-67-045	Return to state custody.

NEW SECTION

WAC 137-67-010 PURPOSE. The rules in this chapter establish the process for inmates of adult correctional institutions to apply for transfer to their countries of citizenship or origin in accordance with RCW 43.06.350.

NEW SECTION

WAC 137-67-015 DEFINITIONS. (1) "Department" is the department of corrections.

(2) "Adult correctional institution" and "institution" is a facility identified in RCW 72.01.050(2) and any similar facility hereafter established.

(3) "Secretary" is the secretary of the department of corrections or the secretary's designee.

(4) "Director" is the director of the division of prisons of the Washington state department of corrections or the director's designee.

(5) "Superintendent" is a superintendent of an adult correctional institution or the superintendent's designee.

(6) "Treaty nation" is a country which has entered into a treaty with the United States on the execution of penal sentences.

(7) "Treaty" is a treaty under which an offender, sentenced in the courts of one country, may be transferred to the country of which the offender is a citizen or national, for the purpose of serving the sentence.

(8) "Country of origin or citizenship" is the country in which the inmate was born or in which the inmate has duly recognized citizenship.

(9) "OIA" is the Office of International Affairs, Criminal Division, United States Department of Justice.

(10) "United States" is the United States of America.

(11) "Detainer" is a hold or request for notification placed by any local, state, or federal law enforcement, penal, or prosecutorial agency based on untried charges, parole or probation violation, escape, unexpired sentence, bond-jumping, or any other fugitive matter.

NEW SECTION

WAC 137-67-020 REQUEST FOR TRANSFER. An inmate committed to the Washington corrections system who is a citizen of a

foreign country may make an application for a voluntary transfer to the inmate's country of origin or citizenship, provided the following conditions exist:

- (1) The inmate is able to establish citizenship in a treaty nation;
- (2) The inmate voluntarily requests the transfer;
- (3) There is no unresolved detainer lodged against the inmate;
- (4) There is no pending fine or restitution obligation imposed on the inmate by a court of competent jurisdiction in the United States;
- (5) There is no pending or actual sentence for civil contempt against the inmate; and
- (6) There is no pending appeal or collateral attack on the underlying sentence or sentences which form the basis of the inmate's custody.

NEW SECTION

WAC 137-67-025 INITIAL NOTIFICATION. At the time of admission to the Washington corrections center, the orientation information given to all inmates will include information on international offender transfers. An inmate who is a citizen of a treaty nation will be informed of the existing treaty and be provided with the opportunity to indicate an interest or noninterest in a transfer to the inmate's country of origin or citizenship on an application form provided by the department. Whenever possible, the form will be bilingual or translated into the inmate's native language. The application will be processed consistent with the purpose and provisions of the applicable treaty.

NEW SECTION

WAC 137-67-030 PROCESS FOR APPLICATION. After the inmate's foreign country citizenship has been verified and that country has been identified as a treaty nation, the superintendent will forward the inmate's application for transfer and the verification of citizenship to the director. All applications for international transfer will be submitted by the director to the secretary for final department approval and recommended to the governor or the governor's designee pursuant to RCW 43.06.350.

NEW SECTION

WAC 137-67-035 REFERRAL BY THE SECRETARY TO THE OFFICE OF INTERNATIONAL AFFAIRS, CRIMINAL DIVISION, DEPARTMENT OF JUSTICE. After approval of an inmate's application for transfer by the governor or the governor's designee, the secretary will refer the inmate's application to OIA.

NEW SECTION

WAC 137-67-040 VERIFICATION HEARING. Following OIA approval and approval of the treaty country, the inmate will be referred by OIA to a United States magistrate or a United States district court judge, or other appointed United States official to assure and document the inmate's voluntary request for transfer. Federal authorities will complete the necessary procedures to effect voluntary transfer under the applicable treaty and laws of the United States.

NEW SECTION

WAC 137-67-045 RETURN TO STATE CUSTODY. If for any reason an inmate's transfer is determined to be invalid, the state of Washington will reaccept the inmate for imprisonment for the remainder of the inmate's original sentence.

**WSR 85-15-094  
PROPOSED RULES**

**UTILITIES AND TRANSPORTATION  
COMMISSION**

[Filed July 24, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities and Transportation Commission intends to adopt, amend, or repeal rules relating to customer-owned telephones, WAC 480-120-137. The proposed alternate sections are shown below as Appendix A, Cause No. U-

85-45. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed rule on economic values, pursuant to chapter 43.21H RCW and WAC 480-08-050(17);

that the agency will at 9:00 a.m., Wednesday, August 28, 1985, in the Commission's Hearing Room, Sixth Floor, Highways-Licenses Building, Olympia, Washington, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 80.01.040 and 80.04.160.

The specific statute these rules are intended to implement is RCW 80.36.140.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 23, 1985.

Dated: July 24, 1985

By: Paul Curl  
Acting Secretary

#### STATEMENT OF PURPOSE

In the matter of adopting WAC 480-120-137 relating to customer-owned telephones.

The rules proposed by the Washington Utilities and Transportation Commission are to be promulgated pursuant to RCW 80.01.040, 80.04.160 and 80.36.140 which direct that the commission has authority to implement the provisions of chapter 80.36 RCW.

The rules proposed by the Washington Utilities and Transportation Commission are designed to authorize customer-owned pay telephones to be connected to the networks of telecommunications companies operating within the state of Washington.

Paul Curl, Acting Secretary, Seventh Floor, Highways-Licenses Building, Olympia, Washington, telephone number (206) 753-6420, and members of his staff were responsible for the drafting of the proposed rules and will be responsible for implementation and enforcement of the proposed rules.

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

There are no comments or recommendations being submitted inasmuch as the proposal is pursuant to legislative authorization reflected in RCW 80.01.040, 80.04.160 and 80.36.140.

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

The rule change proposed will affect no economic values.

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

#### APPENDIX "A"

##### Alternate I

#### NEW SECTION

WAC 480-120-137 CUSTOMER-OWNED PAY TELEPHONES. Every telecommunications company operating an exchange

within the state of Washington shall allow customer-owned pay telephones to be connected to the company's network for purposes of interconnection and use of registered devices for interstate communications. Every such telecommunications company shall have tariffs on file with the commission which shall allow the connection of customer-owned pay telephones to the interstate network under the following terms and conditions.

For purposes of these rules, the term "subscriber" is defined as a party subscribing for a pay telephone access line for the purpose of connecting a customer-owned pay telephone to a local exchange.

(1) Customer-owned pay telephones must be connected to the company network in compliance with Part 68 of the Federal Communications Commission rules and regulations and the current National Electric Code and National Electric Safety Code.

(2) The caller will be able to access the operator and 911 where available.

(3) The subscriber shall ensure that the customer-owned pay telephone is compatible for use with hearing aids and its installation complies with all applicable federal, state, and local laws and regulations concerning the use of telephones by disabled persons.

#### Alternate II

#### NEW SECTION

WAC 480-120-137 CUSTOMER-OWNED PAY TELEPHONES-INTERSTATE. Every telecommunications company operating an exchange within the state of Washington shall allow customer-owned pay telephones to be connected to the company's network for purposes of interconnection and use of registered devices for interstate communications. Every such telecommunications company shall have tariffs on file with the commission which shall allow the connection of customer-owned pay telephones to the interstate network under the following terms and conditions.

For purposes of these rules, the term "subscriber" is defined as a party subscribing for a pay telephone access line for the purpose of connecting a customer-owned pay telephone to a local exchange.

(1) Customer-owned pay telephones must be connected to the company network in compliance with Part 68 of the Federal Communications Commission rules and regulations and the current National Electric Code and National Electric Safety Code.

(2) The caller will be able to access the operator and 911 where available.

(3) The subscriber shall ensure that the customer-owned pay telephone is compatible for use with hearing aids and its installation complies with all applicable federal, state, and local laws and regulations concerning the use of telephones by disabled persons.

#### NEW SECTION

WAC 480-120-138 CUSTOMER-OWNED PAY TELEPHONES-LOCAL AND INTRASTATE. Every telecommunications company operating an exchange within the state of Washington may allow customer-owned pay telephones to be connected to the company's network for purposes of interconnection and use of registered devices for local and intrastate communications. Every such telecommunications company offering such service shall file tariffs with the commission which shall set rates and conditions of service and shall allow the connection of customer-owned pay telephones to the local and intrastate network under the following terms and conditions.

For purposes of these rules, the term "subscriber" is defined as a party subscribing for a pay telephone access line for the purpose of connecting a customer-owned pay telephone to a local exchange.

(1) Customer-owned pay telephones must be connected to the company network in compliance with Part 68 of the Federal Communications Commission rules and regulations and the current National Electric Code and National Electric Safety Code, and must be registered with the Federal Communications Commission, or installed behind a coupling device which has been registered with the Federal Communications Commission.

(2) All customer-owned pay telephones shall provide dial tone first to assure emergency access to operators.

(3) The caller must be able to access the operator and 911 where available.

(4) The subscriber shall pay the local directory assistance charge currently in effect for each customer-owned pay telephone.

(5) Emergency numbers (operator assistance and 911) must be clearly posted at each location of a customer-owned pay telephone.

(6) Information must be displayed on the customer-owned pay telephone consisting of local address and telephone number where a caller can obtain assistance in the event the customer-owned pay telephone malfunctions in any way, procedures for obtaining a refund from the subscriber, and notice that the customer-owned pay telephone is not being provided by the local telephone company.

(7) The number of the customer-owned pay telephone must be displayed on each instrument.

(8) The subscriber shall ensure that the customer-owned pay telephone is compatible for use with hearing aids and its installation complies with all applicable federal, state, and local laws and regulations concerning the use of telephones by disabled persons.

(9) The customer-owned pay telephone must return the coins to the caller in the case of an incomplete call and must be capable of receiving nickels, dimes, and quarters.

(10) All customer-owned pay telephones must be capable of providing interexchange access.

(11) Pay telephone access lines must provide two-way service and there shall be no charge imposed by the subscriber for incoming calls.

(12) Customer-owned pay telephones may be connected only to pay telephone access lines offered by the local telephone company.

(13) A subscriber must order a separate pay telephone access line for each customer-owned pay telephone installed and will be billed the tariffed rate for each pay telephone access line. No other telecommunications instrument may be connected to a pay telephone access line.

(14) Violations of the tariff, commission rules pertaining to customer-owned telephone service, or other requirements contained in these rules will subject customer-owned pay telephone to disconnection of service if the deficiency is not corrected within five days from date of written notification to the subscriber.

It shall be the responsibility of every telecommunications company operating an exchange to assure that any subscriber taking service pursuant to these rules and to tariffs filed pursuant to these rules meets all of the terms and conditions contained within these rules and the tariffs so filed. It shall be the duty of the local telecommunications company to enforce the terms and conditions contained herein.

It shall be the responsibility of the local telecommunications company to provide free of charge one current telephone directory each year for each public telephone access line.

The public telephone access lines for a customer-owned telephone will be charged at rates according to the relevant tariff as approved by the commission.

Pay telephones owned or operated by the local telecommunications company or any interexchange carrier tariffed to do business in Washington shall not be subject to these rules.

**WSR 85-15-095**

**NOTICE OF PUBLIC MEETINGS  
WHATCOM COMMUNITY COLLEGE**

[Memorandum—July 22, 1985]

The board of trustees of Whatcom Community College, District Number Twenty-One, will hold a special meeting at the following time and place: July 30, 1985, 9:30 a.m., Northwest 2, Whatcom Community College, 5217 Northwest Road, Bellingham, WA 98225.

**WSR 85-15-096**

**PROPOSED RULES  
PRODUCTIVITY BOARD**

[Filed July 24, 1985]

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

- Amd WAC 383-06-010 Purpose.
- Amd WAC 383-06-020 Definitions.

- Amd WAC 383-06-030 Functions of the board.
- Amd WAC 383-06-040 Duties of the program administrator.
- New WAC 383-06-045 Role of agency management.
- Amd WAC 383-06-050 Responsibilities of agency coordinators.
- Amd WAC 383-06-060 Responsibilities of agency evaluators.
- Amd WAC 383-06-070 Procedures for processing multi-agency suggestions.
- Amd WAC 383-06-080 Eligibility for participation.
- Amd WAC 383-06-090 Suggestion format.
- Amd WAC 383-06-100 Suggestion acceptability.
- Amd WAC 383-06-110 Eligibility for cash awards.
- Amd WAC 383-06-120 Payment of cash awards.
- Amd WAC 383-06-130 Recognition of merit.
- Amd WAC 383-06-140 Appeal/perfection of right of appeal;

that the agency will at 1:30 p.m., Thursday, August 29, 1985, in the Department of Personnel Board Room, 600 South Franklin, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 5, 1985.

The authority under which these rules are proposed is chapter 41.60 RCW.

The specific statute these rules are intended to implement is chapter 41.60 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 22, 1985.

Dated: July 23, 1985  
By: Carolyn W. Smith  
Administrator

**STATEMENT OF PURPOSE**

Amending WAC 383-06-010 through 383-06-140.

Statutory Authority: Chapter 41.60 RCW.

Summary: These rules provide guidelines for the employee suggestion program.

Reason: To provide understanding and consistent use of program policies and procedures to implement chapter 41.60 RCW.

Responsibility: Carolyn W. Smith, Productivity Board Administrator, P.O. Box 1789, MS: FE-11, Olympia, Washington 98504, (206) 753-3174; Implementation: All agencies; and Enforcement: The Productivity Board.

Proposed by: The Productivity Board, a governmental agency.

**Chapter 383-06 WAC  
GUIDELINES FOR THE ((PRODUCTIVITY BOARD)) EM-  
PLOYEE SUGGESTION PROGRAM((S))**

- WAC
- 383-06-010 Purpose.
- 383-06-020 Definitions.
- 383-06-030 Functions of the board.
- 383-06-040 Duties of the program administrator.
- 383-06-045 Role of agency management.
- 383-06-050 ((Appointment and)) Responsibilities of agency coordinators.
- 383-06-060 Responsibilities of agency evaluators.
- 383-06-070 Procedures for processing multi-agency suggestions.
- 383-06-080 Eligibility for participation((/recognition)).
- 383-06-090 Suggestion format.
- 383-06-100 Suggestion acceptability.
- 383-06-110 ((None) Eligibility) Eligibility for cash awards.
- 383-06-120 ((Amount)) Payment of cash awards.
- 383-06-130 Recognition of merit.
- 383-06-140 Appeal((s))/perfection of right to appeal.

AMENDATORY SECTION (Amending Order 831, filed 7/20/83)

WAC 383-06-010 PURPOSE. The purpose of this chapter is to provide guidelines for ~~((two incentive))~~ the employee suggestion program(s) developed and administered by the productivity board under the authority of chapter 41.60 RCW. ~~((WAC 383-06-020 through 383-06-140 refer to the employee suggestion program. Rules for the incentive pay program begin with WAC 383-06-150.))~~

AMENDATORY SECTION (Amending Order 831, filed 7/20/83)

WAC 383-06-020 DEFINITIONS. As used in these rules, these definitions refer only to the employee suggestion program unless the context requires otherwise:

- (1) "Board" means the productivity board.
- (2) "Program" means the employee suggestion program developed by the board under RCW 41.60.020.
- (3) "The act" referred to in these rules is chapter 41.60 RCW.
- (4) "Employee" is any person subject to chapter 41.06 or 28B.16 RCW.
- (5) "Suggestion" is a unique, useful or workable, constructive proposal offering a specific change or form of improvement which contributes to state efficiency, service, safety, economy or employee well-being.
- (6) "Agency" includes every subdivision of government which is eligible to participate under chapter 41.60 RCW, including institutions of higher education and merit system agencies.
- (7) "Multi-agency suggestion" meets the criteria for a suggestion, as defined in WAC 383-06-100, and ~~((in addition has one or more of the following characteristics:~~
  - ~~(a) Requires cooperative evaluation or action by two or more agencies;~~
  - ~~(b) Anticipates potential joint savings for two or more agencies in excess of fifty thousand dollars annually;~~
  - ~~(c) Requires statutory support for implementation))~~ requires evaluation by two or more agencies.
  - (8) "Award" means monetary or noncash recognition.
  - (9) Agency "directors" include the chief executive, whether appointed or elected, of each state agency or institution of higher education.
  - (10) "Administrator" is the executive manager of the employee suggestion board and serves as staff to the productivity board.

AMENDATORY SECTION (Amending Order 831, filed 7/20/83)

WAC 383-06-030 FUNCTIONS OF THE BOARD. ~~((+))~~ The board shall meet upon the call of the chairman or a majority of the board at least four times per year. Four voting members shall constitute a quorum. Ex officio members may not vote.

- ~~((2))~~ The responsibilities of the board shall include:
  - ~~((a) Making the final determination as to whether or not an award should be made and the nature and extent of any award or recognition given;~~
  - ~~(b) Adopting rules and regulations necessary for the administration of the act;~~
  - ~~(c) Establishing policies under which the program shall be promoted and administered, including criteria for suggestion acceptability for evaluation and the granting of awards;~~
  - ~~(d) Hearing of appeals pursuant to WAC 383-06-140;~~
  - ~~(e) Evaluate multi-agency suggestions pursuant to WAC 383-06-070.))~~ (1) Promoting the program to agency directors and the legislature.
    - (2) Establishing policies under which the program shall be promoted and administered, including criteria for suggestion acceptability for evaluation and the granting of awards.
    - (3) Adopting rules and regulations necessary for the administration of the act.
    - (4) Making the final determination as to whether or not an award should be made and the nature and extent of any award or recognition given.
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AMENDATORY SECTION (Amending Order 831, filed 7/20/83)

WAC 383-06-040 DUTIES OF THE PROGRAM ADMINISTRATOR. The program administrator shall be responsible and accountable to the board for the ~~((promotion and the administrative work))~~ administration of the program, and shall:

- ~~(1) Attend all meetings of the board ((act as its executive secretary)) and ensure an official record of its ((official)) actions ((and maintain minutes of its proceedings)).~~
- ~~(2) Propose policies, rules, and regulations appropriate for the administration of the program.~~
- ~~(3) ((Direct the activity of subordinate staff.~~
- ~~((4))~~ Report to agencies about ((adopting)) implemented suggestions, indicating those requiring a post audit.
- ~~((5))~~ (4) Establish and maintain records showing the use and effectiveness of the system, including the participation rate and results of involved agencies.
- ~~((6))~~ (5) Interact with agency coordinators regarding program promotion and participation.
- ~~((7))~~ (6) Perform other duties as required by the board.

NEW SECTION

WAC 383-06-045 ROLE OF AGENCY MANAGEMENT. Each agency director or designee shall:

- (1) Appoint a coordinator to act as liaison between the agency and the board.
- (2) Encourage all levels of management to promote and participate in the program.
- (3) Make the final decision to implement a suggestion.
- (4) Ensure that new employees receive orientation about the program.

AMENDATORY SECTION (Amending Order 831, filed 7/20/83)

WAC 383-06-050 ~~((APPOINTMENT AND))~~ RESPONSIBILITIES OF AGENCY COORDINATORS. ~~((Each state agency head shall appoint one or more))~~ Coordinator(s) ((who)) shall function as agency liaison with the board and shall be responsible to:

- (1) Promote and coordinate the program among agency employees.
- (2) Distribute suggestion forms in their agency.
- (3) ~~((Effect))~~ Facilitate timely ((review and)) evaluation of all suggestions referred by the ((secretary)) productivity board office.
- (4) ~~((Document))~~ Maintain documentation of all agency evaluations ((;)) and ((, for those suggestions adopted:
  - ~~(a) Maintain records of the first-year fiscal impact of adopted suggestions on agency operation;~~
  - ~~(b) Monitor adopted suggestions and implementation by the agency;~~
  - ~~(c) Notify the productivity board and the employee(s) who made the suggestion within thirty calendar days after its implementation;~~
  - ~~(5) Represent the agency in liaison with other agencies on suggestions of mutual interest))~~ implementation plans.

AMENDATORY SECTION (Amending Order 831, filed 7/20/83)

WAC 383-06-060 RESPONSIBILITIES OF AGENCY EVALUATORS. ~~((+))~~ Evaluators designated by the agency to review a particular suggestion shall ((have a clear understanding of what is being suggested and how it could conceivably be used by the agency:

- ~~(2) These evaluators shall determine the benefits of the suggestion which may include, but are not limited to:~~
  - ~~(a) Savings in time, money, materials;~~
  - ~~(b) Improved service or product;~~
  - ~~(c) Eliminated waste or duplication;~~
  - ~~(3) Evaluators shall also consider:~~
    - ~~(a) Cost effectiveness;~~
    - ~~(b) Scope of application;~~
    - ~~(c) Practicality of implementation;~~
  - ~~(4) Upon the evaluators' review the suggestion which shall be conducted in a timely manner:~~
    - ~~(a) They shall recommend adoption, partial adoption, or rejection;~~
    - ~~(b) Evaluated suggestions and agency recommendations shall be returned to the evaluators' own agency coordinator within thirty days));~~
      - (1) Conduct the review in a timely manner; and
      - (2) Recommend adoption, partial adoption, conditional adoption, or rejection of the suggestion as submitted; and

(3) Return evaluated suggestion with their recommendation to the agency coordinator within thirty days. If more than thirty days is required, agency coordinators must be notified of the need for an extension of time. An interim report may be required when lengthy delays are anticipated.

AMENDATORY SECTION (Amending Order 831, filed 7/20/83)

WAC 383-06-070 PROCEDURES FOR PROCESSING MULTI-AGENCY SUGGESTIONS. Multiple-agency suggestions require evaluation by two or more agencies. The program administrator will nominate to the board any suggestion which meets the criteria enumerated in WAC 383-06-020(7), following processing according to procedures developed in accordance to WAC 383-06-100. ((#)) The ((board approves nomination, it)) administrator will coordinate ((administration)) investigation of the suggestion through the multi-agency evaluation processing. Such coordination may entail:

- (1) Obtaining all pertinent information concerning the merits of the suggestion((-) from representative agencies; and
- (2) Making a formal report to the ((office of the governor describing)) productivity board about the suggestion((-its possible advantages and disadvantages, potential benefits, savings or enhancements to safety, and necessary administrative and legislative action required for implementation)).

AMENDATORY SECTION (Amending Order 831, filed 7/20/83)

WAC 383-06-080 ELIGIBILITY FOR PARTICIPATION ((/ RECOGNITION)). (1) ((Classified)) Employees of merit system and higher education system agencies under chapters 41.06 and 28B.16 RCW may submit suggestions ((concerning areas outside their normal line of duty)).

- ((#)) Employees whose normal duties involve research and planning may participate but may not receive cash awards unless the subject matter is unrelated to their routine work assignment.
- ((#)) Employees with the authority to make the change suggested may not receive an award.
- ((#) Exempt employees;)) (2) Productivity board members and staff((-and the program administrator)) may not participate.
- ((#)) (3) If a suggestion is adopted for implementation, an employee is eligible to receive an award in accordance with WAC 383-06-110.

AMENDATORY SECTION (Amending Order 831, filed 7/20/83)

WAC 383-06-090 SUGGESTION FORMAT. (1) Suggestions shall be submitted:

In a legible manner on the special forms ((made available)) to be provided by agency coordinators or ((from)) the productivity board office.

(2) ((Suggestions shall be submitted)) To the program administrator at the address indicated on the form((-including)): P.O. Box 1789, Mail Stop: FE-11, Olympia, WA 98504.

- (3) Submitted suggestions shall contain:
  - (a) A specific statement of what is suggested and how it can be accomplished;
  - (b) A brief statement describing the present methods, practices or program;
  - (c) A statement of the savings, improved services, or benefits which will accrue from adoption of the suggestion.
- ((#)) (4) Suggestions must also include the suggester's signature, title of position, department and division, mailing address and Social Security number.

AMENDATORY SECTION (Amending Order 831, filed 7/20/83)

WAC 383-06-100 SUGGESTION ACCEPTABILITY. ((#)) Suggestions considered acceptable are those which improve the efficiency and/or the effectiveness of state government.

- (1) This may include, but is not limited to:
  - (a) Savings in time or money;
  - (b) Elimination of waste or duplication;
  - (c) Improved service or product;
  - (d) Energy conservation;
  - (e) Improved working conditions.
- ((Suggestions must be outside the normal job requirements of the person submitting the suggestion:))
- (2) ((In the case of suggestions identical or similar to others received before it, the suggestion)) Suggestions shall be considered in the

order of the date by which they are officially received by the program administrator ((first shall receive consideration)).

(3) ((The board retains the right to disqualify)) Suggestions may be unacceptable when a remedy exists through other established administrative procedures, ((each)) such as:

- (a) The need for routine maintenance of buildings or grounds;
- (b) Personalized complaint affecting suggester only;
- (c) Recommendation for a study, review, survey, design, audit, research, development, investigation, etc., without stating what the expected outcome should be or what solution might result from it;
- (d) Proposing items in state stock be issued and used for their intended purpose;
- (e) Changing ((im)) salary, position or classification;
- (f) Enforcement of laws, policies, procedures, regulations, rules, etc.

AMENDATORY SECTION (Amending Order 831, filed 7/20/83)

WAC 383-06-110 ((NONELIGIBILITY)) ELIGIBILITY FOR CASH AWARDS. Qualified employees are eligible for awards for adopted suggestions, except that awards shall not be made for:

- (1) Suggestions which ((represent a part of the normal duties or over which the suggester has the authority to make the change:
- (2) Suggestions by employees whose normal duties are research or planning unless the subject matter is unrelated to normal work assignments) are within the scope of an employee's assigned responsibilities.
- ((#)) (2) Suggestions submitted more than sixty days after the idea is ((fully and completely)) implemented. Implementation means the time the idea becomes operational((-except)). When the decision of the agency to adopt the suggestion is withheld until the close of a trial period((-:)), the board may in its discretion((-in this instance:)) provide for a certificate of award ((or a partial award)).
- ((#)) (3) Suggestions wherein the suggester, either directly or indirectly, has a proprietary interest in the suggestion.

AMENDATORY SECTION (Amending Order 831, filed 7/20/83)

WAC 383-06-120 ((AMOUNT)) PAYMENT OF CASH AWARDS. (1) No cash awards shall be for less than twenty-five dollars or for more than the maximum amount permitted by RCW 41.60.041.

- ((#)) (2) Awards for suggestions which will result in demonstrable savings of money shall be determined by the board after consideration of the savings to be effected.
- ((#)) (3) Suggestions which will result in intangible improvements, such as benefits in safety, health, welfare, morale, etc., may be granted cash awards in amounts to be determined by the board. The board shall set guidelines, insofar as possible, to make such awards commensurate with the benefits anticipated from the suggestion.

((#)) (4) The board ((reserves the right to schedule)) may direct incremental payment of any award.

((#) Cash awards shall be in addition to regular compensation and)) (5) The acceptance of ((such)) cash awards shall constitute an agreement that the use by the state of Washington of the suggestion for which the award is made shall not form the basis for a further claim of any nature upon the state by the employee or the employees heirs or assignees.

((#)) (6) When a suggestion is submitted by more than one employee, ((the award shall be considered on the basis of the suggestion only:)) any resulting award will be shared by the cosuggesters listed on the suggestion form.

((#) Warrants for awards shall be drawn on the signature of the state treasurer after the award amount has been approved by a quorum of the board as provided in RCW 41.60.070. Vouchers shall be jointly signed by the agency director and the program administrator:))

(7) ((Incentive)) Cash awards may not be used for the purpose of computing a retirement allowance under any public retirement system of the state.

AMENDATORY SECTION (Amending Order 831, filed 7/20/83)

WAC 383-06-130 RECOGNITION OF MERIT. The board may issue noncash recognition of merit in such form and manner as it determines. ((Any certificates of merit may be in addition to or in lieu of cash awards. Certificates shall be presented for, but shall not be limited to, the following:

(1) When it cannot be proved whether or not a suggestion caused the action taken.

(2) When the suggestion is submitted more than sixty days after the idea is fully and completely implemented:

(3) When the agency personnel deserve recognition as deemed appropriate and otherwise outside the realm of specific suggestions.))

AMENDATORY SECTION (Amending Order 831, filed 7/20/83)

WAC 383-06-140 APPEAL((S))/PERFECTION OF RIGHT TO APPEAL. (1) A suggester, or the suggester's representative, may, by written appeal, request that ((the board reconsider)) either a denial of award ((and)) or the amount of an award be reconsidered. To be valid, the appeal must be postmarked within thirty calendar days ((from when the suggester is notified)) of notification of board action. Such appeal must ((demonstrate that the employee suggestion was instrumental in leading to actual implementation)) state with specificity the grounds for the appeal and a statement of the relief sought.

(2) ((An employee's right to a suggestion expires two years from date of board action.)) At the direction of the productivity board, an agency shall reconsider appealed suggestions based upon new information provided in the written appeal and report its findings to the productivity board. The board shall reconsider the suggestion in light of new evidence and evaluations.

(3) If a rejected suggestion is placed in effect ((during this two-year period)) within two years of board action, ((am)) the employee may file an appeal based on the suggestion's implementation. Such appeal must be filed within sixty days of the date that the suggestion was placed into effect.

((3)) (4) The board reserves the right to rule on cases which involve extenuating circumstances.

WSR 85-15-097
EMERGENCY RULES
PRODUCTIVITY BOARD
[Order 85-1—Filed July 24, 1985]

Be it resolved by the Productivity Board, acting at Olympia, Washington, that it does adopt the annexed rules relating to the employee suggestion program, chapter 383-06 WAC.

We, the Productivity 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 permanent and emergency rules are filed concurrently to ensure fairness of their application.

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

This rule is promulgated pursuant to chapter 41.60 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 July 23, 1985.

By Carolyn W. Smith
Administrator

Chapter 383-06 WAC
GUIDELINES FOR THE ((PRODUCTIVITY BOARD)) EMPLOYEE SUGGESTION PROGRAM((S))

WAC

- 383-06-010 Purpose.
383-06-020 Definitions.
383-06-030 Functions of the board.
383-06-040 Duties of the program administrator.
383-06-045 Role of agency management.
383-06-050 ((Appointment and)) Responsibilities of agency coordinators.
383-06-060 Responsibilities of agency evaluators.
383-06-070 Procedures for processing multi-agency suggestions.
383-06-080 Eligibility for participation((/ recognition)).
383-06-090 Suggestion format.
383-06-100 Suggestion acceptability.
383-06-110 ((Noneligibility)) Eligibility for cash awards.
383-06-120 ((Amount)) Payment of cash awards.
383-06-130 Recognition of merit.
383-06-140 Appeal((s))/perfection of right to appeal.

AMENDATORY SECTION (Amending Order 831, filed 7/20/83)

WAC 383-06-010 PURPOSE. The purpose of this chapter is to provide guidelines for ((two-incentive)) the employee suggestion program((s)) developed and administered by the productivity board under the authority of chapter 41.60 RCW. ((WAC 383-06-020 through 383-06-140 refer to the employee suggestion program. Rules for the incentive pay program begin with WAC 383-06-150.))

AMENDATORY SECTION (Amending Order 831, filed 7/20/83)

WAC 383-06-020 DEFINITIONS. As used in these rules, these definitions refer only to the employee suggestion program unless the context requires otherwise:

- (1) "Board" means the productivity board.
(2) "Program" means the employee suggestion program developed by the board under RCW 41.60.020.
(3) "The act" referred to in these rules is chapter 41.60 RCW.
(4) "Employee" is any person subject to chapter 41.06 or 28B.16 RCW.
(5) "Suggestion" is a unique, useful or workable, constructive proposal offering a specific change or form of improvement which contributes to state efficiency, service, safety, economy or employee well-being.
(6) "Agency" includes every subdivision of government which is eligible to participate under chapter 41.60 RCW, including institutions of higher education and merit system agencies.
(7) "Multi-agency suggestion" meets the criteria for a suggestion, as defined in WAC 383-06-100, and ((in addition has one or more of the following characteristics:

~~(a) Requires cooperative evaluation or action by two or more agencies.~~

~~(b) Anticipates potential joint savings for two or more agencies in excess of fifty thousand dollars annually.~~

~~(c) Requires statutory support for implementation) requires evaluation by two or more agencies.~~

~~(8) "Award" means monetary or noncash recognition.~~

~~(9) Agency "directors" include the chief executive, whether appointed or elected, of each state agency or institution of higher education.~~

~~(10) "Administrator" is the executive manager of the employee suggestion board and serves as staff to the productivity board.~~

AMENDATORY SECTION (Amending Order 831, filed 7/20/83)

WAC 383-06-030 FUNCTIONS OF THE BOARD. ~~((+)) The board shall meet upon the call of the chairman or a majority of the board at least four times per year. Four voting members shall constitute a quorum. Ex officio members may not vote.~~

~~(2)) The responsibilities of the board shall include:~~

~~((a) Making the final determination as to whether or not an award should be made and the nature and extent of any award or recognition given.~~

~~(b) Adopting rules and regulations necessary for the administration of the act.~~

~~(c) Establishing policies under which the program shall be promoted and administered, including criteria for suggestion acceptability for evaluation and the granting of awards.~~

~~(d) Hearing of appeals pursuant to WAC 383-06-140.~~

~~(e) Evaluate multi-agency suggestions pursuant to WAC 383-06-070.)~~ (1) Promoting the program to agency directors and the legislature.

(2) Establishing policies under which the program shall be promoted and administered, including criteria for suggestion acceptability for evaluation and the granting of awards.

(3) Adopting rules and regulations necessary for the administration of the act.

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(1) Attend all meetings of the board((, act as its executive secretary,)) and ensure an official record of its

~~((official)) actions((, and maintain minutes of its proceedings)).~~

~~(2) Propose policies, rules, and regulations appropriate for the administration of the program.~~

~~(3) ((Direct the activity of subordinate staff.~~

~~((4)) Report to agencies about ((adopting)) implemented suggestions, indicating those requiring a post audit.~~

~~((5))~~ (4) Establish and maintain records showing the use and effectiveness of the system, including the participation rate and results of involved agencies.

~~((6))~~ (5) Interact with agency coordinators regarding program promotion and participation.

~~((7))~~ (6) Perform other duties as required by the board.

### NEW SECTION

WAC 383-06-045 ROLE OF AGENCY MANAGEMENT. Each agency director or designee shall:

~~(1) Appoint a coordinator to act as liaison between the agency and the board.~~

~~(2) Encourage all levels of management to promote and participate in the program.~~

~~(3) Make the final decision to implement a suggestion.~~

~~(4) Ensure that new employees receive orientation about the program.~~

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WAC 383-06-050 ~~((APPOINTMENT AND))~~ RESPONSIBILITIES OF AGENCY COORDINATORS. ~~((Each state agency head shall appoint one or more))~~ Coordinator(s) ((who)) shall function as agency liaison with the board and shall be responsible to:

~~(1) Promote and coordinate the program among agency employees.~~

~~(2) Distribute suggestion forms in their agency.~~

~~(3) ((Effect)) Facilitate timely ((review and)) evaluation of all suggestions referred by the ((secretary)) productivity board office.~~

~~(4) ((Document)) Maintain documentation of all agency evaluations((,)) and((, for those suggestions adopted:~~

~~(a) Maintain records of the first-year fiscal impact of adopted suggestions on agency operation.~~

~~(b) Monitor adopted suggestions and implementation by the agency.~~

~~(c) Notify the productivity board and the employee(s) who made the suggestion within thirty calendar days after its implementation.~~

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shall ~~((have a clear understanding of what is being suggested and how it could conceivably be used by the agency.~~

~~(2) These evaluators shall determine the benefits of the suggestion which may include, but are not limited to:~~

- ~~(a) Savings in time, money, materials,~~
- ~~(b) Improved service or product,~~
- ~~(c) Eliminated waste or duplication.~~

~~(3) Evaluators shall also consider:~~

- ~~(a) Cost effectiveness,~~
- ~~(b) Scope of application,~~
- ~~(c) Practicality of implementation.~~

~~(4) Upon the evaluators' review the suggestion which shall be conducted in a timely manner:~~

~~(a) They shall recommend adoption, partial adoption, or rejection.~~

~~(b) Evaluated suggestions and agency recommendations shall be returned to the evaluators' own agency coordinator within thirty days):~~

~~(1) Conduct the review in a timely manner, and~~

~~(2) Recommend adoption, partial adoption, conditional adoption, or rejection of the suggestion as submitted, and~~

~~(3) Return evaluated suggestion with their recommendation to the agency coordinator within thirty days. If more than thirty days is required, agency coordinators must be notified of the need for an extension of time. An interim report may be required when lengthy delays are anticipated.~~

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(1) Obtaining all pertinent information concerning the merits of the suggestion((:)) from representative agencies, and

(2) Making a formal report to the ((office of the governor describing)) productivity board about the suggestion((; its possible advantages and disadvantages, potential benefits, savings or enhancements to safety, and necessary administrative and legislative action required for implementation)).

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WAC 383-06-080 ELIGIBILITY FOR PARTICIPATION((/RECOGNITION)). (1) ~~((Classified))~~ Employees of merit system and higher education system agencies under chapters 41.06 and 28B.16 RCW may

submit suggestions ((concerning areas outside their normal line of duty)).

~~((F2))~~ Employees whose normal duties involve research and planning may participate but may not receive cash awards unless the subject matter is unrelated to their routine work assignment.

~~((F3))~~ Employees with the authority to make the change suggested may not receive an award.

~~((F4 Exempt employees,))~~ (2) Productivity board members and staff((, and the program administrator)) may not participate.

~~((F5))~~ (3) If a suggestion is adopted for implementation, an employee is eligible to receive an award in accordance with WAC 383-06-110.

AMENDATORY SECTION (Amending Order 831, filed 7/20/83)

WAC 383-06-090 SUGGESTION FORMAT. (1) Suggestions shall be submitted:

In a legible manner on the special forms ((made available)) to be provided by agency coordinators or ((from)) the productivity board office.

(2) ((Suggestions shall be submitted)) To the program administrator at the address indicated on the form((, including)): P.O. Box 1789, Mail Stop: FE-11, Olympia, WA 98504.

(3) Submitted suggestions shall contain:

(a) A specific statement of what is suggested and how it can be accomplished;

(b) A brief statement describing the present methods, practices or problem;

(c) A statement of the savings, improved services, or benefits which will accrue from adoption of the suggestion.

~~((F3))~~ (4) Suggestions must also include the suggester's signature, title of position, department and division, mailing address and Social Security number.

AMENDATORY SECTION (Amending Order 831, filed 7/20/83)

WAC 383-06-100 SUGGESTION ACCEPTABILITY. ~~((F1))~~ Suggestions considered acceptable are those which improve the efficiency and/or the effectiveness of state government.

(1) This may include, but is not limited to:

(a) Savings in time or money;

(b) Elimination of waste or duplication;

(c) Improved service or product;

(d) Energy conservation;

(e) Improved working conditions.

~~((S))~~ ((Suggestions must be outside the normal job requirements of the person submitting the suggestion.))

(2) ((In the case of suggestions identical or similar to others received before it, the suggestion)) Suggestions shall be considered in the order of the date by which they are officially received by the program administrator ((first shall receive consideration)).

(3) ((The board retains the right to disqualify)) Suggestions may be unacceptable when a remedy exists through other established administrative procedures, ((each)) such as:

(a) The need for routine maintenance of buildings or grounds;

(b) Personalized complaint affecting suggester only;

(c) Recommendation for a study, review, survey, design, audit, research, development, investigation, etc., without stating what the expected outcome should be or what solution might result from it;

(d) Proposing items in state stock be issued and used for their intended purpose;

(e) Changing ~~((m))~~ salary, position or classification;

(f) Enforcement of laws, policies, procedures, regulations, rules, etc.

AMENDATORY SECTION (Amending Order 831, filed 7/20/83)

WAC 383-06-110 ~~((NONELIGIBILITY))~~ ELIGIBILITY FOR CASH AWARDS. Qualified employees are eligible for awards for adopted suggestions, except that awards shall not be made for:

(1) Suggestions which ~~((represent a part of the normal duties or over which the suggester has the authority to make the change.~~

~~((2))~~ (2) Suggestions by employees whose normal duties are research or planning unless the subject matter is unrelated to normal work assignments are within the scope of an employee's assigned responsibilities.

~~((3))~~ (2) Suggestions submitted more than sixty days after the idea is ~~((fully and completely))~~ implemented. Implementation means the time the idea becomes operational ~~((except))~~. When the decision of the agency to adopt the suggestion is withheld until the close of a trial period ~~((:))~~, the board may in its discretion ~~((in this instance,))~~ provide for a certificate of award ~~((or a partial award))~~.

~~((4))~~ (3) Suggestions wherein the suggester, either directly or indirectly, has a proprietary interest in the suggestion.

AMENDATORY SECTION (Amending Order 831, filed 7/20/83)

WAC 383-06-120 ~~((AMOUNT))~~ PAYMENT OF CASH AWARDS. (1) No cash awards shall be for less than twenty-five dollars or for more than the maximum amount permitted by RCW 41.60.041.

~~((1))~~ (2) Awards for suggestions which will result in demonstrable savings of money shall be determined by the board after consideration of the savings to be effected.

~~((2))~~ (3) Suggestions which will result in intangible improvements, such as benefits in safety, health, welfare, morale, etc., may be granted cash awards in amounts to be determined by the board. The board shall set guidelines, insofar as possible, to make such awards commensurate with the benefits anticipated from the suggestion.

~~((3))~~ (4) The board ~~((reserves the right to schedule))~~ may direct incremental payment of any award.

~~((4))~~ Cash awards shall be in addition to regular compensation and ~~((5))~~ The acceptance of ~~((such))~~ cash awards shall constitute an agreement that the use by the state of Washington of the suggestion for which the award is made shall not form the basis for a further

claim of any nature upon the state by the employee or the employees heirs or assignees.

~~((5))~~ (6) When a suggestion is submitted by more than one employee, ~~((the award shall be considered on the basis of the suggestion only.))~~ any resulting award will be shared by the cosuggesters listed on the suggestion form.

~~((6))~~ Warrants for awards shall be drawn on the signature of the state treasurer after the award amount has been approved by a quorum of the board as provided in RCW 41.60.070. Vouchers shall be jointly signed by the agency director and the program administrator.

(7) ~~((Incentive))~~ Cash awards may not be used for the purpose of computing a retirement allowance under any public retirement system of the state.

AMENDATORY SECTION (Amending Order 831, filed 7/20/83)

WAC 383-06-130 RECOGNITION OF MERIT. The board may issue noncash recognition of merit in such form and manner as it determines. ~~((Any certificates of merit may be in addition to or in lieu of cash awards. Certificates shall be presented for, but shall not be limited to, the following:~~

~~((1))~~ When it cannot be proved whether or not a suggestion caused the action taken.

~~((2))~~ When the suggestion is submitted more than sixty days after the idea is fully and completely implemented.

~~((3))~~ When the agency personnel deserve recognition as deemed appropriate and otherwise outside the realm of specific suggestions.

AMENDATORY SECTION (Amending Order 831, filed 7/20/83)

WAC 383-06-140 APPEAL ~~((S))~~ /PERFECTION OF RIGHT TO APPEAL. (1) A suggester, or the suggester's representative, may, by written appeal, request that ~~((the board reconsider))~~ either a denial of award ~~((and/))~~ or the amount of an award be reconsidered. To be valid, the appeal must be postmarked within thirty calendar days ~~((from when the suggester is notified))~~ of notification of board action. Such appeal must ~~((demonstrate that the employee suggestion was instrumental in leading to actual implementation))~~ state with specificity the grounds for the appeal and a statement of the relief sought.

(2) ~~((An employee's right to a suggestion expires two years from date of board action.))~~ At the direction of the productivity board, an agency shall reconsider appealed suggestions based upon new information provided in the written appeal and report its findings to the productivity board. The board shall reconsider the suggestion in light of new evidence and evaluations.

(3) If a rejected suggestion is placed in effect ~~((during this two-year period))~~ within two years of board action, ~~((an))~~ the employee may file an appeal based on the suggestion's implementation. Such appeal must be filed within sixty days of the date that the suggestion was placed into effect.

~~((3))~~ (4) The board reserves the right to rule on cases which involve extenuating circumstances.

**WSR 85-15-098**  
**PROPOSED RULES**  
**DEPARTMENT OF FISHERIES**  
 [Filed July 24, 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 August 27, 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 August 27, 1985.

Dated: July 24, 1985  
 By: Gene DiDonato  
 for William R. Wilkerson  
 Director

**STATEMENT OF PURPOSE**

Title: WAC 220-56-185 Marine area codes.

Description of Purpose: Clarify area code while fishing on boundary line.

Statutory Authority: RCW 75.08.080.

Summary of Rule and Reasons Supporting Proposed Action: Allow Area 12 harvest rules to be in effect for fishing off pontoon, as these are the more generous guidelines, and the pontoon forms the boundary between two catch areas.

Personnel Responsible for Drafting: Evan S. Jacoby, 115 General Administration Building, Olympia, Washington, 754-2429; Implementation: Edward P. Manary, 115 General Administration Building, Olympia, Washington, 753-6631; and Enforcement: James W. McKillip, 115 General Administration Building, Olympia, Washington, 753-6585.

This rule is proposed by the Washington Department of Fisheries.

Comments: No hearing is scheduled.

This rule is not the result of federal law or court order.

Small Business Economic Impact Statement: No effect. This rule regards the sport harvest of foodfish and shellfish only.

**AMENDATORY SECTION** (Amending Order 85-20, filed 4/9/85)

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 - the

most northeasterly of the Lawson Reef lighted buoys (RB1 QK Fl Bell) - Northwest Island - the Initiative 77 marker on Fidalgo Island.

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

(8) Area 8 (Deception Pass, Hope and Camano Islands): 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 the Possession Point - Shipwreck Line.

(9) Area 9 (Admiralty Inlet): All waters inside and south of the Partridge Point-Point Wilson Line and a line 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 northern tip of Vashon Island.

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

(12) Area 12 (Hood Canal): All contiguous waters south of the Hood Canal Bridge and adjacent waters north of the Hood Canal Bridge when fishing from the pontoon beneath the bridge.

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

**WSR 85-15-099**  
**PROPOSED RULES**  
**DEPARTMENT OF FISHERIES**  
 [Filed July 24, 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;

that the agency will at 10:00 a.m., Wednesday, August 28, 1985, in the Large Conference Room, General Administration Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 4, 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 August 28, 1985.

Dated: July 24, 1985  
 By: Gene DiDonato  
 for William R. Wilkerson  
 Director

**STATEMENT OF PURPOSE**

Title: WAC 220-56-310 and 220-56-360.

Description of Purpose: Modify razor clam sport harvest rules.

Statutory Authority: RCW 75.08.080.

Summary of Rule and Reasons Supporting Proposed Action: Harvestable numbers of clams are expected to be available, and in order to maximize recreational opportunity, alternatives needed to slow the harvest of surplus clams will be discussed at the public hearing.

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.

These rules are proposed by the Washington State Department of Fisheries.

Comments: None.

These proposals are not the result of federal law or court order.

Small Business Economic Impact Statement: No effect. These rules effect only the sport harvest of razor clams.

**AMENDATORY SECTION** (Amending Order 85-57, filed 6/5/85)

WAC 220-56-310 SHELLFISH—POSSESSION LIMITS. It is unlawful for any one person to take in any one day or possess for personal use at any one time more than the following quantities and sizes of shellfish:

(1) Cockles, borers and clams in the shell, except razor clams, geoduck clams and horse clams:

(a) Hood Canal south of a line projected from Tala Point to Foul-weather Bluff - 60 clams or 10 pounds in the shell in the aggregate, whichever occurs first.

(b) Puget Sound south and west of the Tacoma Narrows Bridge. This also includes Carr and Case Inlets and Pickering Passage - 40 clams or 7 pounds in the shell in the aggregate, whichever occurs first.

(c) All portions of Puget Sound except those described in (a) and (b) of this subsection - Bag limit January 1 - May 31: 60 clams or 10 pounds in the shell in the aggregate, whichever occurs first. Bag limit June 1 - December 31: 40 clams or 7 pounds in the shell in the aggregate, whichever occurs first.

(d) In Skagit Bay, east of a line projected from Browns Point to Swinomish Slough entrance, diggers may retain up to 20 pounds of eastern softshell clams in the shell in addition to the limit set in (c) of this subsection.

(e) Willapa Bay - clams and borers five pounds in the shell in the aggregate.

(f) Willapa Bay - twenty-four cockles.

(g) In English Camp tidelands the bag limit shall be as described in (c) of this subsection plus an additional 10 pounds of clams in the shell.

(h) Grays Harbor - 40 clams or 7 pounds in the shell in the aggregate, whichever occurs first.

(2) Razor clams: 15 clams (or) 12 clams.

(3) Geoduck clams: 3 clams.

(4) Horse clams: First 7 clams taken.

(5) Oysters: 18 oysters.

(6) Rock scallops: 12 scallops.

(7) Sea scallops: 12 scallops (over 4 inches).

(8) Common or pink scallops: 20 pounds or 10 quarts in the shell.

(9) Shrimp: 10 pounds or 10 quarts in the shell.

(10) Octopus: 2 octopus.

(11) Abalone (Kamschatka): 5 abalone, minimum size limit 3-1/2 inches measured in horizontal line across the longest portion of the shell.

(12) Crawfish: 10 pounds in the shell.

(13) Squid: 10 pounds or 5 quarts.

(14) Sea cucumbers: 25 sea cucumbers.

(15) Red sea urchins: 18 sea urchins.

(16) Purple sea urchins: 18 sea urchins.

(17) Green sea urchins: 36 sea urchins.

(18) Dungeness crabs: 6 male crabs.

(19) Red crabs: 18 crabs.

(20) Blue mussels and sea mussels: 10 pounds in the shell.

**AMENDATORY SECTION** (Amending Order 85-51, filed 5/23/85)

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 as provided for in this section:

(1) Razor clam digging is allowed from 12:01 a.m. October 1 to 11:59 p.m. June 30.

(or)

(1) Razor clam digging is allowed from 12:01 a.m. October 1 to 11:59 p.m. April 30.

(2) During the period October 1 through March 15, it is lawful to dig for razor clams 24 hours each open day. After March 15, it is lawful to dig for razor clams from 12:01 a.m. to 11:59 p.m. each open day.

(3) Razor clam digging is allowed on odd-numbered days only.

(or)

(3) Razor clam digging is allowed from 12:01 a.m. Sunday through 11:59 p.m. Thursday of each week during the open period.

(or)

(3) Razor clam digging is allowed only on those days that there is a tide less than 0.0. The department will publish a list of dates that minus tides occur.

(4) 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 85-15-100**

**EMERGENCY RULES**

**DEPARTMENT OF FISHERIES**

[Order 85-86—Filed July 24, 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 harvestable numbers of salmon are available.

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

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

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

APPROVED AND ADOPTED July 24, 1985.

By Gene DiDonato  
for William R. Wilkerson  
Director

**NEW SECTION**

*WAC 220-57-35000A NOOKSACK RIVER. Notwithstanding the provisions of WAC 220-57-350, effective August 1, 1985 until further notice the daily bag limit on the Nooksack River downstream from the confluence of the North and South Forks is six salmon per day not less than 10 inches in length.*

**NEW SECTION**

*WAC 220-57-42500E SKAGIT RIVER. Notwithstanding the provisions of WAC 220-57-425, effective*

August 1, 1985 until further notice, the six fish daily bag limit in the Skagit River downstream from Gilligan Creek may contain up to six pink salmon. Upstream from Gilligan Creek pink salmon must be released.

**NEW SECTION**

**WAC 220-57-45000B SNOHOMISH RIVER.** Notwithstanding the provisions of WAC 220-57-450, effective August 1, 1985 until further notice the six fish daily bag limit in the Snohomish River downstream from Crabb Bar may contain up to six pink salmon. Upstream from Crabb Bar pink salmon must be released.

**WSR 85-15-101  
PROPOSED RULES  
DEPARTMENT OF LICENSING  
(Board of Funeral Directors and Embalmers)  
[Filed July 24, 1985]**

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

- Amd WAC 308-48-590 Qualification for board approval of continuing education activities.
- Rep WAC 308-48-320 Uniform Disciplinary Act;

that the agency will at 9:30 a.m., Tuesday, August 27, 1985, in the Exam Room, 1300 Quince Street S.E., Olympia, WA, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is sections 35 and 53(6), chapter 279, Laws of 1984.

The specific statute these rules are intended to implement is sections 35 and 53(6), chapter 279, Laws of 1984.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 27, 1985.

Dated: July 22, 1985  
By: Margaret A. Gaffney  
Assistant Attorney General  
Board Legal Adviser

**STATEMENT OF PURPOSE**

Name of Agency: Washington State Board of Funeral Directors and Embalmers.

Purpose: To eliminate one of the qualifications for board approval of continuing education activities so approval may be granted to activities made available in-house; and to repeal the adoption of the Uniform Disciplinary Act in lieu of the disciplinary provisions of chapter 18.39 RCW.

Statutory Authority: Sections 35 and 53(6), chapter 279, Laws of 1984.

Summary of the Rules: Repeal of WAC 308-48-320 Uniform Disciplinary Act; and amend WAC 308-48-590 by deleting WAC 308-48-590 (1)(d).

Reason Proposed: WAC 308-48-320 is repealed because remedial changes to the Uniform Disciplinary Act were not adopted at the 1985 legislative session; and 308-48-590 is amended so that board approval may be granted to continuing education activities made available in-house.

Responsible Departmental Personnel: The Washington State Board of Funeral Directors and Embalmers and the executive secretary for the board have the responsibility for drafting, implementing and enforcing this rule. The executive secretary is Cynthia Jones, 1300 Quince Street S.E., Olympia, Washington 98504, phone (206) 753-6936 comm, 234-6936 scan.

Proponents of the Proposed Rule: Washington State Board of Funeral Directors and Embalmers.

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

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

**AMENDATORY SECTION** (Amending Order PL 504, filed 12/19/84)

**WAC 308-48-590 QUALIFICATION FOR BOARD APPROVAL OF CONTINUING EDUCATION ACTIVITIES.** (1) In order for a continuing education activity to qualify for board approval, the following qualifications must be met:

- (a) The activity must contribute directly to the professional competency of the licensee or registrant;
- (b) The activity must relate to the practice of mortuary science or, for a registrant, be a course required for initial licensure;
- (c) The activity must be conducted by individuals who are considered by the board to be knowledgeable in the subject matter of the program by virtue of education, training, or experience. ((-and
- (d) ~~Any program offered within the state must be open to all licensees and registrants in the state, except that the board may waive this requirement for courses sponsored by national organizations and held in conjunction with their out-of-state meetings, provided all other requirements are met))~~

(2) The board may approve as continuing education activities courses, lectures, seminars, correspondence or homestudy programs, or other instructional programs which meet the above qualifications and which the board determined would be beneficial in improving the knowledge or service capability of licensees and registered apprentices.

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

**REPEALER**

The following section of the Washington administrative code is hereby repealed:

WAC 308-48-320 UNIFORM DISCIPLINARY ACT.

**WSR 85-15-102  
PROPOSED RULES  
BOARD OF PHARMACY  
[Filed July 24, 1985]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Pharmacy intends to adopt, amend, or repeal rules concerning new sections WAC 360-36-411 adding MPP to Schedule I; 360-36-412 adding PEPAC to

Schedule I; 360-36-413 adding MDMA to Schedule I; 360-36-421 adding MDMA to Schedule II; 360-36-441 adding nalbuphine to Schedule IV; 360-36-442 adding butorphanol to Schedule IV; 360-36-443 adding buprenorphine to Schedule IV; 360-36-451 adding buprenorphine to Schedule V; amending WAC 360-18-020 license fees; and 360-32-050 identification of legend drugs for purposes of chapter 69.41 RCW;

that the agency will at 1:00 p.m. and 7:00 p.m., Tuesday, August 27, 1985, in the University of Washington Health Science Complex, Room T473, Seattle, Washington, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is chapter 69.50 RCW, RCW 18.64.005 and 69.44.075.

The specific statute these rules are intended to implement is chapter 69.50 RCW, RCW 18.64.005 and 69.44.075.

Dated: July 24, 1985

By: Donald H. Williams  
Executive Secretary

#### STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Pharmacy.

Purpose of Rules: WAC 360-36-411 is to add the substance 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP) to Schedule I of the listings of controlled substances; 360-36-412 is to add the substance 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (PEPAC) to Schedule I of the listings of controlled substances; 360-36-413 is to add the substance 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (PEPAC) to Schedule I of the listings of controlled substances; 360-36-413 and 360-36-421 is to add the substance 3,4-methylenedioxy methamphetamine (MDMA) to either Schedule I or Schedule II of the listings of controlled substances. The rules are proposed in the alternative. After considering the evidence and testimony to be presented during the hearing, the board will determine whether the substance meets the tests described in RCW 69.50.203 or the tests described in RCW 69.50.205 and will schedule the substance accordingly. If the board determines that the substance meets the tests in RCW 69.50.203, it will adopt WAC 360-36-413 and the substance will be placed in Schedule I. If the board determines that the substance meets the tests described in RCW 69.50.205, it will adopt WAC 360-36-421 and the substance will be placed in Schedule II; 360-36-441 is to add the substance nalbuphine to Schedule IV of the listings of controlled substances; 360-36-442 is to add the substance butorphanol to Schedule IV of the listings of controlled substances; 360-36-443 and 360-36-451 is to add the substance buprenorphine to either Schedule IV or Schedule V of the listings of controlled substances. The rules are proposed in the alternative. After considering the evidence and testimony to be presented during the hearing, the board will determine whether the substance meets the tests described in RCW 69.50.209 or the tests

described in RCW 69.50.211 and will schedule the substance accordingly. If the board determines that the substance meets the tests in RCW 69.50.209, it will adopt WAC 360-36-441 and the substance will be placed in Schedule IV. If the board determines that the substance meets the tests described in RCW 69.50.211, it will adopt WAC 360-36-451 and the substance will be placed in Schedule V; 360-32-050 is to adopt the most current edition of the commercial pharmaceutical publication containing the list of legend drugs adopted by the board; and 360-18-020 is to increase certain license fees being charged by the board in order to generate sufficient revenue to cover the costs of issuing those licenses.

Statutory Authority: RCW 69.50.201, 69.50.203, 69.44.075 and 18.64.005 (4) and (11).

Responsible Agency Personnel: The board and the executive secretary of the board have responsibility for drafting, implementing and enforcing these rules. The executive secretary is Donald H. Williams, 319 East 7th Avenue, W.E.A. Building, FF-21, Olympia, Washington 98504, phone (206) 753-6834.

Proponents of the Proposed Rules and Amendments: Washington State Board of Pharmacy.

Federal Law or State or Federal Court Requirements: These rules and amendments are not necessitated as a result of federal law or state or federal court action.

Small Business Economic Impact Statement: Not necessary since this rule does not impact small businesses as that term is defined by RCW 43.31.920.

#### NEW SECTION

WAC 360-36-411 ADDING MPPP TO SCHEDULE I. The Washington State Board of Pharmacy finds that 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP) has high potential for abuse and has no medical use in treatment in the United States or lacks accepted safety for use in treatment under medical supervision, and hereby places that substance in Schedule I.

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

#### NEW SECTION

WAC 360-36-412 ADDING PEPAC TO SCHEDULE I. The Washington State Board of Pharmacy finds that 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (PEPAC) has high potential for abuse and has no medical use in treatment in the United States or lacks accepted safety for use in treatment under medical supervision, and hereby places that substance in Schedule I.

#### NEW SECTION

(Note: these rules are being proposed in the alternative. After considering all materials presented during the public hearing, the Board intends to adopt one of the alternatives proposed.)

#### Alternative 1:

WAC 360-36-413 ADDING MDMA TO SCHEDULE I. The Washington State Board of Pharmacy finds that 3,4-methylenedioxy methamphetamine (MDMA) has high potential for abuse and has no medical use in treatment in the United States or lacks accepted safety for use in treatment under medical supervision, and hereby places that substance in Schedule I.

#### Alternative 2:

WAC 360-36-421 ADDING MDMA TO SCHEDULE II. The Washington State Board of Pharmacy finds that 3,4-methylenedioxy methamphetamine (MDMA) has high potential for

abuse; has currently accepted medical use in treatment in the United States or currently accepted medical use with severe restrictions; and the abuse of the substance may lead to severe psychic or physical dependence, hereby places that substance in Schedule II.

NEW SECTION

WAC 360-36-441 ADDING NALBUPHINE TO SCHEDULE IV. The Washington State Board of Pharmacy finds that nalbuphine has a low potential for abuse relative to substances in Schedule III; has currently accepted medical use in treatment in the United States; and the abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances in Schedule III, and hereby places that substance in Schedule IV.

NEW SECTION

WAC 360-36-442 ADDING BUTORPHANOL TO SCHEDULE IV. The Washington State Board of Pharmacy finds that butorphanol has a low potential for abuse relative to substances in Schedule III; has currently accepted medical use in treatment in the United States; and the abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances in Schedule III, and hereby places that substance in Schedule IV.

NEW SECTION

(Note: these rules are being proposed in the alternative. After considering all materials presented during the public hearing, the Board intends to adopt one of the alternatives proposed.)

Alternative 1:

WAC 360-36-443 ADDING BUPRENORPHINE TO SCHEDULE IV. The Washington State Board of Pharmacy finds that buprenorphine has a low potential for abuse relative to substances in Schedule III; has currently accepted medical use in treatment in the United States; and the abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances in Schedule III, and hereby places that substance in Schedule IV.

Alternative 2:

WAC 360-36-451 ADDING BUPRENORPHINE TO SCHEDULE V. The Washington State Board of Pharmacy finds that buprenorphine has a low potential for abuse relative to substances in Schedule IV; has currently accepted medical use in treatment in the United States; and the substance has limited physical dependence or psychological dependence liability relative to the substances in Schedule IV, and hereby places that substance in Schedule V.

AMENDATORY SECTION (Amending Order 184 [193], filed 1/25/84 [2/22/85])

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

(a) PHARMACY LOCATION, CSA & PROPHYLACTIC	
Original pharmacy fee	<del>((+\$25.00))</del> \$165.00
Original pharmacy assistant utilization fee	<del>((30.00))</del> 35.00
Renewal pharmacy fee	<del>((65.00))</del> 85.00
Renewal pharmacy assistant utilization fee	<del>((30.00))</del> 35.00
Penalty pharmacy fee	<del>((+30.00))</del> 165.00
(b) VENDOR	
Original fee	<del>((20.00))</del> 40.00
Renewal fee	<del>((20.00))</del> 40.00
Penalty fee	<del>((20.00))</del> 40.00

(c) PHARMACIST	
Exam fee (full exam)	<del>((+00.00))</del> 125.00
Reexamination fee (jurisprudence portion)	25.00
Original license fee	75.00
Renewal fee, active and inactive license	<del>((50.00))</del> 65.00
Penalty fee	<del>((50.00))</del> 65.00
Reciprocity fee	<del>((200.00))</del> 250.00
Certification of license status to other states	10.00
(d) SHOPKEEPER	
(i) SHOPKEEPER - sixteen or more drugs	
Original fee	10.00
Renewal fee	10.00
Penalty fee	5.00
(ii) SHOPKEEPER - with differential hours	
Original fee	10.00
Renewal fee	10.00
Penalty fee	5.00
(e) DRUG MANUFACTURER	
Original fee	<del>((+75.00))</del> 250.00
Renewal fee	<del>((+75.00))</del> 250.00
Penalty fee	<del>((+75.00))</del> 250.00
(f) DRUG WHOLESALER - full line	
Original fee	<del>((+75.00))</del> 250.00
Renewal fee	<del>((+75.00))</del> 250.00
Penalty fee	<del>((+75.00))</del> 250.00
(g) DRUG WHOLESALER - OTC only	
Original fee	<del>((+25.00))</del> 150.00
Renewal fee	<del>((+25.00))</del> 150.00
Penalty fee	<del>((+25.00))</del> 150.00
(h) DRUG WHOLESALER - export	
Original fee	<del>((+75.00))</del> 250.00
Renewal fee	<del>((+75.00))</del> 250.00
Penalty	<del>((+75.00))</del> 250.00
(i) PHARMACY ASSISTANT - Level "A"	
Original fee	<del>((20.00))</del> 30.00
Renewal fee	<del>((+5.00))</del> 20.00
(j) PHARMACY INTERN	
Original registration fee	<del>((+0.00))</del> 15.00
Renewal registration fee	<del>((+0.00))</del> 15.00
(k) CONTROLLED SUBSTANCES ACT (CSA) REGISTRATIONS	
Dispensing registration fee (i.e. pharmacies)	35.00
Dispensing renewal fee (i.e. pharmacies)	30.00
Distributors registration fee (i.e. wholesalers)	50.00
Distributors renewal fee (i.e. wholesalers)	50.00
Manufacturers registration fee	50.00
Manufacturers renewal fee	50.00

Physician assistant registration fee	15.00
Physician assistant renewal fee	10.00
CRN with prescriptive authorization registration fee	15.00
CRN with prescriptive authorization renewal fee	10.00
Sodium pentobarbital for animal euthanization registration fee	((+5.00)) <u>20.00</u>
Sodium pentobarbital for animal euthanization renewal fee	((+0.00)) <u>15.00</u>

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

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

AMENDATORY SECTION (Amending Order 176, filed 9/29/83)

WAC 360-32-050 IDENTIFICATION OF LEGEND DRUGS FOR PURPOSES OF CHAPTER 69.41 RCW. (1) In accordance with chapter 69.41 RCW, the board of pharmacy hereby finds that those drugs which have been determined by the food and drug administration, pursuant to the Federal Food, Drug and Cosmetic Act, to require a prescription under federal law should also be classified as legend drugs under state law for the reasons that their toxicity or other potentiality for harmful effect, the methods of their use and the collateral safeguards necessary to their use, indicate that they are not safe for use except under the supervision of a practitioner.

(2) The board of pharmacy hereby specifically identifies as legend drugs, for purposes of chapter 69.41 RCW, those drugs which have been designated as legend drugs under federal law and are listed as such in the 1985-86 ((+1985-84)) edition of the American Druggist Blue Book. Copies of the list of legend drugs as contained in the American Druggist Blue Book shall be available for public inspection at the headquarters office of the State Board of Pharmacy, 319 East 7th Avenue, Olympia, Washington 98504. Copies of this list shall be available from the board of pharmacy at the above address upon request made and upon payment of a fee in the amount of \$20 per copy.

(3) There may be changes in the marketing status of drugs after the publication of the above reference. Upon application of a manufacturer or distributor, the board may grant authority for the over the counter distribution of certain drugs which had been designated as legend drugs in this reference. Such determinations will be made after public hearing and will be published as an amendment to this chapter.

**WSR 85-15-103**  
**EMERGENCY RULES**  
**DEPARTMENT OF LICENSING**  
[Order PL 536—Filed July 24, 1985]

I, Theresa Anna Aragon, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to dental hygiene and the repeal of WAC 308-25-200, Uniform Disciplinary Act.

I, Theresa Anna Aragon, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is remedial legislation was not adopted in the 1985 legislative session.

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

This rule is promulgated pursuant to RCW 18.29.075 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED July 22, 1985.

By Theresa Anna Aragon  
Director

REPEALER

The following section of the Washington Administrative Code is repealed:

**WAC 308-25-200 UNIFORM DISCIPLINARY ACT**

**WSR 85-15-104**  
**EMERGENCY RULES**  
**DEPARTMENT OF LICENSING**  
[Order PL 537—Filed July 24, 1985]

I, Theresa Anna Aragon, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to drugless healing and the repeal of WAC 308-34-100, Uniform Disciplinary Act.

I, Theresa Anna Aragon, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is remedial legislation was not adopted in the 1985 legislative session.

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

This rule is promulgated pursuant to RCW 18.36.135 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED July 22, 1985.

By Theresa Anna Aragon  
Director

REPEALER

The following section of the Washington Administrative Code is repealed:

**WAC 308-34-100 UNIFORM DISCIPLINARY ACT.**

**WSR 85-15-105**  
**EMERGENCY RULES**  
**DEPARTMENT OF LICENSING**  
 [Order 538—Filed July 24, 1985]

I, Theresa Anna Aragon, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to massage operators and business and the repeal of WAC 308-51-190, Uniform Disciplinary Act.

I, Theresa Anna Aragon, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is remedial legislation was not adopted in the 1985 legislative session.

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

This rule is promulgated pursuant to RCW 18.108-.075 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED July 22, 1985.

By Theresa Anna Aragon  
 Director

**REPEALER**

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

**WAC 308-51-190 UNIFORM DISCIPLINARY ACT.**

**WSR 85-15-106**  
**EMERGENCY RULES**  
**DEPARTMENT OF LICENSING**  
 [Order 539—Filed July 24, 1985]

I, Theresa Anna Aragon, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to dispensing opticians and the repeal of WAC 308-26-030, Uniform Disciplinary Act.

I, Theresa Anna Aragon, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is remedial legislation was not adopted in the 1985 legislative session.

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

This rule is promulgated pursuant to RCW 18.34.135 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED July 22, 1985.

By Theresa Anna Aragon  
 Director

**REPEALER**

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

**WAC 308-26-030 UNIFORM DISCIPLINARY ACT.**

**WSR 85-15-107**  
**EMERGENCY RULES**  
**DEPARTMENT OF LICENSING**  
 [Order PL 540—Filed July 24, 1985]

I, Theresa Anna Aragon, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to ocularists and the repeal of WAC 308-55-005, Uniform Disciplinary Act.

I, Theresa Anna Aragon, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is remedial legislation was not adopted in the 1985 legislative session.

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

This rule is promulgated pursuant to RCW 18.55.065 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED July 22, 1985.

By Theresa Anna Aragon  
 Director

**REPEALER**

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

**WAC 308-55-005 UNIFORM DISCIPLINARY ACT.**

**WSR 85-15-108**  
**EMERGENCY RULES**  
**DEPARTMENT OF LICENSING**  
 [Order PL 541—Filed July 24, 1985]

I, Theresa Anna Aragon, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to midwifery and the repeal of WAC 308-115-300, Uniform Disciplinary Act.

I, Theresa Anna Aragon, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is remedial legislation was not adopted in the 1985 legislative session.

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

This rule is promulgated pursuant to RCW 18.50.125 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED July 22, 1985.

By Theresa Anna Aragon  
 Director

**REPEALER**

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

**WAC 308-115-300 UNIFORM DISCIPLINARY ACT.**

**WSR 85-15-109**  
**EMERGENCY RULES**  
**DEPARTMENT OF LICENSING**  
**(Board of Funeral Directors and Embalmers)**  
 [Order PL 542—Filed July 24, 1985]

Be it resolved by the Washington State Board of Funeral Directors and Embalmers, acting at Olympia, Washington, that it does adopt the annexed rules relating to Uniform Disciplinary Act, repealing WAC 308-48-320.

We, the Washington State Board of Funeral Directors and Embalmers, 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 remedial changes to the Uniform Disciplinary Act were not adopted at the 1985 legislative session.

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

This rule is promulgated pursuant to section 35, chapter 279, Laws of 1984, and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED July 22, 1985.

By Ian D. Morrison  
 Chairman

**REPEALER**

*The following section of the Washington administrative code is hereby repealed:*

**WAC 308-48-320 UNIFORM DISCIPLINARY ACT**

**WSR 85-15-110**  
**ADOPTED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
 [Order 85-3—Filed July 24, 1985]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Finance—School district budgeting, chapter 392-123 WAC.

This action is taken pursuant to Notice No. WSR 85-13-072 filed with the code reviser on June 19, 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, 28A.65.465 and 28A.41.055 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED July 24, 1985.

By Frank Brouillet  
 Superintendent of Public Instruction

**AMENDATORY SECTION** (Amending Order 83-12, filed 10/10/83)

**WAC 392-123-047 DEFINITIONS—REVENUE, ACCRUAL BASIS EXPENDITURES, CASH BASIS EXPENDITURES, APPROPRIATION, AND DISBURSEMENTS.** As used in this chapter, the term:

(1) "Revenue" shall mean an addition to assets of a fund of a school district during a fiscal period that is available to finance the funds' expenditures during the fiscal period. Revenue does not accompany the increase of liabilities or represent refunds of previous disbursements. Revenue may be in the form of cash, or in the form of noncash assets such as donated commodities.

Revenue for accrual basis expenditure funds is limited to amounts received in cash or noncash donations, plus or minus adjustments for revenue accruals.

(2) "Cash basis revenue" shall mean the actual receipt of revenue not adjusted for revenue accruals.

(3) "Revenue accruals" shall mean those revenues which are (a) anticipated to be received in cash after the close of the fiscal period and (b) represent reimbursement for expenditures incurred by the end of the fiscal period. In order for revenue to be included in revenue accruals, it must meet the above tests.

Revenue accruals, if they meet both tests include: Reimbursements on categorical grants for which expenditures have been made but payment has not been received; payments from other school districts that are due, but are not collected by the end of the fiscal period; deferrals of apportionment payments by the state when a deferral occurs because of district request or state mandate, and the revenue is due to the district; and rental or lease payments that are currently due, and there is reasonable assurance of payment.

Revenue that cannot be accrued because it does not meet the above tests includes: Collection of excess levies not expected to be received until after the end of the fiscal period and PL 874 funds that are to be received in cash in the following fiscal period, i.e. the twenty-five percent payment that is received after the end of the fiscal period.

(4) "Expenditures" shall mean the decrease in assets with no corresponding decrease in liabilities, or the increase in liabilities with no corresponding increase in assets.

(5) "Expenditure refunds" shall mean the increase in assets with a corresponding decrease in expenditures.

(6) "Revenue refunds" shall mean the increase in liabilities with a corresponding decrease in revenues.

(7) "Liabilities" shall mean debt or other legal obligations arising out of transactions in the past which are payable but not necessarily due.

(8) "Accrual basis expenditures" shall mean expenditures incurred during a given fiscal period, whether paid or unpaid.

~~((5))~~ (9) "Cash basis expenditures" shall mean ~~((actual))~~ the disbursement~~((s))~~ of cash for expenditures during a given fiscal period regardless of when liabilities are incurred ~~((or the period of incurrence of expenditures. "Cash basis expenditures" includes the consumption of donated commodities))~~, and the disbursement of inventory.

~~((6))~~ (10) "Appropriation" shall mean the maximum authorization during a given fiscal period to incur expenditures.

~~((7))~~ (11) "Disbursements" shall mean payments in cash, including ~~((but not limited to))~~ the issuance of warrants, and the disbursement of inventory.

AMENDATORY SECTION (Amending Order 84-11, filed 6/13/84)

WAC 392-123-054 TIME SCHEDULE FOR BUDGET. The time schedule for preparation, adoption and filing of the annual budget is as follows:

Final Date For Action	First-Class Districts	Second-Class Districts
July 10	Final date for district to prepare budget. Upon completion of their budgets, every school district shall publish a notice stating that the district has completed the budget and placed the same on file in the school district administration office, that a copy thereof will be furnished any person who will call upon the district for it, and that the board of directors will meet for the purpose of fixing and adopting the budget of the district for the ensuing fiscal year. Such notice shall designate the date, time, and place of said meeting. The notice shall also state that any person may appear thereat and be heard for or against any part of such budget. Said notice shall be published at least once each week for two consecutive weeks in a newspaper of general circulation in the district, or, if there be none, in a newspaper of general circulation in the county or counties in which such district is a part. The last notice shall be published no later than seven days immediately prior to the hearing.	Same as first-class.
July 15		Final date to have sufficient number of copies of budget to meet reasonable demands of public. Also, final date to submit one copy of budget to educational service district for review and comment.

Final Date For Action	First-Class Districts	Second-Class Districts	Final Date For Action	First-Class Districts	Second-Class Districts
July 20	Final date to have sufficient copies of budget to meet reasonable demands of public. Also, final date to submit one copy of budget to educational service district for review and comment.			directors shall fix and determine the appropriation from each fund contained in the budget separately, and shall by resolution adopt the budget and the appropriations as so finally determined, and enter the same in the official minutes of the board.	law or rules and regulations adopted by the superintendent of public instruction. <del>((A copy of said budget shall be returned to the local school districts no later than September 10th.))</del>
July 25		Final date for educational service district to notify districts of problems noted in review.			Members of the budget review committee as referred to in this section shall consist of the educational service district superintendent or a representative thereof, a member of the local board of directors or a representative thereof and a representative of the superintendent of public instruction.
August 1		Final date for board directors to meet in public hearing and fix and adopt said budget.  Such hearing may be continued not to exceed a total two days: PROVIDED, That the budget must be adopted no later than August 1st.  Upon conclusion of the hearing the board of directors shall fix and determine the appropriation from each fund contained in the budget separately, and shall by resolution adopt the budget and the appropriations as so finally determined, and enter the same in the official minutes of the board.	September 3	Final date for district to file <del>((three))</del> two copies of said adopted budget with their educational service district.	
			September 10	Last date for educational service district to file a copy of said adopted budgets with the superintendent of public instruction. One copy will be retained by educational service district.	Same as first-class except one copy of adopted and approved budget must be returned to local school district <del>((by))</del> .
August 3		Last date to forward <del>((four))</del> three copies of said adopted budget to educational service district for review, alteration and approval.			
August 10	Final date for educational service district to notify districts of review problems noted in review.				
August 31	Final date for board of directors to meet in public hearing and fix and adopt said budget. Such hearing may be continued not to exceed a total of two days: PROVIDED, That the budget must be adopted no later than August 31st. Upon conclusion of the hearing, the board of	Last date for the budget review committee to fix and approve the amount of the appropriation from each fund of the budget. No budget review committee shall knowingly approve any budget or appropriation that is in violation of state			

**AMENDATORY SECTION** (Amending Order 84-11, filed 6/13/84)

**WAC 392-123-072 BUDGET EXTENSIONS—SECOND-CLASS SCHOOL DISTRICTS.** If a second-class school district needs to increase the amount of the appropriation from any fund the school district board of directors before incurring expenditures in excess of appropriations shall obtain approval from the superintendent of public instruction in the following manner: The school district board of directors shall adopt a resolution stating the specific reason(s) for extending the budget, the estimated amount of additional appropriation needed and the source(s) of funds.

Such resolution shall be voted on at a public meeting, notice to be given in the manner provided by WAC 392-123-054. Introduction and passage shall require the vote of a majority of all members of the school district board of directors.

Any person may appear at the meeting at which the appropriation resolution is to be voted on and be heard for or against the adoption thereof.

Upon passage of the appropriation resolution the school district shall petition the superintendent of public instruction for approval to increase the amount of its appropriations. Such petition to be made in the format prescribed by the superintendent of public instruction. Three copies of the request for budget extension shall be prepared in accordance with current instructions contained in bulletins now or hereafter published by the superintendent of public instruction and attached to each copy shall be a copy of the latest budget status report and a copy of the board resolution.

The request for budget extension shall be forwarded to the educational service district for approval by the educational service district superintendent.

If approved, all three copies of the request for budget extension shall be forwarded by the educational service district to the superintendent of public instruction for final approval. Except for requests for budget extensions for emergencies as defined in WAC 392-123-071, the superintendent of public instruction shall not approve requests for budget extensions received after the close of business on June 30 or the last business day prior to June 30 if June 30 occurs on a nonbusiness day. The final date for receiving requests for budget extensions for emergencies defined in WAC 392-123-071 shall be the close of business on August 31 or the last business day prior to August 31 if August 31 occurs on a nonbusiness day.

Any request for budget extension shall not be approved by the educational service district or the superintendent of public instruction to the extent that the current appropriation has been exceeded prior to the request for budget extension.

~~((A copy))~~ Two copies of all appropriation resolutions approved by the superintendent of public instruction shall be ~~((filed))~~ returned by the superintendent of public instruction ~~((with))~~ to the educational service district. The educational service district shall return one copy to the school district. The other copy shall be retained by the educational service district.

AMENDATORY SECTION (Amending Order 83-12, filed 10/10/83)

WAC 392-123-076 IDENTIFICATION OF BALANCED BUDGET. For each fund contained in the school district budget the estimated expenditures for the budgeted fiscal period must not be greater than the total of the estimated revenues for the budgeted fiscal period, plus the estimated fund balance at the beginning of the budgeted fiscal period, less the estimated reserved fund balance at the end of the budgeted fiscal period and the projected revenue from receivables collectible in future periods as approved by the superintendent of public instruction for inclusion in the budget.

The proceeds of any ~~((interfund))~~ loan must not be used to balance the budget of the borrowing fund.

AMENDATORY SECTION (Amending Order 83-12, filed 10/10/83)

WAC 392-123-078 REVIEW OF FIRST-CLASS SCHOOL DISTRICT BUDGETS AND BUDGET EXTENSIONS. Budgets of first-class school districts shall be reviewed by the educational service district prior to adoption by the school district board of directors. First-class school districts shall submit a copy of their budgets to their educational service district for review at least fourteen days prior to budget adoption but not later than July 20.

The educational service district shall notify each of its first-class school districts of any problems noted during the review prior to adoption of the budget by the school district.

~~((The review shall include data entry and edit of the school district budget in the manner prescribed by the superintendent of public instruction:))~~

Budgets and budget extensions adopted by first-class school districts shall be reviewed by the educational service district prior to filing these documents with the superintendent of public instruction.

Said reviews shall include but ~~((is))~~ not be limited to completion of data entry and edit, review of revenues and reserved and unreserved fund balances for accuracy, appropriateness of expenditures and determination of whether or not the budget of budget extension is in compliance with this chapter, state statutory law and budget instructions issued by the superintendent of public instruction.

The educational service district shall notify the district of all problems noted in the review and the due date for correction of the problems. Should the school district fail to meet the due date for correction, the educational service district shall notify the superintendent of public instruction. The superintendent of public instruction shall proceed in the manner prescribed in WAC 392-123-080 through 392-123-105.

AMENDATORY SECTION (Amending Order 83-12, filed 10/10/83)

WAC 392-123-079 REVIEW OF SECOND-CLASS DISTRICT BUDGETS AND BUDGET EXTENSIONS. Budgets of second-class school districts shall be reviewed by the educational service district prior to adoption by the school district board of directors. Second-class school districts shall submit a copy of their budget to their educational service district for review at least fourteen days prior to adoption, but not later than July 15.

Educational service districts shall notify each of its second-class school districts of any problems noted during the review prior to adoption of the budget by the board of directors.

~~((The review shall include data entry and edit of the school district in the manner prescribed by the superintendent of public instruction:))~~

Review of second-class school district adopted budgets shall be performed by the educational service districts. Said reviews shall include, but ~~((is))~~ not be limited to, completion of data entry and edit, review of

revenues and reserved and unreserved fund balances for accuracy, appropriateness of expenditures and determination of whether or not the budget is in compliance with this chapter, state statutory law, and budget instructions issued by the superintendent of public instruction.

The educational service district will notify the district of all problems noted during the review. The educational service district shall attempt to have the problems corrected prior to submission of the budget to the superintendent of public instruction.

The superintendent of public instruction shall conduct meetings with representatives of the educational service district and/or school district as deemed necessary to correct problems and to fix and approve the amount of appropriation from each fund of the budget as prescribed in RCW 28A.65.430 and WAC 392-123-054.

Review of budget extensions shall consist of data entry and edit, review of revenues and reserved and unreserved fund balances for accuracy, appropriateness of expenditures, and determination of whether or not the budget extension is in compliance with this chapter, state statutory law, and budget instructions issued by the superintendent of public instruction. Approval of budget extensions shall be in accordance with WAC 392-123-072.

**AMENDATORY SECTION** (Amending Order 83-12, filed 10/10/83)

WAC 392-123-115 MONTHLY BUDGET STATUS REPORTS. A monthly budget status report for each fund shall be prepared by the administration of each school district; and a copy of the most current budget status reports shall be provided to each member of the board of directors of the district at the board's regular monthly meeting. The report shall contain the most current approved budget amounts by summary level accounts and the fund balance at the beginning and end of the period being analyzed. State Form F-198, which is entitled "The budget status report" and also is found in the state Form F-196, is an example of the type and level of information necessary for this report. Also, as a part of the budget status report, the administration shall provide each member of the board of directors with a brief written explanation of any significant deviations in revenue and/or expenditure projections that may affect the financial status of the district. ~~((A section of the budget status report for the general fund shall indicate an analysis of any change in the amount of investments of general fund moneys and shall display investment earnings and the fund to which they are credited:))~~ If deemed necessary by the superintendent of public instruction, and upon written notice to the district by the superintendent of public instruction, a monthly budget status report for one or more funds along with other financial information shall be filed with either the educational service district superintendent or the superintendent of public instruction or both for the period of time set forth in such notice.

**AMENDATORY SECTION** (Amending Order 81-18, filed 9/24/81)

WAC 392-123-125 PERSONNEL BUDGET STATUS REPORT. Each school district shall maintain the capability to prepare a monthly personnel status report according to the schedule set forth for monthly budget status reports in WAC 392-123-115. This report shall display the combined responsibilities of the district's administrative staff for personnel management and budget control and shall indicate the status of expenditures and commitments for salaries and wages. The report shall also indicate the number of certificated and classified positions planned in the budget and the amount of funds budgeted for those positions, summarized by program and/or responsibility area. The number of positions actually filled and the amount of funds actually expended ~~((or))~~ and encumbered in support of these positions shall also be displayed in a manner that can be compared with budget. Any significant variance between budgeted positions and actual should be ~~((analyzed))~~ explained. The personnel budget status report shall be provided to the superintendent of public instruction or the board of directors of the district within ten days from the date of such request from either the superintendent or board. A district's board of directors may use the personnel status report in conjunction with a monthly budget status report and the statement of financial condition to manage the financial position of the district.

**WSR 85-15-111**

**ADOPTED RULES**

**SUPERINTENDENT OF PUBLIC INSTRUCTION**

[Order 85-4—Filed July 24, 1985]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Finance—Educational service district budgeting, chapter 392-125 WAC.

This action is taken pursuant to Notice No. WSR 85-13-071 filed with the code reviser on June 19, 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.21-.135 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED July 24, 1985.

By Frank Brouillet  
Superintendent of Public Instruction

AMENDATORY SECTION (Amending Order 84-12, filed 6/13/84)

WAC 392-125-012 DEFINITIONS—REVENUE, ACCRUAL BASIS EXPENDITURES, CASH BASIS EXPENDITURES, APPROPRIATION, AND DISBURSEMENTS. As used in this chapter, the term:

(1) "Revenue" shall mean an addition to assets of a fund of an educational service district during a fiscal period that is available to finance the funds' expenditures during the fiscal period. Revenue does not accompany the increase of liabilities or represent refunds of previous disbursements. Revenue may be in the form of cash, or in the form of noncash assets such as donated commodities. Revenue is limited to amounts received in cash or noncash donations, plus or minus adjustments for revenue accruals.

(2) "Cash basis revenue" shall mean the actual receipt of revenue not adjusted for revenue accruals.

(3) "Revenue accruals" shall mean those revenues which are (a) anticipated to be received in cash after the close of the fiscal period and (b) represent reimbursement for expenditures incurred by the end of the fiscal period. In order for revenue to be included in revenue accruals, it must meet the above tests.

Revenue accruals, if they meet both tests include: Reimbursements on categorical grants for which expenditures have been made but payment has not been received; payments from school districts that are due, but are not collected by the end of the fiscal period; and rental or lease payments that are currently due, and there is reasonable assurance of payment.

(4) "Expenditures" shall mean the decrease in assets with no corresponding decrease in liabilities, or the increase in liabilities with no corresponding increase in assets.

(5) "Expenditure refunds" shall mean the increase in assets with a corresponding decrease in expenditures.

(6) "Revenue refunds" shall mean the increase in liabilities with a corresponding decrease in revenues.

(7) "Liabilities" shall mean debt or other legal obligations arising out of transactions in the past which are payable but not necessarily due.

(8) "Accrual basis expenditures" shall mean expenditures incurred during a given fiscal period, whether paid or unpaid.

~~((5))~~ (9) "Cash basis expenditures" shall mean ~~((actual))~~ the disbursement~~((s))~~ of cash for expenditures during a given fiscal period regardless of when liabilities are incurred ~~((or the period of incurrance of expenditures))~~, and the disbursement of inventory.

~~((6))~~ (10) "Appropriation" shall mean the maximum authorization during a given fiscal period to incur expenditures.

~~((7))~~ (11) "Disbursements" shall mean payments in cash, including ~~((but not limited to))~~ the issuance of warrants, and the issuance of inventory.

AMENDATORY SECTION (Amending Order 81-19, filed 9/4/81)

WAC 392-125-015 BUDGETS REQUIRED. Each educational service district shall prepare in accordance with this chapter and instructions from the superintendent of public instruction a complete budget for each fiscal year of operation. An incomplete budget shall be considered null and void and shall not be an appropriation. The fiscal year for educational service districts commences on July 1st of one year and extends through June 30th of the following year. The annual budget shall be prepared ~~((on forms provided))~~ in the format prescribed by the superintendent of public instruction which will reflect the approved core funding formula pursuant to WAC 392-125-036, and shall receive all necessary approvals, and shall be filed with the proper officials in order to constitute an official budget and appropriation for the subject fiscal year. The superintendent may require a second or revised budget at any time the financial situation is deemed to warrant a revised budget.

AMENDATORY SECTION (Amending Order 84-12, filed 6/13/84)

WAC 392-125-020 BUDGET PREPARATION, HEARING AND ADOPTION. On or before the 1st day of May, each educational service district shall prepare a budget for the operation of the educational service district for the ensuing fiscal year and ~~((immediately))~~ following completion of the budget, shall publish a notice stating that the budget is completed and placed on file in the district headquarters office with copies available for any interested person or organization. The notice shall state the date, time, and place the educational service district board will meet for the purpose of fixing and adopting the budget of the district for the ensuing fiscal year. Said meeting shall occur on or before the third Friday in May. The notice shall also state that any person may appear during the meeting and be heard for or against any part of such budget. The notice shall be published once each week for two consecutive weeks ~~((immediately))~~ following the completion of the budget in a newspaper of general circulation in the district.

An educational service district board shall secure the signature of the chairman of the superintendents' advisory committee as an indication that the budget has been reviewed by the committee. At the conclusion of the hearing which shall not exceed two days, the board of directors shall adopt the budget by resolution. After the budget has been adopted by the board at the public hearing, two certified copies shall be forwarded to the superintendent of public instruction on or before the fourth Monday in May in order that the superintendent may revise and fix the budget according to statute.

AMENDATORY SECTION (Amending Order 84-12, filed 6/13/84)

WAC 392-125-030 TIME SCHEDULE FOR BUDGET PROCESS. The time schedule for preparation of the annual budget of an educational service district follows: If the superintendent of public instruction

deems it necessary to request a second and revised budget, the timing of the process shall be similar and shall be outlined specifically in the request.

ON OR  
BEFORE

REQUIREMENT

May 1	Final date for board to prepare budget. Immediately thereafter publish notice of the completion of the budget as provided in WAC 392-125-020.
2 weeks preceding public hearing	Copies of budget made available to interested citizens.
3rd Friday in May	Final date for board in public hearing to fix and adopt the budget. (The maximum time for this hearing is two days.)
Conclusion of hearing	Board resolution to adopt budget (obtain signature of chairman of superintendents' advisory committee).
4th Monday in May	Forward two properly signed copies of budget to superintendent of public instruction.
June	Superintendent revises, fixes and approves budget and returns <del>((two copies))</del> <u>one copy</u> to the district <del>((one for county auditor of headquarters county))</del> .

AMENDATORY SECTION (Amending Order 84-12, filed 6/13/84)

WAC 392-125-035 BUDGET CONTENT. (1) The budget prepared by an educational service district shall set forth the complete financial program and consider all activities of the district for the ensuing fiscal year in detailed expenditures by program and the sources of revenue from which it is to be financed.

(2) The revenue section of a budget shall set forth the estimated revenue from all sources for the ensuing fiscal year, the estimated revenue for the fiscal year current at the time of the budget preparation, the actual revenue for the last completed fiscal year, and ~~((the probable net cash and investments available for ensuing fiscal year disbursements at the close of the said current fiscal year))~~ the reserved and unreserved fund balances. The estimated ~~((receipts))~~ revenues from all sources for the ensuing fiscal year shall not include any revenue ~~((which cannot reasonably be))~~ not anticipated to be ~~((received in-cash))~~ available during that fiscal year.

(3) The expenditure section of the budget shall set forth budgeted expenditures for the ensuing fiscal year, budgeted expenditures for the current fiscal year, and the actual expenditures for the last completed fiscal

year. Expenditures shall be ~~((broken-out))~~ displayed by program, activity, and object of expenditure. Total salary amounts, full-time equivalents and the high, low, and average annual salaries shall be displayed by each job classification within each activity within each program. If individual salaries within each position title are not displayed, districts shall provide individual salaries together with the position title of the recipient and the total salary amounts budgeted for each program upon request. Salary schedules shall be displayed. In districts where negotiations have not been completed, the district may budget the salaries at the current year's rate and restrict fund balance for the amount of anticipated increase in salaries, so long as an explanation shall be attached to the budget on such restriction of fund balance.

The salary exhibits shall be divided into two major groupings with subtotals which agree with the object of expenditure detail in the budget. The two groupings are ~~((professional))~~ certificated and classified.

(4) All pertinent items on the budget form shall be completed correctly before the budget is presented for hearing, review, and approval. Information pertaining to budget development which is not available at the time of budget preparation shall be estimated using the most current and reliable information available.

AMENDATORY SECTION (Amending Order 1-79, filed 6/7/79)

WAC 392-125-036 CORE SERVICES FUNDING FORMULA. (1) The superintendent of public instruction shall biennially review and adopt the core services funding formula for educational service districts based upon RCW 28A.21.136, 28A.21.137 and the considerations set forth in this section.

(2) The core services funding formula shall be established to identify basic, uniform services to be provided to school districts and to the superintendent of public instruction by educational service districts.

(3) The core funding formula provides for the equalization of services by educational service districts based on geographical features, number and size of districts served, and facility requirements.

(4) All educational service districts shall be allocated the following positions without regard to size:

- (a) Superintendent;
- (b) Executive secretary;
- (c) Receptionist;
- (d) Internal accountant;
- (e) ~~((Grants manager;~~
- ~~((f))~~ Secretary; and
- ~~((g))~~ (f) Certification clerk.

(5) All other positions in addition to those specified in subsection (4) of this section, both professional and clerical, shall be allocated on the basis of workload, e.g., total number of school districts, number of second-class school districts, number of on-line computer reports required. These positions shall be allocated to the educational service districts in the following manner:

(a) To provide fiscal office support to school districts most in need, allocations shall be based on the number of second-class school districts served.

(b) In the case of terminal operators, allocation shall be on a workload basis associated with the amount of hours required to process state reports.

(c) ~~((The allocation of assistant superintendent positions shall be based on the number of second-class school districts served.~~

(d)) The level of curriculum and instruction services provided by educational service districts shall be based on the number of school districts served, regardless of district enrollment.

(6) Travel expenses shall be based on a mileage factor calculated for each educational service district. The factor shall be calculated by measuring the distance between each school district headquarters and the respective educational service district headquarters and obtaining the total mileage for the educational service district. The total mileage shall be multiplied by the number of professional staff allocated to the respective educational service district. The product shall then be multiplied by a standard dollar amount to be determined by the superintendent of public instruction after consultation with the Educational Service District Superintendents' Association.

(7) The expenses of board members shall be provided for in the formula by allocating a dollar amount to be determined by the superintendent of public instruction after consultation with the Educational Service District Superintendents' Association for each educational service district board member.

(8) Maintenance and operation expenditures shall be provided in the formula by allocating a dollar amount to be determined by the superintendent of public instruction after consultation with the Educational Service District Superintendents' Association for each core staff position.

(9) The annual housing costs for each educational service district shall be agreed upon by the educational service district superintendents and approved by the superintendent of public instruction or his or her designee.

(10) Total compensation of core positions shall be allocated in accordance with the state biennial appropriations act.

(11) Unique situations may dictate exceptions to the formula which shall be recommended by the Educational Service District Superintendents' Association and approved by the superintendent of public instruction or his or her designee.

(12) The elements set forth in subsections (1) through (11) of this section shall:

(a) Serve as ~~((bases))~~ basis for preparing biennial budget requests to the regular sessions of the Washington state legislature; and

(b) Be considered in the approval or disapproval of the annual budgets of the educational service districts by the superintendent of public instruction.

the initial budget) or actual ~~((or))~~ for budgets developed after fund balance is known) fund balance at the close of the fiscal year preceding the ensuing fiscal year. A budget is considered a balanced budget if the above requirement is met. The proceeds of any loan must not be used to balance the budget.

AMENDATORY SECTION (Amending Order 84-12, filed 6/13/84)

WAC 392-125-065 CONTENT OF THE MONTHLY BUDGET STATUS. The monthly budget status report shall contain the most current approved budget amounts by summary level accounts and the fund balance at the beginning and end of the period being analyzed. Encumbrances also shall be reflected in the report. The report shall display activity on a fiscal year-to-date basis on both revenues and expenditures and the "as of" date shall be indicated at the top of the report. ~~((The report shall be signed by the educational service district superintendent.))~~

AMENDATORY SECTION (Amending Order 84-12, filed 6/13/84)

WAC 392-125-045 A BALANCED BUDGET. The estimated expenditures for the ensuing fiscal year shall not be greater than the total of the estimated revenues for the ensuing fiscal year plus the probable (for

## 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

**Suffixes:**

- P = Proposed action
- C = Continuance of previous proposal
- E = Emergency action
- W = Withdrawal of proposed action
- No suffix means permanent action

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

**WAC #** shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

**WSR #** shows the issue of the Washington State Register where the document may be found; the last three digits show the sequence of the document within the issue.

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16-426-001	REP	85-15-047	16-555-050	NEW-P	85-05-038	67-45-075	REP-P	85-15-076
16-426-005	REP-P	85-11-080	16-555-050	NEW	85-11-030	82-50-021	AMD-P	85-13-068
16-426-005	REP	85-15-047	16-555-060	NEW-P	85-05-038	98-40-010	NEW-P	85-14-108
16-426-010	REP-P	85-11-080	16-555-060	NEW	85-11-030	98-40-020	NEW-P	85-14-108
16-426-010	REP	85-15-047	16-555-070	NEW-P	85-05-038	98-40-030	NEW-P	85-14-108
16-426-015	REP-P	85-11-080	16-555-070	NEW	85-11-030	98-40-040	NEW-P	85-14-108
16-426-015	REP	85-15-047	16-555-080	NEW-P	85-05-038	98-40-050	NEW-P	85-14-108
16-426-020	REP-P	85-11-080	16-555-080	NEW	85-11-030	98-40-060	NEW-P	85-14-108
16-426-020	REP	85-15-047	16-560-06001	AMD-P	85-02-054	98-40-070	NEW-P	85-14-108
16-470-010	AMD-P	85-11-086	16-560-06001	AMD	85-10-005	98-40-080	NEW-P	85-14-108
16-470-010	AMD-E	85-11-087	16-565-010	AMD-P	85-11-078	98-70-010	AMD-P	85-14-108
16-470-010	AMD	85-15-006	16-565-010	AMD	85-15-018	100-100-010	NEW	85-03-011
16-470-015	AMD-P	85-11-084	16-565-020	AMD-P	85-11-078	100-100-020	NEW	85-03-011
16-470-015	AMD-E	85-11-087	16-565-020	AMD	85-15-018	100-100-030	NEW	85-03-011
16-470-015	AMD	85-15-007	16-666-140	NEW-P	85-10-051	100-100-040	NEW	85-03-011
16-470-100	AMD-P	85-11-084	16-666-140	NEW-W	85-12-053	100-100-050	NEW	85-03-011
16-470-100	AMD-E	85-11-087	16-750-010	AMD-P	85-03-102	100-100-060	NEW	85-03-011
16-470-100	AMD	85-15-007	16-750-010	AMD	85-07-003	100-100-070	NEW	85-03-011
16-470-110	AMD-P	85-11-084	50-20-050	AMD-E	85-15-074	100-100-070	AMD-P	85-04-063
16-470-110	AMD-E	85-11-087	50-20-055	AMD-E	85-15-074	100-100-070	AMD	85-09-027
16-470-110	AMD	85-15-007	50-20-090	NEW-E	85-15-074	100-100-075	NEW	85-09-027
16-470-120	AMD-P	85-11-084	51-10	AMD-P	85-02-055	100-100-080	NEW	85-03-011
16-470-120	AMD-E	85-11-087	51-10	AMD	85-03-095	100-100-090	NEW	85-03-011
16-470-120	AMD	85-15-007	51-10	AMD	85-07-036	100-100-100	NEW	85-03-011
16-470-200	NEW-P	85-11-083	67-25-005	AMD-P	85-03-081	100-100-100	AMD-P	85-04-063
16-470-200	NEW-E	85-11-088	67-25-005	AMD	85-06-030	106-120	AMD-P	85-03-086
16-470-200	NEW	85-15-008	67-25-180	REP-E	85-13-023	106-120	AMD	85-07-032
16-470-210	NEW-P	85-11-083	67-25-180	REP-P	85-15-077	106-120-001	REP-P	85-03-086
16-470-210	NEW-E	85-11-088	67-25-185	REP-E	85-13-023	106-120-001	REP	85-07-032
16-470-210	NEW	85-15-008	67-25-185	REP-P	85-15-077	106-120-003	NEW-P	85-03-086
16-470-220	NEW-P	85-11-083	67-25-190	REP-E	85-13-023	106-120-003	NEW	85-07-032
16-470-220	NEW-E	85-11-088	67-25-190	REP-P	85-15-077	106-120-004	NEW-P	85-03-086
16-470-220	NEW	85-15-008	67-25-200	REP-E	85-13-023	106-120-004	NEW	85-07-032
16-470-230	NEW-P	85-11-083	67-25-200	REP-P	85-15-077	106-120-005	NEW-P	85-03-086
16-470-230	NEW-E	85-11-088	67-25-257	NEW-P	85-03-081	106-120-005	NEW	85-07-032
16-470-230	NEW	85-15-008	67-25-257	NEW	85-06-030	106-120-006	NEW-P	85-03-086
16-470-300	NEW-P	85-11-085	67-25-360	AMD-P	85-15-077	106-120-006	NEW	85-07-032
16-470-300	NEW-W	85-14-072	67-25-420	AMD-P	85-03-081	106-120-007	NEW-P	85-03-086
16-470-300	NEW-P	85-15-054	67-25-420	AMD	85-06-030	106-120-007	NEW	85-07-032
16-470-310	NEW-P	85-11-085	67-35-070	AMD-P	85-15-075	106-120-010	REP-P	85-03-086
16-470-310	NEW-W	85-14-072	67-35-100	AMD-P	85-15-075	106-120-010	REP	85-07-032
16-470-310	NEW-P	85-15-054	67-35-130	AMD-P	85-15-075	106-120-011	REP-P	85-03-086
16-470-320	NEW-P	85-11-085	67-35-140	AMD-P	85-15-075	106-120-011	REP	85-07-032

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106-120-013	REP	85-07-032	106-120-700	REP-P	85-03-086
106-120-020	REP-P	85-03-086	106-120-700	REP	85-07-032
106-120-020	REP	85-07-032	106-120-800	REP-P	85-03-086
106-120-021	NEW-P	85-03-086	106-120-800	REP	85-07-032
106-120-021	NEW	85-07-032	106-120-900	REP-P	85-03-086
106-120-022	NEW-P	85-03-086	106-120-900	REP	85-07-032
106-120-022	NEW	85-07-032	114-12-005	REP-P	85-10-068
106-120-023	NEW-P	85-03-086	114-12-005	REP	85-13-081
106-120-023	NEW	85-07-032	114-12-121	REP-P	85-10-068
106-120-024	NEW-P	85-03-086	114-12-121	REP	85-13-081
106-120-024	NEW	85-07-032	114-12-125	NEW-P	85-10-068
106-120-025	NEW-P	85-03-086	114-12-125	NEW	85-13-081
106-120-025	NEW	85-07-032	120-04-010	REP-P	85-11-041
106-120-026	NEW-P	85-03-086	120-04-010	REP	85-15-013
106-120-026	NEW	85-07-032	120-04-030	REP-P	85-11-041
106-120-027	NEW-P	85-03-086	120-04-030	REP	85-15-013
106-120-027	NEW	85-07-032	120-04-050	REP-P	85-11-041
106-120-028	NEW-P	85-03-086	120-04-050	REP	85-15-013
106-120-028	NEW	85-07-032	120-06-010	REP-P	85-11-041
106-120-030	REP-P	85-03-086	120-06-010	REP	85-15-013
106-120-030	REP	85-07-032	120-06-020	REP-P	85-11-041
106-120-031	REP-P	85-03-086	120-06-020	REP	85-15-013
106-120-031	REP	85-07-032	120-06-030	REP-P	85-11-041
106-120-032	REP-P	85-03-086	120-06-030	REP	85-15-013
106-120-032	REP	85-07-032	120-06-040	REP-P	85-11-041
106-120-033	NEW-P	85-03-086	120-06-040	REP	85-15-013
106-120-033	NEW	85-07-032	120-06-050	REP-P	85-11-041
106-120-040	REP-P	85-03-086	120-06-050	REP	85-15-013
106-120-040	REP	85-07-032	120-06-060	REP-P	85-11-041
106-120-041	REP-P	85-03-086	120-06-060	REP	85-15-013
106-120-041	REP	85-07-032	120-06-070	REP-P	85-11-041
106-120-042	REP-P	85-03-086	120-06-070	REP	85-15-013
106-120-042	REP	85-07-032	120-06-080	REP-P	85-11-041
106-120-043	REP-P	85-03-086	120-06-080	REP	85-15-013
106-120-043	REP	85-07-032	120-06-090	REP-P	85-11-041
106-120-050	REP-P	85-03-086	120-06-090	REP	85-15-013
106-120-050	REP	85-07-032	120-06-100	REP-P	85-11-041
106-120-051	REP-P	85-03-086	120-06-100	REP	85-15-013
106-120-051	REP	85-07-032	120-06-110	REP-P	85-11-041
106-120-053	REP-P	85-03-086	120-06-110	REP	85-15-013
106-120-053	REP	85-07-032	120-06-120	REP-P	85-11-041
106-120-055	REP-P	85-03-086	120-06-120	REP	85-15-013
106-120-055	REP	85-07-032	120-08-010	REP-P	85-11-041
106-120-056	REP-P	85-03-086	120-08-010	REP	85-15-013
106-120-056	REP	85-07-032	120-08-010	REP-P	85-11-041
106-120-057	REP-P	85-03-086	120-52-010	REP	85-15-013
106-120-057	REP	85-07-032	120-52-010	REP-P	85-11-041
106-120-058	REP-P	85-03-086	120-52-030	REP	85-15-013
106-120-058	REP	85-07-032	120-52-030	REP-P	85-11-041
106-120-060	REP-P	85-03-086	120-52-030	REP	85-15-013
106-120-060	REP	85-07-032	120-52-050	REP-P	85-11-041
106-120-061	REP-P	85-03-086	120-52-050	REP	85-15-013
106-120-061	REP	85-07-032	120-52-070	REP-P	85-11-041
106-120-062	REP-P	85-03-086	120-52-070	REP	85-15-013
106-120-062	REP	85-07-032	120-52-090	REP-P	85-11-041
106-120-064	REP-P	85-03-086	120-52-090	REP	85-15-013
106-120-064	REP	85-07-032	132B-122-010	NEW-P	85-04-051
106-120-066	REP-P	85-03-086	132B-122-010	NEW	85-08-025
106-120-066	REP	85-07-032	132C-104-060	AMD-P	85-07-050
106-120-131	NEW-P	85-03-086	132C-104-060	AMD	85-13-024
106-120-131	NEW	85-07-032	132C-120-010	AMD-P	85-07-051
106-120-132	NEW-P	85-03-086	132C-120-010	AMD	85-13-067
106-120-132	NEW	85-07-032	132C-120-015	AMD-P	85-07-051
106-120-143	NEW-P	85-03-086	132C-120-015	AMD	85-13-067
106-120-143	NEW	85-07-032	132C-120-020	AMD-P	85-07-051
106-120-200	REP-P	85-03-086	132C-120-020	AMD	85-13-067
106-120-200	REP	85-07-032	132C-120-025	AMD-P	85-07-051
106-120-210	REP-P	85-03-086	132C-120-025	AMD	85-13-067
106-120-210	REP	85-07-032	132C-120-030	AMD-P	85-07-051
106-120-220	REP-P	85-03-086	132C-120-030	AMD	85-13-067
106-120-220	REP	85-07-032	132C-120-035	AMD-P	85-07-051
106-120-230	REP-P	85-03-086	132C-120-035	AMD	85-13-067
106-120-230	REP	85-07-032	132C-120-040	AMD-P	85-07-051
106-120-240	REP-P	85-03-086	132C-120-040	AMD	85-13-067
106-120-240	REP	85-07-032	132C-120-045	AMD-P	85-07-051
106-120-250	REP-P	85-03-086	132C-120-045	AMD	85-13-067
			132C-120-050	AMD-P	85-07-051
			132C-120-050	AMD	85-13-067
			132C-120-055	AMD-P	85-07-051
			132C-120-055	AMD	85-13-067
			132C-120-060	AMD-P	85-07-051
			132C-120-060	AMD	85-13-067
			132C-120-065	AMD-P	85-07-051
			132C-120-065	AMD	85-13-067
			132C-120-070	REP-P	85-07-051
			132C-120-070	REP	85-13-067
			132C-120-075	REP-P	85-07-051
			132C-120-075	REP	85-13-067
			132C-120-080	REP-P	85-07-051
			132C-120-080	REP	85-13-067
			132C-120-085	REP-P	85-07-051
			132C-120-085	REP	85-13-067
			132C-120-090	REP-P	85-07-051
			132C-120-090	REP	85-13-067
			132C-120-095	REP-P	85-07-051
			132C-120-095	REP	85-13-067
			132C-120-100	AMD-P	85-07-051
			132C-120-100	AMD	85-13-067
			132C-120-105	AMD-P	85-07-051
			132C-120-105	AMD	85-13-067
			132C-120-110	AMD-P	85-07-051
			132C-120-110	AMD	85-13-067
			132C-120-115	AMD-P	85-07-051
			132C-120-115	AMD	85-13-067
			132C-120-120	AMD-P	85-07-051
			132C-120-120	AMD	85-13-067
			132C-120-125	AMD-P	85-07-051
			132C-120-125	AMD	85-13-067
			132C-120-130	AMD-P	85-07-051
			132C-120-130	AMD	85-13-067
			132C-120-135	AMD-P	85-07-051
			132C-120-135	AMD	85-13-067
			132C-120-140	AMD-P	85-07-051
			132C-120-140	AMD	85-13-067
			132C-120-145	AMD-P	85-07-051
			132C-120-145	AMD	85-13-067
			132C-120-150	AMD-P	85-07-051
			132C-120-150	AMD	85-13-067
			132C-120-155	REP-P	85-07-051
			132C-120-155	REP	85-13-067
			132C-120-160	REP-P	85-07-051
			132C-120-160	REP	85-13-067
			132C-120-165	REP-P	85-07-051
			132C-120-165	REP	85-13-067
			132C-120-170	REP-P	85-07-051
			132C-120-170	REP	85-13-067
			132C-120-175	REP-P	85-07-051
			132C-120-175	REP	85-13-067
			132C-120-180	REP-P	85-07-051
			132C-120-180	REP	85-13-067
			132C-120-185	REP-P	85-07-051
			132C-120-185	REP	85-13-067
			132C-120-190	REP-P	85-07-051
			132C-120-190	REP	85-13-067
			132C-120-195	REP-P	85-07-051
			132C-120-195	REP	85-13-067
			132C-120-200	AMD-P	85-07-051
			132C-120-200	AMD	85-13-067
			132C-120-205	AMD-P	85-07-051
			132C-120-205	AMD	85-13-067
			132C-120-210	AMD-P	85-07-051
			132C-120-210	AMD	85-13-067
			132C-120-215	AMD-P	85-07-051
			132C-120-215	AMD	85-13-067
			132C-120-220	AMD-P	85-07-051
			132C-120-220	AMD	85-13-067
			132C-120-225	AMD-P	85-07-051
			132C-120-225	AMD	85-13-067
			132C-120-230	NEW-P	85-07-051
			132C-120-230	NEW	85-13-067
			132C-120-235	NEW-P	85-07-051
			132C-120-235	NEW	85-13-067
			132E-116-001	REP	85-04-003
			132E-116-004	REP	85-04-003
			132E-116-008	REP	85-04-003

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132E-116-016	REP	85-04-003	132R-128-070	REP	85-14-078	137-52-035	NEW	85-07-042
132E-116-020	REP	85-04-003	132R-128-080	REP-P	85-05-007	137-52-040	NEW-P	85-03-104
132E-116-024	REP	85-04-003	132R-128-080	REP	85-14-078	137-52-040	NEW	85-07-042
132E-116-028	REP	85-04-003	132R-128-090	REP-P	85-05-007	137-52-045	NEW-P	85-03-104
132E-116-032	REP	85-04-003	132R-128-090	REP	85-14-078	137-52-045	NEW	85-07-042
132E-116-036	REP	85-04-003	132R-128-100	REP-P	85-05-007	137-52-050	NEW-P	85-03-104
132E-116-040	REP	85-04-003	132R-128-100	REP	85-14-078	137-52-050	NEW	85-07-042
132E-116-044	REP	85-04-003	132R-128-110	REP-P	85-05-007	137-54-010	NEW-P	85-02-067
132E-116-048	REP	85-04-003	132R-128-110	REP	85-14-078	137-54-010	NEW	85-05-019
132E-116-052	REP	85-04-003	132R-128-120	REP-P	85-05-007	137-54-020	NEW-P	85-02-067
132E-116-056	REP	85-04-003	132R-128-120	REP	85-14-078	137-54-020	NEW	85-05-019
132E-116-060	REP	85-04-003	132R-128-121	REP-P	85-05-007	137-54-030	NEW-P	85-02-067
132E-116-064	REP	85-04-003	132R-128-121	REP	85-14-078	137-54-030	NEW	85-05-019
132E-116-068	REP	85-04-003	132R-128-122	REP-P	85-05-007	137-54-040	NEW-P	85-02-067
132E-116-072	REP	85-04-003	132R-128-122	REP	85-14-078	137-54-040	NEW	85-05-019
132E-116-076	REP	85-04-003	132R-128-130	REP-P	85-05-007	137-60-020	AMD	85-04-015
132E-116-080	REP	85-04-003	132R-128-130	REP	85-14-078	137-67-010	NEW-P	85-15-093
132E-116-084	REP	85-04-003	132R-180-010	REP-P	85-05-007	137-67-015	NEW-P	85-15-093
132E-116-088	REP	85-04-003	132R-180-010	REP	85-14-078	137-67-020	NEW-P	85-15-093
132E-116-092	REP	85-04-003	132R-180-020	REP-P	85-05-007	137-67-025	NEW-P	85-15-093
132E-116-096	REP	85-04-003	132R-180-020	REP	85-14-078	137-67-030	NEW-P	85-15-093
132E-116-100	REP	85-04-003	132R-180-030	REP-P	85-05-007	137-67-035	NEW-P	85-15-093
132E-116-104	REP	85-04-003	132R-180-030	REP	85-14-078	137-67-040	NEW-P	85-15-093
132E-116-108	REP	85-04-003	132R-180-040	REP-P	85-05-007	137-67-045	NEW-P	85-15-093
132E-116-112	REP	85-04-003	132R-180-040	REP	85-14-078	137-70-040	AMD-P	85-09-056
132E-116-116	REP	85-04-003	132R-180-050	REP-P	85-05-007	137-70-040	AMD	85-12-020
132E-116-120	REP	85-04-003	132R-180-050	REP	85-14-078	137-70-060	AMD-P	85-03-103
132E-116-124	REP	85-04-003	132R-180-060	REP-P	85-05-007	137-70-060	AMD	85-07-017
132F-148-010	AMD-P	85-09-057	132R-180-060	REP	85-14-078	137-70-070	AMD-P	85-03-103
132F-148-010	AMD	85-13-076	132R-180-070	REP-P	85-05-007	137-70-070	AMD	85-07-017
132F-148-020	AMD-P	85-09-057	132R-180-070	REP	85-14-078	139-04-010	AMD-P	85-03-076
132F-148-020	AMD	85-13-076	132R-180-080	REP-P	85-05-007	139-04-010	AMD	85-08-010
132F-148-030	AMD-P	85-09-057	132R-180-080	REP	85-14-078	139-08-005	AMD-P	85-03-077
132F-148-030	AMD	85-13-076	132R-180-090	REP-P	85-05-007	139-08-005	AMD	85-08-011
132F-148-040	AMD-P	85-09-057	132R-180-090	REP	85-14-078	139-08-010	REP-P	85-03-077
132F-148-040	AMD	85-13-076	132Y-100-008	AMD-P	85-14-111	139-08-010	REP	85-08-011
132F-148-050	AMD-P	85-09-057	132Y-100-010	NEW-P	85-14-111	139-08-014	NEW-W	85-07-039
132F-148-050	AMD	85-13-076	136-18-064	NEW-P	85-07-055	139-08-020	REP-P	85-03-077
132F-148-060	AMD-P	85-09-057	136-18-064	NEW	85-11-054	139-08-020	REP	85-08-011
132F-148-060	AMD	85-13-076	136-18-066	NEW-P	85-07-055	139-08-030	REP-P	85-03-077
132F-148-070	AMD-P	85-09-057	136-150-050	NEW-E	85-11-018	139-08-030	REP	85-08-011
132F-148-070	AMD	85-13-076	136-150-050	NEW-P	85-14-052	139-08-040	AMD-P	85-03-077
132F-419-010	NEW-P	85-07-056	136-160-024	NEW-P	85-07-053	139-08-040	AMD	85-08-011
132F-419-010	NEW-C	85-12-016	136-160-024	NEW	85-11-053	139-08-060	REP-P	85-03-077
132F-419-010	NEW	85-13-075	136-190-010	NEW-P	85-07-054	139-08-060	REP	85-08-011
132F-419-020	NEW-P	85-07-056	136-190-010	NEW	85-11-055	139-08-090	AMD-P	85-03-077
132F-419-020	NEW-C	85-12-016	136-190-020	NEW-P	85-07-054	139-08-090	AMD	85-08-011
132F-419-020	NEW	85-13-075	136-190-020	NEW	85-11-055	139-08-130	AMD-P	85-03-077
132F-419-030	NEW-P	85-07-056	136-190-030	NEW-P	85-07-054	139-08-130	AMD	85-08-011
132F-419-030	NEW-C	85-12-016	136-190-030	NEW	85-11-055	139-08-150	AMD-P	85-03-077
132F-419-030	NEW	85-13-075	136-190-040	NEW-P	85-07-054	139-08-150	AMD	85-08-011
132F-419-040	NEW-P	85-07-056	136-190-040	NEW	85-11-055	139-08-240	AMD-P	85-03-077
132F-419-040	NEW-C	85-12-016	136-190-050	NEW-P	85-07-054	139-08-240	AMD	85-08-011
132F-419-040	NEW	85-13-075	136-190-050	NEW	85-11-055	139-08-270	AMD-P	85-03-077
132F-419-050	NEW-P	85-07-056	137-08-060	AMD-P	85-10-066	139-08-270	AMD	85-08-011
132F-419-050	NEW-C	85-12-016	137-08-060	AMD	85-13-020	139-08-280	AMD-P	85-03-077
132F-419-050	NEW	85-13-075	137-08-105	NEW-P	85-10-066	139-08-280	AMD	85-08-011
132F-419-060	NEW-P	85-07-056	137-08-105	NEW	85-13-020	139-08-290	AMD-P	85-03-077
132F-419-060	NEW-C	85-12-016	137-08-110	AMD-P	85-10-066	139-08-290	AMD	85-08-011
132F-419-060	NEW	85-13-075	137-08-110	AMD	85-13-020	139-08-320	AMD-P	85-03-077
132F-419-070	NEW-P	85-07-056	137-08-150	AMD-P	85-10-066	139-08-320	AMD	85-08-011
132F-419-070	NEW-C	85-12-016	137-08-150	AMD	85-13-020	139-08-330	AMD-P	85-03-077
132F-419-070	NEW	85-13-075	137-28-030	AMD-P	85-05-048	139-08-330	AMD	85-08-011
132L-140-020	AMD-P	85-14-119	137-28-030	AMD	85-08-026	139-08-350	AMD-P	85-03-077
132R-128-010	REP-P	85-05-007	137-52-005	NEW-P	85-03-104	139-08-350	AMD	85-08-011
132R-128-010	REP	85-14-078	137-52-005	NEW	85-07-042	139-08-360	AMD-P	85-03-077
132R-128-020	REP-P	85-05-007	137-52-010	NEW-P	85-03-104	139-08-360	AMD	85-08-011
132R-128-020	REP	85-14-078	137-52-010	NEW	85-07-042	139-08-370	AMD-P	85-03-077
132R-128-030	REP-P	85-05-007	137-52-015	NEW-P	85-03-104	139-08-370	AMD	85-08-011
132R-128-030	REP	85-14-078	137-52-015	NEW	85-07-042	139-08-390	REP-P	85-03-077
132R-128-040	REP-P	85-05-007	137-52-020	NEW-P	85-03-104	139-08-390	REP	85-08-011
132R-128-040	REP	85-14-078	137-52-020	NEW	85-07-042	139-08-400	REP-P	85-03-077
132R-128-050	REP-P	85-05-007	137-52-025	NEW-P	85-03-104	139-08-400	REP	85-08-011
132R-128-050	REP	85-14-078	137-52-025	NEW	85-07-042	139-08-410	REP-P	85-03-077
132R-128-060	REP-P	85-05-007	137-52-030	NEW-P	85-03-104	139-08-410	REP	85-08-011
132R-128-060	REP	85-14-078	137-52-030	NEW	85-07-042	139-08-420	REP-P	85-03-077

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139-08-430	REP-P	85-03-077	173-16-030	AMD-P	85-06-065	173-145-040	NEW	85-14-002
139-08-430	REP	85-08-011	173-16-030	AMD	85-09-043	173-145-050	NEW-P	85-10-071
139-08-440	REP-P	85-03-077	173-16-070	AMD-P	85-06-065	173-145-050	NEW	85-14-002
139-08-440	REP	85-08-011	173-16-070	AMD	85-09-043	173-145-060	NEW-P	85-10-071
139-08-450	REP-P	85-03-077	173-18-380	AMD-P	85-06-065	173-145-060	NEW	85-14-002
139-08-450	REP	85-08-011	173-18-380	AMD	85-09-043	173-145-070	NEW-P	85-10-071
139-08-460	REP-P	85-03-077	173-19-130	AMD-P	85-12-049	173-145-070	NEW	85-14-002
139-08-460	REP	85-08-011	173-19-2204	AMD-P	85-07-061	173-145-080	NEW-P	85-10-071
139-08-470	REP-P	85-03-077	173-19-2204	AMD	85-10-030	173-145-080	NEW	85-14-002
139-08-470	REP	85-08-011	173-19-230	AMD-P	85-10-072	173-145-090	NEW-P	85-10-071
139-08-480	REP-P	85-03-077	173-19-230	AMD	85-12-051	173-145-090	NEW	85-14-002
139-08-480	REP	85-08-011	173-19-240	AMD-P	85-06-065	173-145-100	NEW-P	85-10-071
139-08-490	REP-P	85-03-077	173-19-240	AMD	85-09-043	173-145-100	NEW	85-14-002
139-08-490	REP	85-08-011	173-19-250	AMD-P	85-10-073	173-145-110	NEW-P	85-10-071
139-08-510	REP-P	85-03-077	173-19-250	AMD	85-13-054	173-145-110	NEW	85-14-002
139-08-510	REP	85-08-011	173-19-2501	AMD-P	85-10-073	173-145-120	NEW-P	85-10-071
139-08-570	AMD-P	85-03-077	173-19-2501	AMD	85-13-054	173-145-120	NEW	85-14-002
139-08-570	AMD	85-08-011	173-19-2511	AMD-P	85-06-065	173-145-130	NEW-P	85-10-071
139-08-600	NEW-P	85-03-077	173-19-2511	AMD	85-09-043	173-145-130	NEW	85-14-002
139-08-600	NEW	85-08-011	173-19-2515	AMD-P	85-10-073	173-145-140	NEW-P	85-10-071
139-22-020	NEW-P	85-07-040	173-19-2515	AMD	85-13-054	173-145-140	NEW	85-14-002
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139-36-031	AMD-E	85-14-006	173-19-260	AMD	85-10-014	173-145-150	NEW	85-14-002
139-36-031	AMD-P	85-14-095	173-19-2901	AMD-P	85-06-065	173-150	NEW-C	85-08-032
140-08-010	REP	85-03-004	173-19-2901	AMD	85-09-043	173-150-010	NEW	85-12-017
140-08-020	REP	85-03-004	173-19-3210	AMD	85-04-039	173-150-020	NEW	85-12-017
140-08-030	REP	85-03-004	173-19-3210	AMD-P	85-05-045	173-150-030	NEW	85-12-017
140-08-040	REP	85-03-004	173-19-3210	AMD	85-08-016	173-150-040	NEW	85-12-017
140-08-050	REP	85-03-004	173-19-3514	AMD-P	85-05-046	173-150-050	NEW	85-12-017
140-08-060	REP	85-03-004	173-19-3514	AMD	85-10-013	173-150-060	NEW	85-12-017
140-08-070	REP	85-03-004	173-19-3701	AMD-P	85-06-065	173-150-070	NEW	85-12-017
140-08-080	REP	85-03-004	173-19-3701	AMD	85-09-043	173-150-080	NEW	85-12-017
140-08-090	REP	85-03-004	173-19-3903	AMD-P	85-06-065	173-150-090	NEW	85-12-017
140-08-100	REP	85-03-004	173-19-3903	AMD	85-09-043	173-150-100	NEW	85-12-017
140-08-110	REP	85-03-004	173-19-4402	AMD-P	85-13-053	173-150-110	NEW	85-12-017
140-09-010	NEW	85-03-004	173-19-450	AMD-C	85-03-046	173-150-120	NEW	85-12-017
140-09-020	NEW	85-03-004	173-19-450	AMD	85-04-040	173-150-130	NEW	85-12-017
140-09-030	NEW	85-03-004	173-20-120	AMD-P	85-06-065	173-150-140	NEW	85-12-017
140-09-040	NEW	85-03-004	173-20-120	AMD	85-09-043	173-154	NEW-C	85-08-033
140-09-050	NEW	85-03-004	173-20-130	AMD-P	85-06-065	173-154-010	NEW	85-12-018
140-09-058	NEW	85-03-004	173-20-130	AMD	85-09-043	173-154-020	NEW	85-12-018
140-09-065	NEW	85-03-004	173-20-550	AMD-P	85-06-065	173-154-030	NEW	85-12-018
140-09-080	NEW	85-03-004	173-20-550	AMD	85-09-043	173-154-040	NEW	85-12-018
140-09-090	NEW	85-03-004	173-20-700	AMD-P	85-06-065	173-154-050	NEW	85-12-018
140-09-100	NEW	85-03-004	173-20-700	AMD	85-09-043	173-154-060	NEW	85-12-018
140-09-110	NEW	85-03-004	173-22-040	AMD-P	85-06-065	173-154-070	NEW	85-12-018
140-09-120	NEW	85-03-004	173-22-040	AMD	85-09-043	173-154-080	NEW	85-12-018
140-09-128	NEW	85-03-004	173-22-060	AMD-P	85-06-065	173-154-090	NEW	85-12-018
140-09-130	NEW	85-03-004	173-22-060	AMD	85-09-043	173-154-100	NEW	85-12-018
140-09-140	NEW	85-03-004	173-22-060	AMD-P	85-09-066	173-154-110	NEW	85-12-018
140-09-150	NEW	85-03-004	173-22-060	AMD-C	85-13-029	173-216-050	AMD	85-04-006
140-09-155	NEW	85-03-004	173-22-060	AMD	85-14-001	173-303-071	AMD-P	85-05-047
140-09-160	NEW	85-03-004	173-144-010	NEW-E	85-03-075	173-303-071	AMD	85-09-042
140-09-173	NEW	85-03-004	173-144-010	NEW-E	85-09-067	173-303-9904	AMD-P	85-05-047
140-09-175	NEW	85-03-004	173-144-020	NEW-E	85-03-075	173-303-9904	AMD	85-09-042
140-09-180	NEW	85-03-004	173-144-020	NEW-E	85-09-067	173-304-010	NEW-P	85-14-027
140-09-185	NEW	85-03-004	173-144-030	NEW-E	85-03-075	173-304-011	NEW-P	85-14-027
140-09-200	NEW	85-03-004	173-144-030	NEW-E	85-09-067	173-304-015	NEW-P	85-14-027
140-09-220	NEW	85-03-004	173-144-040	NEW-E	85-03-075	173-304-100	NEW-P	85-14-027
140-09-230	NEW	85-03-004	173-144-040	NEW-E	85-09-067	173-304-130	NEW-P	85-14-027
142-30-010	AMD-E	85-08-014	173-144-050	NEW-E	85-03-075	173-304-190	NEW-P	85-14-027
142-30-010	AMD-P	85-11-071	173-144-050	NEW-E	85-09-067	173-304-195	NEW-P	85-14-027
142-30-010	AMD-E	85-14-020	173-144-060	NEW-E	85-03-075	173-304-200	NEW-P	85-14-027
142-30-010	AMD-C	85-14-040	173-144-060	NEW-E	85-09-067	173-304-300	NEW-P	85-14-027
142-30-010	AMD-E	85-14-088	173-144-070	NEW-E	85-03-075	173-304-400	NEW-P	85-14-027
142-30-010	AMD	85-15-003	173-144-070	NEW-E	85-09-067	173-304-405	NEW-P	85-14-027
173-14-040	AMD-P	85-06-065	173-144-080	NEW-E	85-03-075	173-304-410	NEW-P	85-14-027
173-14-040	AMD	85-09-043	173-144-080	NEW-E	85-09-067	173-304-420	NEW-P	85-14-027
173-14-064	AMD-P	85-06-065	173-144-090	NEW-E	85-03-075	173-304-430	NEW-P	85-14-027
173-14-064	AMD	85-09-043	173-145-010	NEW-P	85-10-071	173-304-440	NEW-P	85-14-027
173-14-090	AMD-P	85-06-065	173-145-010	NEW	85-14-002	173-304-450	NEW-P	85-14-027
173-14-090	AMD	85-09-043	173-145-020	NEW-P	85-10-071	173-304-460	NEW-P	85-14-027
173-14-110	AMD-P	85-06-065	173-145-020	NEW	85-14-002	173-304-461	NEW-P	85-14-027
173-14-115	AMD-P	85-06-065	173-145-030	NEW-P	85-10-071	173-304-462	NEW-P	85-14-027
173-14-115	AMD	85-09-043	173-145-030	NEW-P	85-10-071	173-304-463	NEW-P	85-14-027
173-14-130	AMD-P	85-06-065	173-145-030	NEW	85-14-002	173-304-470	NEW-P	85-14-027

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173-304-700	NEW-P	85-14-027	180-33-015	AMD	85-09-060	220-16-340	AMD	85-09-017
173-304-9901	NEW-P	85-14-027	180-33-015	AMD-E	85-09-064	220-16-34000A	NEW-E	85-08-005
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173-400-075	AMD	85-06-046	180-33-042	NEW	85-09-060	220-20-010	AMD-P	85-04-065
173-400-100	AMD	85-06-046	180-33-042	NEW-E	85-09-064	220-20-010	AMD	85-08-023
173-400-115	AMD	85-06-046	180-33-043	NEW-P	85-06-069	220-20-010	AMD-C	85-09-016
173-403-030	AMD	85-06-047	180-33-043	NEW	85-09-060	220-20-010	AMD	85-09-017
173-403-030	AMD-E	85-07-011	180-33-043	NEW-E	85-09-064	220-20-01000J	NEW-E	85-08-005
173-403-050	AMD	85-06-047	180-40-215	AMD	85-04-009	220-20-01000K	NEW-E	85-09-011
173-403-050	AMD-E	85-07-011	180-40-227	NEW	85-04-009	220-20-016	AMD-P	85-07-065
173-403-070	AMD	85-06-047	180-40-227	AMD-E	85-06-035	220-20-016	AMD-C	85-09-034
173-403-070	AMD-E	85-07-011	180-40-227	AMD-P	85-06-071	220-20-016	AMD	85-11-020
173-403-080	AMD	85-06-047	180-40-227	AMD	85-09-049	220-20-021	AMD-P	85-04-065
173-403-080	AMD-E	85-07-011	180-40-245	AMD-P	85-09-058	220-20-021	AMD	85-08-023
173-405-021	AMD	85-06-048	180-40-245	AMD	85-12-042	220-20-02100B	NEW-E	85-09-011
173-405-041	NEW	85-06-048	180-40-260	AMD-P	85-09-058	220-20-02100B	REP-E	85-09-036
173-410-021	AMD	85-06-048	180-40-260	AMD	85-12-042	220-20-02100C	NEW-E	85-09-036
173-410-042	NEW	85-06-048	180-40-275	AMD-P	85-09-058	220-20-030	REP-P	85-08-038
173-415-020	AMD	85-06-048	180-50-120	AMD	85-04-007	220-20-030	REP-C	85-13-031
173-415-041	NEW	85-06-048	180-50-120	AMD-P	85-09-052	220-20-030	REP	85-13-032
173-516-010	NEW-P	85-12-050	180-50-120	AMD	85-12-037	220-20-03800A	NEW-E	85-11-039
173-516-020	NEW-P	85-12-050	180-50-315	AMD-P	85-09-052	220-20-03800A	REP-E	85-14-060
173-516-030	NEW-P	85-12-050	180-50-315	AMD	85-12-037	220-22-030	AMD-P	85-08-038
173-516-040	NEW-P	85-12-050	180-51-050	AMD-P	85-09-053	220-22-030	AMD-C	85-13-031
173-516-050	NEW-P	85-12-050	180-51-050	AMD	85-12-041	220-22-030	AMD	85-13-032
173-516-060	NEW-P	85-12-050	180-51-055	AMD-P	85-09-053	220-24-02000C	NEW-E	85-10-010
173-516-070	NEW-P	85-12-050	180-51-055	AMD	85-12-041	220-24-02000C	REP-E	85-11-031
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174-104-010	AMD	85-10-049	180-51-065	AMD-P	85-09-053	220-24-02000F	NEW-E	85-15-030
174-107-230	REP-P	85-14-034	180-51-065	AMD	85-12-041	220-24-02000F	REP-E	85-15-065
174-107-240	REP-P	85-14-034	180-51-070	AMD-P	85-09-053	220-24-02000G	NEW-E	85-15-065
174-107-250	REP-P	85-14-034	180-51-070	AMD	85-12-041	220-28-440	REP-E	85-03-037
174-107-260	REP-P	85-14-034	180-51-075	AMD-P	85-09-053	220-28-501	NEW-E	85-10-011
174-107-270	REP-P	85-14-034	180-51-075	AMD	85-12-041	220-28-501	REP-E	85-12-013
174-107-280	REP-P	85-14-034	180-51-080	AMD-P	85-09-053	220-28-502	NEW-E	85-12-013
174-107-290	REP-P	85-14-034	180-51-080	AMD	85-12-041	220-28-502	REP-E	85-13-014
174-107-300	REP-P	85-14-034	180-51-085	AMD-P	85-09-053	220-28-503	NEW-E	85-13-014
174-107-310	REP-P	85-14-034	180-51-085	AMD	85-12-041	220-28-503	REP-E	85-14-082
174-107-320	REP-P	85-14-034	180-51-100	AMD-P	85-09-053	220-28-504	NEW-E	85-14-082
174-107-330	REP-P	85-14-034	180-51-100	AMD	85-12-041	220-28-504	REP-E	85-15-035
174-107-340	REP-P	85-14-034	180-51-110	AMD-P	85-09-053	220-28-504	NEW-E	85-15-035
174-107-350	REP-P	85-14-034	180-51-110	AMD	85-12-041	220-28-505	REP-E	85-15-071
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177-04-030	REP-P	85-11-042	192-09-040	AMD	85-11-038	220-32-03000P	NEW-E	85-05-035
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248-18-260	AMD 85-05-034	248-84-120	NEW-E 85-07-026	251-18-010	AMD-P 85-12-047
248-18-680	AMD-P 85-02-069	248-84-120	NEW-P 85-08-037	251-18-035	NEW-P 85-12-047
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248-19-370	AMD 85-05-032	250-44-130	AMD 85-10-022	251-22-040	AMD-E 85-15-082
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248-19-405	AMD-P 85-07-044	251-04-020	AMD-E 85-15-082	251-22-200	AMD-P 85-12-047
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261-40-170	NEW-E	85-14-077	275-34-120	REP	85-09-003	275-85-045	REP	85-07-042
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261-50-030	AMD-P	85-14-116	275-35-010	NEW-P	85-05-031	275-92-407	REP-P	85-05-018
261-50-040	AMD-P	85-14-116	275-35-010	NEW	85-09-003	275-92-407	REP	85-08-022
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261-50-090	NEW-P	85-14-116	275-35-040	NEW	85-09-003	284-52-060	AMD	85-03-035
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262-02-020	NEW-P	85-13-069	275-35-050	NEW	85-09-003	289-12-030	AMD-P	85-10-035
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275-16-030	AMD-E	85-14-067	275-35-070	NEW-P	85-05-031	289-15-225	AMD-P	85-06-001
275-32-005	REP-P	85-05-031	275-35-070	NEW	85-09-003	289-15-225	AMD-P	85-10-050
275-32-005	REP	85-09-003	275-35-080	NEW-P	85-05-031	289-15-225	AMD	85-14-086
275-32-010	REP-P	85-05-031	275-35-080	NEW	85-09-003	289-16-130	AMD-P	85-14-085
275-32-010	REP	85-09-003	275-35-090	NEW-P	85-05-031	289-16-130	AMD-P	85-14-085
275-32-015	REP-P	85-05-031	275-35-090	NEW	85-09-003	289-26-300	AMD-P	85-14-083
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275-32-045	REP-P	85-05-031	275-37-020	NEW	85-09-003	296-15-030	AMD	85-06-031
275-32-045	REP	85-09-003	275-38-001	AMD-P	85-03-006	296-15-050	AMD-C	85-04-059
275-32-060	REP-P	85-05-031	275-38-001	AMD-E	85-03-007	296-15-050	AMD	85-06-031
275-32-060	REP	85-09-003	275-38-001	AMD	85-06-063	296-15-215	AMD-C	85-04-059
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275-32-065	REP	85-09-003	275-38-745	AMD-E	85-03-007	296-15-230	AMD-C	85-04-059
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275-32-080	REP-P	85-05-031	275-38-785	AMD-E	85-03-007	296-16-010	AMD-C	85-13-026
275-32-080	REP	85-09-003	275-38-785	AMD	85-06-063	296-16-010	AMD	85-13-027
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275-32-085	REP	85-09-003	275-38-831	AMD-E	85-03-007	296-17-310	AMD	85-06-026
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275-32-175	REP	85-09-003	275-38-870	AMD	85-06-063	296-17-390	AMD	85-06-026
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296-17-715	AMD-P	85-02-052	296-18-010	REP-E	85-11-050	296-18-420	NEW-P	85-13-082
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296-17-718	AMD-P	85-02-052	296-18-040	REP-E	85-11-050	296-18-450	NEW-E	85-11-050
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296-17-721	AMD	85-06-026	296-18-080	REP-P	85-13-082	296-18-470	NEW-P	85-13-082
296-17-722	AMD-P	85-02-052	296-18-090	REP-E	85-11-050	296-18-480	NEW-E	85-11-050
296-17-722	AMD	85-06-026	296-18-090	REP-P	85-13-082	296-18-480	NEW-P	85-13-082
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296-17-724	AMD	85-06-026	296-18-110	REP-P	85-13-082	296-18-500	NEW-P	85-13-082
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296-17-725	AMD	85-06-026	296-18-120	REP-P	85-13-082	296-18-510	NEW-P	85-13-082
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296-17-726	AMD	85-06-026	296-18-130	REP-P	85-13-082	296-18-520	NEW-P	85-13-082
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308-96A-085	NEW-P	85-07-045	308-171-101	NEW-P	85-02-065	314-16-190	AMD-W	85-09-026
308-96A-085	NEW	85-11-014	308-171-101	NEW	85-05-008	314-16-190	AMD-P	85-11-036
308-96A-090	NEW-P	85-07-045	308-171-102	NEW-W	85-02-053	314-16-190	REVIEW	85-12-054
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308-96A-097	NEW-P	85-07-045	308-171-103	NEW	85-12-010	314-16-196	AMD-W	85-07-034
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308-99-025	NEW-P	85-13-080	308-171-201	NEW-W	85-02-053	314-16-197	NEW-P	85-11-036
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