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CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the code reviser's office, pursuant to chapter 34.05 RCW, is available for public inspection during normal office hours. The code reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (206) 753-7470 (SCAN 234-7470).

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All documents appearing in the Washington State Register are prepared and printed at public expense. There are no restrictions on the republication of official documents appearing in the Washington State Register. All news services are especially encouraged to give wide publicity to all documents printed in the Washington State Register.

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

The maximum allowable interest rate applicable for the month of July 1990 pursuant to RCW 19.52.020 is twelve point zero three percent (12.03%).

NOTICE: FEDERAL LAW PERMITS FEDERALLY INSURED FINANCIAL INSTITUTIONS IN THE STATE TO CHARGE THE HIGHEST RATE OF INTEREST THAT MAY BE CHARGED BY ANY FINANCIAL INSTITUTION IN THE STATE. THE MAXIMUM ALLOWABLE RATE OF INTEREST SET FORTH ABOVE MAY NOT APPLY TO A PARTICULAR TRANSACTION.

The maximum allowable retail installment contract service charge applicable for calendar year 1990 pursuant to RCW 63.14.130(1)(a) is fourteen and one-half percent (14.50%).

The maximum allowable retail installment contract service charge for the purchase of a motor vehicle pursuant to RCW 63.14.130(2)(a) is fourteen point two five percent (14.25%) for the third calendar quarter of 1990.

The maximum allowable retail installment contract service charge for the purchase of a vessel pursuant to RCW 63.14.130(3)(a) is fourteen point zero percent (14.00%) for the third calendar quarter of 1990.

WASHINGTON STATE REGISTER

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The Washington State Register is an official publication of the state of Washington. It contains proposed, emergency, and permanently adopted administrative rules, as well as other documents filed with the code reviser's office pursuant to RCW 34.08.020 and 42.30.075. Publication of any material in the Washington State Register is deemed to be official notice of such information.

Raymond W. Haman
Chairman, Statute Law Committee

Dennis W. Cooper
Code Reviser

Gary Reid
Chief Assistant Code Reviser

Kerry S. Radcliff
Editor

Joyce Matzen
Subscription Clerk

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 34.05 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 are 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 MATERIAL

RCW 34.05.395 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 material is new material;
 - (ii) deleted material 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 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 normally take effect thirty days after the rules and the agency order adopting them are filed with the code reviser's office. This effective date may be delayed or advanced and such an 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's office unless a later date is provided by the agency. They remain effective for a maximum of one-hundred-twenty days from the date of filing.
- (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's office 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.

1989 – 1990

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
For Inclusion in—	File no later than—			Count 20 days from—	For hearing on or after
89-14	Jun 7	Jun 21	Jul 5	Jul 19	Aug 8
89-15	Jun 21	Jul 5	Jul 19	Aug 2	Aug 22
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89-17	Jul 26	Aug 9	Aug 23	Sep 6	Sep 26
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89-22	Oct 4	Oct 18	Nov 1	Nov 15	Dec 5
89-23	Oct 25	Nov 8	Nov 22	Dec 6	Dec 26
89-24	Nov 8	Nov 22	Dec 6	Dec 20	Jan 9, 1990
90-01	Nov 22	Dec 6	Dec 20, 1989	Jan 3, 1990	Jan 23
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90-24	Nov 7	Nov 21	Dec 5	Dec 19	Jan 2, 1991

¹All documents are due at the code reviser's office by 5:00 p.m. on or before the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-21-040.

²A filing of any length will be accepted on the closing dates of this column if it has been prepared and completed by the order typing service (OTS) of the code reviser's office; see WAC 1-21-040. 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.

³At least twenty days before the rule-making hearing, the agency shall cause notice of the hearing to be published in the Register; see RCW 34.05.320(1). These dates represent the twentieth day after the distribution date of the applicable Register.

WSR 90-11-053
RULES OF COURT
STATE SUPREME COURT
 [May 10, 1990]

Callow, C.J.

Utter, J.

Andersen, J.

Brachtenbach, J.

Durham, J.

Dolliver, J.

Smith, J.

Dore, A.C.J.

Guy, J.

IN THE MATTER OF THE ADOPTION OF
 APR 13, RAP 18.7, CR 11, CR 71(d),
 CrRLJ 8.4, RPC TERMINOLOGY, RPC 7.5(d),
 RLD 13.3, RLD 13.5, RLD 13.6, RAP NO. 25700-A-455
 2.2(b), RAP 4.2, RAP 4.3, RAP 5.3(a),
 RAP 5.5(d), (e), (h), RAP 8.1, RAP 8.2, ORDER
 RAP 8.4, RAP 9.5, RAP 9.6, RAP 9.12,
 RAP 10.2(h), (i), RAP 10.4(a), (b), RAP
 10.5(b), (c), RAP 12.4(a), RAP 12.5(b),
 RAP 13.4(a), (d), (f), (h), (i), RAP 13.5(c)
 RAP 13.6, RAP 13.7(a), (d), (e), RAP
 14.3(a), (b), RAP 16.10(e), RAP 16.16(e),
 RAP 17.3(c), RAP 17.4(e), RAP 17.5(c),
 RAP 18.1, RAP 8.3, RAP 18.6(a), RAP
 18.9(a), RAP 18.14(c), 18.23, RAP FORM
 17, RPC 1.5(a), (b), (c), RPC 1.6, CR
 56(h), CR 62(a), RALJ 1.2(b), RALJ 2.1,
 RALJ 7.1, RALJ 7.2(c), RALJ 10.2, RALJ
 11.6, RLD 2.3(f), RLD 2.5(d), RLD
 2.8(b), RLD 2.9(a), RLD 5.5A(a), (b),
 (e), RLD 5.5B, RLD 5.7(a), (c), (d),
 RLD 10.3(b), RLD 11.1(b), (m), RLD 12.3,
 RLD 12.8(b), APR 14, RAP 7.2(c),
 CrR 8.4, CrRLJ 11, and CRLJ 71(d)

The Board of Governors of the Washington State Bar Association having recommended the adoption of APR 13, RAP 18.7, CR 11, CR 71(d), CrRLJ 8.4, RPC Terminology, RPC 7.5(d), RLD 13.3, RLD 13.5, RLD 13.6, RAP 2.2(b), RAP 4.2, RAP 4.3, RAP 5.3(a), RAP 5.5(d), (e), (h), RAP 8.1, RAP 8.2, RAP 8.4, RAP 9.5, RAP 9.6, RAP 9.12, RAP 10.2(h), (i), RAP 10.4(a), (b), RAP 10.5(b), (c), RAP 12.4(a), RAP 12.5(b), RAP 13.4(a), (d), (f), (h), (i), RAP 13.5(c), RAP 13.6, RAP 13.7(a), (d), (e), RAP 14.3(a), (b), RAP 16.10(e), RAP 16.16(e), RAP 17.3(c), RAP 17.4(e), RAP 17.5(c), RAP 18.1, RAP 8.3, RAP 18.6(a), RAP 18.9(a), RAP 18.14(c), 18.23, RAP Form 17, RPC 1.5(a), (b), (c), RPC 1.6, CR 56(h), CR 62(a), RALJ 1.2(b), RALJ 2.1, RALJ 7.1, RALJ 7.2(c), RALJ 10.2, APR 14, RAP 7.2(c), CrR 8.4, CRLJ 11, CRLJ 71(d), RALJ 11.6, RLD 2.3(f), RLD 2.5(d), RLD 2.8(b), RLD 2.9(a), RLD 5.5A(a), (b), (e), RLD 5.5B, RLD 5.7(a), (c), (d), RLD 10.3(b), RLD 11.1(b), (m), RLD 12.3 and RLD 12.8(b), and the court having considered the proposed Rules, Amendments and comments submitted thereto, and having determined that the proposed Rules and Amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the Rules and Amendments as attached hereto are adopted;

(b) That the Rules and Amendments will be published in the special rules edition of the Washington Reports in July, 1990, and will become effective September 1, 1990.

DATED at Olympia, Washington this 10th day of May, 1990

RAP 4.2

DIRECT REVIEW OF TRIAL COURT DECISION BY SUPREME COURT

(a) Types of Cases Reviewed Directly. A party may seek review in the Supreme Court of a decision of a trial court which is subject to review as provided in Title 2 only in the following types of cases:

(1) Authorized by Statute. A case in which a statute authorizes direct review in the Supreme Court.

(2) Law Unconstitutional. A case in which the trial court has held invalid a statute, ordinance, tax, impost, assessment, or toll, upon the ground that it is repugnant to the United States Constitution, the Washington State Constitution, a statute of the United States, or a treaty.

(3) Conflicting Decisions. A case involving an issue in which there is a conflict among decisions of the Court of Appeals or an inconsistency in decisions of the Supreme Court.

(4) Public Issues. A case involving a fundamental and urgent issue of broad public import which requires prompt and ultimate determination.

(5) Action Against State Officer. An action against a state officer in the nature of quo warranto, prohibition, injunction, or mandamus.

(6) Death Penalty. A case in which the death penalty has been decreed.

(b) Service and Filing of Statement of Grounds for Direct Review. A party seeking direct review of a trial court decision in the Supreme Court must within 15 days after filing the notice of appeal or notice for discretionary review, serve on all other parties and file a short written statement with in the Supreme Court a statement of grounds for direct review in the form provided in section (c), indicating (1) the grounds upon which the party contends direct review should be granted, and (2) whether the case is one which the Supreme Court would probably review if decided by the Court of Appeals in the first instance. In an appeal, the party must file the statement on or before the filing of the party's opening brief. In a proceeding for discretionary review, the party must file the statement with the motion.

(c) Form of Statement of Grounds for Direct Review. The statement should be captioned "Statement of Grounds for Direct Review," contain the title of the case as provided in rule 3.4, and contain under appropriate headings and in the order here indicated:

(1) Nature of Case and Decision. A short statement of the substance of the case below and the basis for the trial court decision;

(2) Issues Presented for Review. A statement of each issue the party intends to present for review; and

(3) Grounds for Direct Review. The grounds upon which the party contends direct review should be granted.

(d) Answer to Statement of Grounds for Direct Review. A respondent may file an answer to the statement of grounds for direct review. In an appeal, the answer should be filed within 14 days after service of the statement on respondent. In a discretionary review, the answer should be filed with any response to the motion for discretionary review.

(e) Effect of Denial of Direct Review.

(1) Appealable Decision. If the Supreme Court denies direct review of a proceeding trial court decision reviewable as a matter of right, the case will be transferred without prejudice and without costs to the Court of Appeals for determination.

(2) Discretionary Review. A motion for discretionary review in the Supreme Court of a trial court decision may be granted, denied, or transferred to the Court of Appeals for determination. The Supreme Court may transfer to the Court of Appeals for determination a motion filed in the Supreme Court for discretionary review of a trial court decision. If the Supreme Court denies a motion for discretionary review of a trial court decision, the moving party may not file the same motion in the Court of Appeals.

RAP 4.3

TRANSFER OF CASES BY SUPREME COURT

The Supreme Court, to promote the orderly administration of justice may, on its own initiative, upon certification by the Court of Appeals, or on motion of a party, transfer a case from the Court of Appeals to the Supreme Court or from one division to another division of the Court of Appeals.

RAP 5.3(a)

(a) Content of Notice of Appeal. A notice of appeal must (1) be titled a notice of appeal, (2) specify the party or parties seeking the review, (3) designate the decision or part of decision which the party wants reviewed, and (4) name the appellate court to which the review is taken.

The party filing the notice of appeal should attach to the notice of appeal a copy of the written order or judgment from which the appeal is made.

RAP 5.5 (d), (e), (h)

(d) Answer to Civil Appeal Statement. A respondent must serve on all other parties and file in the Court of Appeals an answer to the civil appeal statement within 7 days after service of the statement on respondent. The answer should include any modifications to the civil appeal statement that the respondent feels are necessary to give the settlement conference judge a fair presentation of the matters material to settlement of the case. To the extent reasonably necessary to meet this objective, the answer should correct any errors in the civil appeal statement, and present any new issues or modify those presented in the civil appeal statement.

(e) Notice of Settlement Conference. The Chief Judge of the Court of Appeals will determine if one or more

settlement conferences are appropriate in each civil appeal. The clerk of the Court of Appeals will notify each party if a settlement conference is to be held. The notice will specify the date, time, and place of the conference; the name of the judge, or judge pro tempore, or commissioner who will conduct the conference; and whether the parties are required to attend the conference.

(h) Settlement Conference Order. If the parties agree to settle the case, to limit the issues, or to other matters to promote the prompt and fair disposition of the appeal, the settlement judge or commissioner may enter an order consistent with that agreement. If the settlement conference order fully settles the case, the clerk of the Court of Appeals will immediately issue the mandate to the trial court with directions to enter judgment as indicated in the order. In all other cases the order is binding on the parties during the review proceeding, unless the appellate court otherwise directs on its own initiative or on motion of a party for good cause shown and on those terms the appellate court deems appropriate.

RAP 7.2 (c), (d), (e), (h)

(c) Enforcement of Trial Court Decision in Civil Cases. In a civil case, except to the extent a enforcement of a judgment or decision has been superseded stayed as provided in rules 8.1 or 8.3, the trial court has authority to enforce any decision of the trial court and a party may execute on any judgment of the trial court. Any person may take action premised on the validity of a trial court judgment or decision until enforcement of the judgment or decision is superseded stayed as provided in rules 8.1 or 8.3.

(d) Attorney Fees and Costs. The trial court has authority to award attorney fees and costs for an appeal in a marriage dissolution, a legal separation, a declaration of invalidity proceeding, and in or an action to modify a decree in any of these proceedings, and in any other action in which applicable law gives the trial court authority to do so.

(e) Postjudgment Motions and Actions To Modify Decision. The trial court has authority to hear and determine (1) postjudgment motions authorized by the civil rules, the criminal rules, or statutes, and (2) actions to change or modify a decision that is subject to modification by the court that initially made the decision. The postjudgment motion or action shall first be heard by the trial court, which shall decide the matter. If the trial court determination will change a decision then being reviewed by the appellate court, the permission of the appellate court must be obtained prior to the formal entry of the trial court decision. A party should seek the required permission by motion. The decision granting or denying a postjudgment motion may be subject to review. A party may only obtain review of the decision on the postjudgment motion by initiating a separate review in the manner and within the time provided by these rules. If review of a postjudgment motion is accepted while the appellate court is reviewing another decision in the same case, the appellate court may on its own initiative or on motion of a party consolidate the separate reviews as provided in rule 3.3(b).

(h) Supersedeas, Stay, and Bond. The trial court has authority to act on matters of supersedeas, stays, and bonds as provided in rules 8.1 and 8.4, CR 62 (a), (b), and (h), and RCW 6.08 6.17.040.

RAP 8.1

SUPERSEDEAS IN THE TRIAL COURT PROCEDURE

(a) Application of Civil Rules. This rule provides a means of delaying the enforcement of a trial court decision in a civil case in addition to the means provided in CR 62 (a), (b), and (h).

(b) ~~Supersedeas by Bond or Other Security. Procedure To Stay Enforcement of Trial Court Decision. Enforcement of a trial court decision may be stayed during an appeal through the following procedures:~~

(1) ~~Money Judgment. Except when prohibited by statute, a party may supersede the obtain a stay of enforcement of a money judgment or decision affecting property by filing a supersedeas bond executed by one or more sureties approved by in the trial court. The bond must be conditioned for the satisfaction of the judgment in full together with interest and costs, and the satisfaction in full of any probable modification of the judgment by the appellate court. If a party seeks to supersede only part of a decision, the bond amount shall be adjusted to accomplish the purpose desired. The trial court may authorize a party to post security other than a bond. The money judgment or decision is superseded only as to the party furnishing the bond or other security. The amount of the bond shall be the amount of the judgment, plus interest likely to accrue during the pendency of the appeal and attorney fees and costs likely to be awarded on appeal. However, if a party seeks to stay enforcement of only part of the judgment, or all or part of the judgment is secured by other means, the bond shall be fixed at such sum as the trial court determines is appropriate to fully secure any loss which a party may suffer as a result of the party's inability to enforce the judgment during review.~~

(1) ~~Money Judgment. If the judgment is for the recovery of money not wholly secured, the amount of the bond shall be fixed at such sum as will cover the whole amount of the judgment remaining unsatisfied and unsecured, together with interest thereon, unless the court, after notice and hearing and for good cause shown, fixes a different amount.~~

(2) ~~Decision Affecting Property. If the decision determines the disposition of property in controversy, or if the property is in the custody of the sheriff, or if the proceeds of the property or a bond for its value are in the custody or control of the court, the amount of the supersedeas bond shall be fixed at such sum only as will secure any money judgment plus the amount of loss which a party may be entitled to recover as a result of the inability of the party to enforce the judgment during review. Except where prohibited by statute, a party may obtain a stay of enforcement of a decision affecting the rights to possession, ownership or use of real property or~~

tangible or intangible personal property, if it is reasonably possible to quantify the loss which would be incurred by the prevailing party in the trial court as a result of the party's inability to enforce the decision during review. A party may obtain a stay of enforcement of such a decision by filing a supersedeas bond in the trial court. The amount of the bond shall be the amount of any money judgment entered by the trial court plus the amount of the loss which the prevailing party in the trial court would incur as a result of the party's inability to enforce the judgment during review. However, if the property at issue has significant monetary value, the value of the property itself may be considered by the trial court as fully or partially securing any such loss and the amount of the bond may be fixed accordingly, or the court may determine that no bond need be filed. Ordinarily, the amount of loss will be equal to the reasonable value of the use of the property during review.

(3) ~~Other Civil Cases. Except where prohibited by statute, in other civil cases, including cases involving equitable relief ordered by the trial court, the appellate court has authority, before or after acceptance of review, to stay enforcement of the trial court decision upon such terms as are just. The appellate court ordinarily will condition such relief from enforcement of the trial court decision on the furnishing of a supersedeas bond or other security. In evaluating whether to stay enforcement of such a decision, the appellate court will consider: (i) whether the moving party can demonstrate that debatable issues are presented on appeal and (ii) a comparison of the injury that would be suffered by the moving party if a stay were not imposed with the injury that would be suffered by the nonmoving party if a stay were imposed. The party seeking such relief should use the motion procedure provided in Title 17.~~

(4) ~~Alternate Security. The trial court or appellate court may authorize a party to post security other than a bond. The effect of doing so is equivalent to the filing of a supersedeas bond.~~

(c) ~~Effect of Filing Bond or Other Security. Upon filing a supersedeas bond or other security, enforcement of a trial court decision against a party furnishing the bond or other security is stayed during an appeal, unless otherwise ordered by the trial court or appellate court.~~

(d) ~~Objection to Supersedeas Bond. A party may object to the sufficiency of an individual surety on a bond, to the form of a bond, or to the amount of a bond by a motion in the trial court made within 7 days after the party making the motion is served with a copy of the bond and any supporting affidavits, if required. If the trial court determines that the bond is improper in form or amount, or that the net worth of an individual surety is inadequate, stay of enforcement of the trial court decision may be preserved only by the furnishing of a proper bond or supplemental bond within 7 days after the entry of the order declaring the bond deficient.~~

(e) ~~Supersedeas by Party Not Required To Post Bond. If a party is not required to post a bond, that party shall file a notice that the decision is superseded without bond and, after filing the notice, the party shall be in the same position as if the party had posted a bond pursuant to the provisions of this rule.~~

~~(d)~~ (f) Periodic Payments. If the judgment or decision provides for periodic payments, the trial court may deny or allow supersedeas in its discretion.

~~(e)~~ (g) Modification of Supersedeas Decision. After a supersedeas bond or other security has been approved and filed, the trial court may, upon application of a party or on its own motion, and for good cause shown, discharge the bond, change the amount of the bond or other security or require a new bond or other security.

~~(f)~~ Objection to Supersedeas Decision. ~~(h)~~ Appeal of Supersedeas Decision. A party may object to a supersedeas decision of the trial court by motion in the appellate court.

RAP 8.2

RELEASE OF DEFENDANT OR JUVENILE DURING REVIEW
APPLICATION TO CRIMINAL OR JUVENILE CASES

(a) Release or Stay of Execution of Sentence Not Governed by These Rules. The conditions under which a defendant in a criminal case or a juvenile in a juvenile offense proceeding may be released pending review, or may obtain a stay of execution of sentence, are set forth in the criminal rules, juvenile court rules, and in statutes.

(b) Objection to Decision. A party may object to a trial court decision relating to release of a defendant or a juvenile, or relating to a stay of execution of sentence, during a review of a criminal case or a juvenile offense proceeding by motion in the appellate court.

RAP 8.3

APPELLATE COURT ORDERS NEEDED FOR EFFECTIVE
REVIEW

Except when prohibited by statute, the appellate court has authority to issue orders, before or after acceptance of review or in an original action under Title 16 of these rules, to insure effective and equitable review, including authority to grant injunctive or other relief to a party. The appellate court will ordinarily condition the order on furnishing a bond or other security. A party seeking the relief provided by this rule should use the motion procedure provided in Title 17.

RAP 8.4

BOND WITH INDIVIDUAL SURETIES—JUSTIFICATION—
OBJECTION QUALIFICATIONS—ENCUMBRANCE

(a) Scope of Rule Who May Be Surety. An individual who is a resident of this state or a surety company authorized to conduct a surety business in this state may be a surety on a bond, ~~except that a~~ A party may not act as a surety. This rule applies to justification of and objection to a surety on a bond given pursuant to rule 8.1 or 8.3, but only if the surety is a person other than a surety company authorized to transact surety business in this state.

(b) Justification Qualifications. The bond given by an individual surety must be accompanied by an affidavit signed by ~~each surety~~ the individual affirming that (1) the surety is a resident of this state, and (2) the surety alone has or, if two or more individuals together are acting as sureties, then the sureties together have a net worth, excluding property exempt from execution, consisting of assets located in this state, at least equal to at least twice the penalty in the bond. The affidavit must

contain a description of the assets and liabilities of the surety reasonably sufficient to identify them and state the values or amounts thereof. Any party may obtain discovery from another party or the surety or sureties concerning the values and amounts of assets and liabilities stated in the affidavit.

~~(c) Objection.~~ A party may object to the sufficiency of the surety on the bond or the form of the bond by a motion in the trial court made within 7 days after the party making the motion is served with the bond and the supporting affidavit or affidavits. ~~If the trial court determines that the bond is improper as to form or that the net worth of the surety is inadequate, the supersedeas or other order conditioned upon the posting of the bond may be preserved only by furnishing a proper new bond within 7 days of the entry of the order declaring the first bond deficient. [Reserved. See rule 8.1(d).]~~

(d) Encumbrance of Property. The court may order an individual who is a surety on a bond to encumber his or her property, or to take other action to ensure recourse to the property to satisfy the bond.

RAP 9.5

FILING AND SERVICE OF REPORT OF PROCEEDINGS—
OBJECTIONS

(a) Generally. The party seeking review must file the report of proceedings with the clerk of the trial court within ~~90~~ 60 days after review is accepted by the appellate court, except that the court reporter must file a verbatim report of proceedings. The party who caused a report of proceedings to be filed must should at the time of filing the report of proceedings serve one copy on an adverse party and serve and file notice proof of the filing service on all other parties.

(b) Filing and Service of Verbatim Report of Proceedings. If a verbatim report of proceedings cannot be completed within 60 days after review is accepted by the appellate court, the court reporter shall, no later than 10 days before the report of proceedings is due to be filed, submit an affidavit stating the reasons for the delay to the party who filed the statement of arrangements; the party should move for an extension of time from the appellate court. The clerk will notify the parties of the action taken on the motion. When the court reporter files the verbatim report of proceedings, the reporter shall provide a copy to the party who has arranged for transcription and shall serve and file notice of the filing on all other parties. Failure to timely file the verbatim report of proceedings may subject the court reporter to sanctions.

(c) Objections to Report of Proceedings. A party may serve and file objections to, and propose amendments to, a narrative report of proceedings or a verbatim report of proceedings within 10 days after receipt of the report of proceedings or receipt of the notice of filing of the report of proceedings. If objections or amendments to the report of proceedings are served and filed, any objections or proposed amendments must be heard by the trial court judge before whom the proceedings were held for settlement and approval, except objections to the form of a report of proceedings, which shall be heard by motion in the appellate court. The trial court may direct the a party seeking review or a reporter to pay for the expense

of any modifications of the proposed report of proceedings. The motion procedure of the court deciding any objections shall be used in settling the report of proceedings.

(b) (d) Substitute Judge May Settle Report of Proceedings. If the judge before whom the proceedings were held is for any reason unable to promptly settle questions as provided in section (a), another judge may act in the place of the judge before whom the proceedings were held.

(c) (e) Use of Copy of Report of Proceedings. The party who has the right to file the next brief must be given the use of the copy of the report of proceedings. If more than one party has the right to file the next brief, the parties must cooperate in the use of the report of proceedings. When all briefs are filed, the copy of the report of proceedings should be returned to the party who paid for it.

RAP 9.6

DESIGNATION OF CLERK'S PAPERS AND EXHIBITS

(a) Generally. The party seeking review should, within ~~30~~ 15 days after review is accepted, serve on all other parties and file with the trial court clerk and the appellate court clerk a designation of those clerk's papers and exhibits the party wants the trial court clerk to transmit to the appellate court. ~~Any other party may in the same manner designate additional clerk's papers or exhibits for transmittal to the appellate court. Any party may supplement the designation of clerk's papers and exhibits prior to or with the filing of the party's last brief. Thereafter, a party may supplement the designation only by order of the appellate court, upon motion.~~ Each party is encouraged to designate only clerk's papers and exhibits needed to review the issues presented to the appellate court.

(b) Contents and Format.

(1) The clerk's papers shall include, at a minimum:

(A) the notice of appeal;

(B) the indictment, information, or complaint in a criminal case;

(C) any written order or ruling not attached to the notice of appeal, of which a party seeks review;

(D) the final pretrial order, or the final complaint and answer or other pleadings setting out the issues to be tried if the final pretrial order does not set out those issues;

(E) any written opinion, findings of fact or conclusions of law; and

(F) any jury instruction given or refused which presents an issue on appeal.

(2) The trial court clerk shall number the papers sequentially from beginning to end, including any supplemental clerk's papers, regardless of which party designated them.

RAP 9.12

SPECIAL RULE FOR ORDER ON SUMMARY JUDGMENT

On review of an order granting or denying a motion for summary judgment the appellate court will consider only evidence and issues called to the attention of the trial court. ~~A party should designate in the~~ The order granting or denying the motion for summary judgment

shall designate the documents and other evidence called to the attention of the trial court before the order on summary judgment was entered. Documents or other evidence called to the attention of the trial court but not designated in the order shall be made a part of the record by supplemental order of the trial court or by stipulation of counsel.

RAP 10.2 (h), (i)

(h) Service of Briefs. At the time a party files a brief, the party should serve one copy on every other party and on any amicus curiae, and file proof of service with the appellate court. Service and proof of service should be made in accordance with rules 18.5 and 18.6.

(i) Sanctions for Late Filing and Service. The appellate court will ordinarily impose sanctions under rule 18.9 for failure to timely file and serve a brief.

RAP 10.4 (a), (b)

(a) Typing and Filing Brief. One legible, clean, and reproducible copy of the brief must be filed with the appellate court. The brief should be typed with in black ribbon on 20-pound substance 8½- by 11-inch white paper. Type must be pica type or its equivalent, with no more than 10 characters an inch. Lines should not generally exceed 5 inches in length. Margins 2 inches on the left side and 1½ inches on the right side and on the top and bottom of each page are preferred. Lines should be double spaced. Quotations may be single spaced and footnotes should be single spaced.

(b) Length of Brief. A brief of appellant, petitioner, or respondent, and a pro se brief in a criminal case should not exceed 50 pages. A reply brief should not exceed 25 pages. An amicus curiae brief, or answer thereto, should not exceed 20 pages. For the purpose of determining compliance with this rule appendices, the title sheet, table of contents, and table of authorities are not included. For compelling reasons the court may grant a motion to file an over-length brief.

RAP 10.5 (b), (c)

(b) Service Distribution of Brief. A party filing a brief must serve it in accordance with rules 10.2(h) and 18.5(a). The time for filing the next brief shall run from the time the preceding brief is served. In addition, after the briefs filed by the parties are reproduced, ~~The clerk will serve send~~ two copies of each brief on to each party and one each on to the defendant in a criminal case and on to any amicus curiae. The clerk will also send five copies of each brief to the Washington State Law Library.

(c) Service and Notice to Defendant in Criminal Case. In a criminal case, the clerk will, at the time of service filing of the brief, serve the defendant with a notice and form as provided in rule 10.1(d).

RAP 12.4(a)

(a) Generally. A party may file a motion for reconsideration only of (1) a decision terminating review which is not a ruling of the appellate court commissioner or clerk, or (2) a decision by the judges granting or denying a personal restraint petition on the merits. The motion should be in the form and be served and filed as

provided in rules 17.3(a), 17.4 (a) and (g), and 18.5, except as otherwise provided in this rule.

RAP 12.5(b)

(b) When Mandate Issued by Court of Appeals. The Clerk of the Court of Appeals issues the mandate for a Court of Appeals decision terminating review upon stipulation of the parties that no motion for reconsideration or petition for review will be filed. In the absence of that stipulation, and except to the extent the mandate is stayed as provided in rule 12.6, the clerk issues the mandate:

(1) ~~Twenty~~ Thirty days after the decision is filed, unless (i) a motion for reconsideration of the decision has been earlier filed, (ii) a petition for review to the Supreme Court has been earlier filed, or (iii) the decision is a ruling of the commissioner or clerk and a motion to modify the ruling has been earlier filed.

(2) If a motion for reconsideration is timely filed and denied, 30 days after filing the order denying the motion for reconsideration, unless a petition for review to the Supreme Court has been earlier filed.

(3) If a petition for review has been timely filed and denied by the Supreme Court, upon denial of the petition for review.

RAP 13.4 (a), (d), (f), (h), (i)

(a) How To Seek Review. A party seeking discretionary review by the Supreme Court of a Court of Appeals decision terminating review must file a petition for review in the Court of Appeals within 30 days after an order is filed denying a timely motion for reconsideration of all or any part of that decision. If no motion for reconsideration of all or part of the Court of Appeals decision is made, a petition for review must be filed within 30 days after the decision is filed.

(d) Answer and Reply. A party may file an answer to a petition for review, ~~or a reply to an answer.~~ If a party wants to raise an issue which is not raised in the petition for review, that party must raise that new issue in an answer. Any answer should be filed within 15 30 days of after the service on the party of the petition. A party may file a reply to an answer only if the answer raises a new issue. A reply to an answer should be filed within 15 days after the service on the party of the answer. The Supreme Court may call for an answer or a reply to an answer.

(f) Length. The petition for review, answer, or reply should not exceed 20 pages if double spaced ~~or 15 pages if 1½ spaced~~, excluding appendices.

(h) Amicus Curiae Memoranda. The Supreme Court may grant permission to file an amicus curiae memorandum in support of or opposition to a pending petition for review. The motion to file such a memorandum should comply generally with rules 10.4 and 10.6. Absent a showing of particular justification, an amicus curiae memorandum should be filed and served on the parties at least 20 days prior to the date set for consideration of the petition for review.

~~(h)~~ (i) No Oral Argument. The Supreme Court will decide the petition without oral argument.

RAP 13.5(c)

(c) Motion Procedure. The procedure for and the form of the motion for discretionary review is as provided in Title 17. A motion for discretionary review under this rule, and any response, should not exceed 20 pages double spaced, excluding appendices.

RAP 13.6

ACCEPTANCE OF REVIEW

The Supreme Court accepts discretionary review of a decision of the Court of Appeals by granting a motion for discretionary review or by granting a petition for review. Upon accepting discretionary review, the Supreme Court may specify the issue or issues as to which review is granted.

RAP 13.7 (a), (d), (e)

(a) Procedure. The procedure in the Supreme Court, after acceptance of review of a decision of the Court of Appeals, is the same as the procedure in the Supreme Court after acceptance of review of a trial court decision, except that (1) the record in the Court of Appeals is the record on review in the Supreme Court, and (2) only the briefs filed in the Court of Appeals and the documents submitted in connection with the motion for discretionary review or petition for review will be considered by the Supreme Court, unless additional briefs are submitted by the parties in accordance with sections (d) and (e) of this rule or are requested by the Supreme Court.

(d) Supplemental Briefs, Authorized. Within 30 days after the acceptance by the Supreme Court of a petition for review, any party may file and serve a supplemental brief in accordance with these rules. No response to a supplemental brief may be filed or served except by leave of the Supreme Court.

(e) Supplemental Briefs, Special Requirements.

(1) Form. Except as to length, a supplemental brief should conform to rules 10.3 and 10.4 and should be captioned "supplemental brief of (petitioner/respondent—name of party)."

(2) Length. A supplemental brief should not exceed 20 double spaced pages. The title sheet, appendices, table of contents and table of authorities are not included in this page limitation. For compelling reasons the court may grant a motion to file an over-length brief.

(3) Filing and Service. A supplemental brief should be filed and served in accordance with rule 10.2.

RAP 14.3 (a), (b)

(a) Generally. Only statutory attorney fees and the reasonable expenses actually incurred by a party for the following items which were reasonably necessary for review may be awarded to a party as costs: (1) preparation of the original and one copy of the report of proceedings, (2) copies of the clerk's papers, (3) preparation of an a brief or other original document to be reproduced by the clerk, as provided in rule 14.3(b), (4) transmittal of the record on review, (5) bonds given in connection with the

review, (6) the lesser of the charges of the clerk for reproduction of briefs, petitions, and motions, or the costs incurred by the party reproducing briefs as authorized under rule 10.5(a), and (7) the filing fee. If a party has incurred an expense for one of the designated items, the item is presumed to have been reasonably necessary for review, which presumption is rebuttable. The amount paid by a party for the designated item is presumed reasonable, which presumption is rebuttable.

(b) Special Rule for Cost of Preparing Brief or Other Original Document. The costs awarded for preparing an a brief or other original document is an amount per page fixed from time to time by the Supreme Court. The cost for preparing an a brief or other original document will only be awarded for a brief or document which substantially complies with these rules and only for the actual number of pages of the brief or document including the front cover and appendix. If a brief or document is unreasonably long, costs will be awarded only for a reasonable number of pages.

RAP 16.10(c)

(e) Reproduction and Service of Briefs. Briefs must be filed with the clerk of the appellate court. Briefs will be reproduced and served by the clerk ~~in accordance with rule 10.5.~~

RAP 16.16(e)

(e) Briefs.

(1) Procedure. The federal court shall designate who will file the first brief. The first brief should be filed within 30 days after the record is filed in the Supreme Court. The opposing party should file the opposing brief within 20 days after receipt of the opening brief. A reply brief should be filed within 10 days after the opposing brief is served. The briefs should be served in accordance with rule 10.2. The time for filing the record, the supplemental record, or briefs may be extended for cause.

(2) Form and Reproduction of Briefs. Briefs should be in the form provided by rules 10.3 and 10.4. Briefs will be reproduced and ~~served~~ sent to the parties by the clerk in accordance with rule 10.5.

RAP 17.3(c)

(c) Statement of Grounds for Direct Review. If the motion is for discretionary review of a trial court decision and the party making the motion seeks direct review by the Supreme Court, the party seeking review must also serve and file a separate statement urging grounds for Supreme Court review as provided in rule 4.2 (b) and (c).

RAP 17.4(c)

(e) Response to Motion. A person with a recognized interest in the subject matter of the motion may submit a written response to the motion. A response to a motion must be served and filed at least 2 4 days preceding the day of hearing. If service is by mail, the responding party must mail the response at least 5 7 days before the day noted for hearing the motion. The response to a motion within a brief may be made within the brief of the responding party.

RAP 17.5(c)

(c) Date and Time of Argument. Oral argument on a motion to be determined by the clerk or a commissioner of the Court of Appeals will be held on the date and time noted for hearing the motion, unless otherwise directed by the ~~appellate court~~ Court of Appeals. Oral argument on a motion to be determined by the clerk or commissioner of the Supreme Court will be held on the date and time directed by the clerk.

RAP 18.1

ATTORNEY FEES AND EXPENSES

(a) Generally. If applicable law grants to a party the right to recover reasonable attorney fees or expenses on review, the party ~~should~~ must request the fees or expenses as provided in this rule, unless a statute specifies that the request is to be directed to the trial court.

(b) Argument in Brief. The party ~~should~~ must devote a section of the brief to the request for the fees or expenses. The request should not be made in the cost bill. In a motion on the merits pursuant to rule 18.14, the request and supporting argument must be included in the motion if the requesting party has not yet filed a brief.

(c) Affidavit of Financial Need. In any action where applicable law mandates consideration of the financial resources of one or more parties regarding an award of attorney fees and expenses, each party must serve upon the other and file a financial affidavit no later than 10 days prior to the time set for oral argument; however, in a motion on the merits pursuant to rule 18.14, each party must serve and file a financial affidavit along with its motion or response.

~~(c) (d) Affidavit of Fees and Expenses.~~ Seven days prior to oral argument, Within 10 days after the filing of a decision awarding a party the right to reasonable attorney fees and expenses, the party ~~should~~ must serve and file an affidavit in the appellate court an affidavit detailing the expenses incurred and the services performed by counsel.

~~(d) Oral Argument.~~ A party should include in oral argument a request for the fee or expenses and a reference to the affidavit on file.

(e) Objections. A party may object to items in an affidavit filed pursuant to section (d) by serving and filing objections to the affidavit within 10 days after service of the affidavit upon the party. In a rule 18.14 proceeding, objections to an affidavit of financial need may be served and filed at any time before oral argument.

(f) Commissioner Awards Fees and Expenses. A commissioner will determine the amount of the award, and will notify the parties. The determination will be made without a hearing, unless one is requested by the commissioner.

(g) Objection to Award. A party may object to the commissioner's award only by motion to the appellate court in the same manner and within the same time as provided in rule 17.7 for objections to any other rulings of a commissioner.

(h) Transmitting Judgment on Award. The clerk will include the award of attorney fees and expenses in the

mandate or in a supplemental judgment. The award of fees and expenses may be enforced in the trial court.

(e) (i) Fees and Expenses Determined After Remand. The appellate court may direct that the amount of fees and expenses be determined by the trial court after remand.

(j) Fees for Answering Petition for Review. If attorney fees and expenses are awarded to the party who prevailed in the Court of Appeals, and if a petition for review to the Supreme Court is subsequently denied, reasonable attorney fees and expenses may be awarded for the prevailing party's preparation and filing of the timely answer to the petition for review.

RAP 18.6(a)

(a) Generally. In computing any period of time prescribed by these rules, the day of the event from which the time begins to run is not included. The last day of the period so computed is included unless it is a Saturday, Sunday, or ~~day when the appellate court is not open~~ legal holiday, in which case the period extends to the end of the next day which is not a Saturday, Sunday, or ~~day when the court is not open~~ legal holiday. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

RAP 18.7
SIGNING AND DATING PAPERS

Each paper filed pursuant to these rules should be dated and signed by an attorney or party as provided in CR 11, except papers prepared by a judge, commissioner or clerk of court, bonds, papers comprising a record on review, papers which are verified on oath or by certificate, and exhibits. All briefs and motions signed by an attorney shall include the attorney's Washington State Bar Association membership number in the signature block.

RAP 18.9 (a), (b)

(a) Sanctions. The appellate court on its own initiative or on motion of a party may order a party or counsel, or a court reporter or other authorized person preparing a verbatim report of proceedings, who uses these rules for the purpose of delay or who fails to comply with these rules to pay terms or compensatory damages to any other party who has been harmed by the delay or the failure to comply. The appellate court may condition a party's right to participate further in the review on compliance with terms of an order or ruling including payment of an award which is ordered paid by the party. If an award is not paid within the time specified by the court, the appellate court will transmit the award to the superior court of the county where the case arose and direct the entry of a judgment in accordance with the award.

(b) Dismissal on Motion of Commissioner or Clerk. The commissioner or clerk, on ~~30~~ 10 days' notice to the parties, may (1) dismiss a review proceeding as provided

in section (a) and (2) except as provided in rule 18.8(b), will dismiss a review proceeding for failure to timely file a notice of appeal, a notice for discretionary review, a motion for discretionary review of a decision of the Court of Appeals, or a petition for review. A party may object to the ruling of the commissioner or clerk only as provided in rule 17.7.

RAP 18.14(c)

(c) Content, Filing, and Service; Response. A motion on the merits should be a separate document and should not be included within a party's brief on the merits. The motion should comply with rule 17.3(a), except that material contained in a brief may be incorporated by reference and need not be repeated in the motion. A motion on the merits should not exceed 25 pages, excluding attachments. The motion should be filed and served as provided in rule 17.4. A response may be filed and served as provided in rule 17.4(e) and may incorporate material in a brief by reference. Requests for attorney fees are governed by rule 18.1.

RAP

FORM 17. Personal Restraint Petition for Person Confined by State or Local Government
[Rule 16.7]

C. STATEMENT OF FINANCES

If you cannot afford to pay the \$25 filing fee or cannot afford to pay an attorney to help you, fill this out. If you have enough money for these things, do not fill out this part of the form.

1. I do do not ask the court to file this without making me pay the \$25 filing fee because I am so poor I cannot pay the fee.

2. I have \$_____ in my prison or institution account.

3. I do do not ask the court to appoint a lawyer for me because I am so poor I cannot afford to pay a lawyer.

4. I am am not employed. My salary or wages amount to \$_____ a month. My employer is _____
(name and address)

5. During the past 12 months I did did not get any money from a business, profession or other form of self-employment. (If I did, it was _____
(kind of self-employment)
and the total income I got was \$_____.)

6. During the past 12 months, I
did did not get any rent payments. If so, the total amount I got was \$_____.
 get any interest. If so, the total amount I got was \$_____.
 get any dividends. If so, the total amount I got was \$_____.
 get any other money. If so, the amount of money I got was \$_____.

- 7. have any cash except as said in answer 2. If so, the total amount of cash I have is \$_____.
- have any savings accounts or checking accounts. If so, the amount in all accounts is \$_____.
- own stocks, bonds, or notes. If so, their total value is \$_____.

8. List all real estate and other property or things of value which belong to you or in which you have an interest. Tell what each item of property is worth and how much you owe on it. Do not list household furniture and furnishings and clothing which you or your family need.

Items Value

9. I am am not married. If I am married, my wife or husband's name and address is _____

10. All of the persons who need me to support them are listed here.

Name and Address	Relationship	Age

11. All the bills I owe are listed here.

Name of creditor you owe money to	Address	Amount

by existing law or a good faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. If a pleading, motion, or legal memorandum is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the pleader or movant. If a pleading, motion, or legal memorandum is signed in violation of this rule, the court, upon motion or upon its own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion, or legal memorandum, including a reasonable attorney fee.

CR 56(h)

(h) Form of Order. The order granting or denying the motion for summary judgment shall designate the documents and other evidence called to the attention of the trial court before the order on summary judgment was entered.

CR 62(a)

(a) Automatic Stays. No Except as to a judgment of a district court filed with the superior court pursuant to RCW 4.56.200, no execution shall issue upon a judgment nor shall proceedings be taken for its enforcement until the expiration of 5 days after its entry. Upon the filing of a notice of appeal, enforcement of judgment is stayed until the expiration of 14 days after entry of judgment. Unless otherwise ordered by the trial court or appellate court, an interlocutory or final judgment in an action for an injunction or in a receivership action, shall not be stayed during the period after its entry and until appellate review is accepted or during the pendency of appellate review.

CR 71(d)

(d) Withdrawal and Substitution. Except as provided in section (b), an attorney may withdraw if a new attorney is substituted by filing and serving a Notice of Withdrawal and Substitution. The notice shall include a statement of the date on which the withdrawal and substitution are effective and shall include the name, address, Washington State Bar Association membership number, and signature of the withdrawing attorney and the substituted attorney. If an attorney changes firms or offices, but another attorney in the previous firm or office will become counsel of record, a Notice of Withdrawal and Substitution shall nevertheless be filed.

CrR 8.4

SERVICE, AND FILING, AND SIGNING OF PAPERS

CR 5 shall govern service and filing of written motions (except those heard ex parte) in criminal causes. All pleadings, motions, and legal memoranda signed by an attorney shall include the attorney's Washington State Bar Association membership number in the signature block.

CR 11
SIGNING OF PLEADINGS, MOTIONS, AND LEGAL
MEMORANDA: SANCTIONS

Every pleading, motion, and legal memorandum of a party represented by an attorney shall be dated and signed by at least one attorney of record in his the attorney's individual name, whose address and Washington State Bar Association membership number shall be stated. A party who is not represented by an attorney shall sign and date his the party's pleading, motion, or legal memorandum and state his the party's address. Petitions for dissolution of marriage, separation, declarations concerning the validity of a marriage, custody, and modification of decrees issued as a result of any of the foregoing petitions shall be verified. Other pleadings need not, but may be, verified or accompanied by affidavit. The signature of a party or of an attorney constitutes a certificate by him the party or attorney that he the party or attorney has read the pleading, motion, or legal memorandum; that to the best of his the party's or attorney's knowledge, information, and belief, formed after reasonable inquiry it is well grounded in fact and is warranted

RALJ 1.2(b)

(b) Application of Rules. Cases and issues will not be determined on the basis of compliance or noncompliance with these rules, except that a case will be dismissed without a decision on the merits for failure to timely file a notice of appeal in the superior court or for want of prosecution of the appeal under rule 10.2(a), and as provided in rule 10.2. A party's right to proceed further in an appeal may be conditioned on compliance with the terms of a sanction order under rule 10.1.

RALJ 2.1
WHO MAY APPEAL

(a) Appeal. Only an aggrieved party may appeal.

(b) Cross Review. Cross review means review initiated by a respondent in an appeal. A party seeking cross review must file a notice of appeal within the time allowed by rule 2.5(c).

RALJ 7.1
GENERALLY

Each party shall file a brief. The superior court may order a party to file additional briefs or may order that the requirement to file briefs be waived. An appellant may file a reply brief as a matter of right.

RALJ 7.2(c)

(c) Reply Brief. A reply brief shall be filed within 14 days of service of the brief to which it responds, or at such other time as the superior court orders. A reply brief shall be filed no later than 7 days before the day set for argument by the superior court.

RALJ 10.2
DISMISSAL OF APPEAL

(a) Involuntary Dismissal. The superior court will, on motion of a party or on its own motion after 14 days' notice to the parties, dismiss an appeal of the case (1) except as provided in section (b) of this rule, for failure to timely file a notice of appeal, or (2) for want of prosecution if the party appealing has abandoned the appeal. Unless good cause is shown, an appeal will be deemed abandoned if there has been no action of record for 90 days.

(b) Extension of Time; Restrictions. The superior court may, on its own initiative or on motion of a party, extend the time for filing a notice of appeal, but only in extraordinary circumstances and to prevent a gross miscarriage of justice. The superior court will ordinarily hold that the desirability of finality of decisions outweighs the privilege of a litigant to obtain an extension of time under this section. A motion to extend time is determined by the superior court to which the untimely notice of appeal is directed.

(c) Voluntary Withdrawal of Appeal. The superior court may, in its discretion, dismiss an appeal on stipulation of all the parties and, in criminal cases, the written consent of the defendant. The superior court may, in its discretion, dismiss an appeal on the motion of a party who has filed a notice of appeal.

RALJ 11.6
SERVICE, AND FILING, AND SIGNING OF PAPERS

CR 5 and CrR 8.4 apply to the service and filing of papers under these rules. None of the papers required by these rules to be served are original process. All briefs and motions signed by an attorney shall include the attorney's Washington State Bar Association membership number in the signature block.

CRLJ 11
SIGNING OF PLEADINGS

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

CRLJ 71(d)

(d) Withdrawal and Substitution. Except as provided in section (b), an attorney may withdraw if a new attorney is substituted by filing and serving a Notice of Withdrawal and Substitution. The notice shall include a statement of the date on which the withdrawal and substitution are effective and shall include the name, address, Washington State Bar Association membership number, and signature of the withdrawing attorney and the substituted attorney. If an attorney changes firms or offices, but another attorney in the previous firm or office will become counsel of record, a Notice of Withdrawal and Substitution shall nevertheless be filed.

CrRLJ 8.4
SERVICE, AND FILING, AND SIGNING OF PAPERS

(a) Service: When Required. Except as otherwise provided in these rules, every order required by its terms to be served, every pleading subsequent to the original complaint or citation and notice, every paper relating to discovery required to be served upon a party unless the court otherwise orders, every written motion other than one which may be heard ex parte, and every written notice, appearance, demand, application, designation of record on appeal, and similar paper shall be served upon each of the parties.

(b) Service: How Made.

(1) On Lawyer or Party. Whenever under these rules service is required or permitted to be made upon a party represented by a lawyer the service shall be made upon

the lawyer unless service upon the party is ordered by the court. Service upon the lawyer or upon a party shall be made by delivering a copy to the person or by mailing it to the person's last known address. Delivery of a copy within this rule means: handing it to the lawyer or to the party; or leaving it at the person's office with a clerk or other person in charge thereof; or, if there is no one in charge, leaving it in a conspicuous place therein; or, if the office is closed or the person to be served has no office, leaving it at the person's dwelling house or usual place of abode with some person of suitable age and discretion then residing therein.

(2) Service by Mail.

(i) How Made. CRLJ 5 (b)(2)(i) shall govern service by mail.

(ii) Proof of Service by Mail. Proof of service by mail may be by affidavit or certification, under RCW 9A.72-.085 or any law amendatory thereof, of the person who mailed the papers, or by written acknowledgment of service.

(c) Filing With Court. The complaint or citation and notice shall be filed as in rule 2.1. All other pleadings required to be served upon a party shall be filed with the court pursuant to CRLJ 5(e).

(d) Bar Association Membership Number. All pleadings, motions, and legal memoranda signed by an attorney shall include the attorney's Washington State Bar Association membership number in the signature block.

RAP 2.2(b)

(b) Appeal by State or a Local Government in Criminal Case. Except as provided in section (c), the State or a local government may appeal in a criminal case only from the following superior court decisions and only if the appeal will not place the defendant in double jeopardy:

(1) Final Decision, Except Not Guilty. A decision which in effect abates, discontinues, or determines the case other than by a judgment or verdict of not guilty, including but not limited to a decision setting aside, quashing, or dismissing an indictment or information.

(2) Pretrial Order Suppressing Evidence. A pretrial order suppressing evidence, if the trial court expressly finds that the practical effect of the order is to terminate the case.

(3) Arrest or Vacation of Judgment. An order arresting or vacating a judgment.

(4) New Trial. An order granting a new trial.

(5) Disposition in Juvenile Offense Proceeding. A disposition in a juvenile offense proceeding which is outside below the standard range of disposition for the offense or which the state or local government believes involves a miscalculation of the standard range.

(6) Sentence in Criminal Case. A sentence in a criminal case which is below the standard range for the offense or which the state or local government believes involves a miscalculation of the standard range.

RLD 13.6
REGULATIONS

The Disciplinary Board may adopt regulations pertinent to the powers set forth in this rule subject to the

approval of the Board of Governors and the Supreme Court.

RLD 5.5B

DISCIPLINE FOR CUMULATIVE ADMONITIONS

(a) Grounds. A lawyer may be disciplined, and receive a sanction pursuant to rule 5.1, upon accumulation of three admonitions within a 5-year period.

(b) Procedure. Upon being presented with evidence that a lawyer has received three admonitions within a 5-year period following the effective date of this rule, a review committee may authorize the filing of a formal complaint based solely on the provisions of this rule. The issues in such a proceeding, which shall be conducted in the same manner as any disciplinary proceeding, shall be whether the respondent lawyer has accumulated a record of three admonitions within a 5-year period and, if so, what disciplinary sanction should be recommended.

RLD 5.7 (a), (c), (d)

(a) Assessment. In all cases in which a sanction or admonition is imposed upon a lawyer following a hearing and a finding of misconduct, or a lawyer accepts an admonition pursuant to rule 5.5A(a), costs and expenses as herein defined may be assessed against the lawyer in favor of the Association.

(c) Expenses Defined. "Expenses" for the purposes of this rule shall mean a reasonable charge for attorney fees and administrative costs. Expenses assessed pursuant to this rule may equal the actual expenses incurred by the Association, but in any case the following amounts shall conclusively be presumed reasonable:

(1) For an admonition that is accepted pursuant to rule 5.5A(a), \$500.

(+) (2) For a matter which becomes final without review by the Board, ~~\$500~~ \$1,000.

(2) (3) For a matter which becomes final following Board review, without appeal to the Supreme Court, a total of ~~\$750~~ \$1,500.

(3) (4) For a matter appealed to the Supreme Court, a total of ~~\$1,000~~ \$2,000.

(d) Association To File Statement of Costs and Expenses. When the decision of a hearing officer or panel imposing a sanction becomes final without Board review, or when a decision of the Board imposing a sanction or an admonition is becomes final after being served on the respondent lawyer after Board review, or when a decision of the Board imposing discipline is appealed, the Association shall have 10 days in which to file a statement of costs and expenses in the office of the Association.

(1) Content. A statement of costs and expenses shall state with particularity the nature and amount of the costs claimed and shall state the expenses requested. The statement shall be signed by state bar counsel, which signature shall constitute a certification that all reasonable attempts have been made to insure the accuracy of the statement.

(2) Exceptions. The respondent lawyer shall have 10 days from service of the statement of costs and expenses on him or her to file exceptions in the office of the Association.

RLD 10.3(b)

(b) Petition and Initial Review. The petition for reinstatement shall set forth the facts demonstrating that the disability has been removed. The petition shall be filed with the Board at the office of the Association. Upon the filing of the petition the chairperson of the Board shall direct whatever action appears necessary or proper to determine whether the disability has been removed. Such actions include but are not limited to direction: (1) that state bar counsel or any other person conduct an investigation and file a report; (2) that an examination of the lawyer be conducted by a qualified expert or experts; and (3) that a hearing be held before the Board, or before a hearing officer or panel. Such a hearing shall be conducted under the same procedural rules as disciplinary proceedings.

RLD 11.1 (b), (m)

(b) Release May Be Authorized. The Board of Governors, or the Executive Director acting under the direction of the Board, may authorize the general or limited release of any confidential information obtained during the course of an investigation when to do so appears necessary to protect the interests of clients or other persons, the public, or the integrity of the Bar. A respondent lawyer shall be ~~erved with given~~ notice of a decision to release information under this section ~~5 days~~ prior to its release unless the Board, or the Executive Director acting under the direction of the Board, finds that such notice would jeopardize serious interests of any person or the public, or that the delay caused by giving the notice to the respondent would be detrimental to the integrity of the Bar.

(m) Release to Client's Security Program Committee. Nothing in these rules shall prohibit the release of information obtained during the course of an investigation to the Client's Security Program Committee concerning applications which are pending before the Committee. The Committee shall treat such information as confidential unless release is authorized by this rule or the Board of Governors.

RLD 12.3
PAPERS

All pleadings or other papers under these rules must be typewritten or printed, double spaced, on good quality ~~8½- by 11-inch or 8½- by 13-inch~~ paper. The use of letter-size copies of exhibits is encouraged if it does not impair legibility.

RLD 12.8(b)

(b) Destruction of Files. In any matter in which a complaint or investigation has been dismissed without the imposition of a disciplinary sanction, whether following a hearing or otherwise, file materials relating to the matter may be destroyed 5 years after the dismissal first occurred, and shall be destroyed at that time upon the request of the lawyer involved unless the files are being used in an ongoing investigation or unless other good cause exists for retention. The Board of Governors shall rule on a request by a lawyer for destruction of files

pursuant to this rule when that request is opposed by state bar counsel.

RLD 13.3
DISCLOSURE

The examination and audit report shall be open to the Board, state bar counsel, the lawyer or firm examined, investigated or audited, and to the Board of Governors upon its request, unless a disciplinary proceeding is commenced in which event the disclosure provisions of Title 11 shall apply.

RLD 13.5
DECLARATION OR QUESTIONNAIRE

(a) Questionnaire. The Association shall cause to be directed annually to each active lawyer a written declaration or questionnaire designed to determine whether such lawyer is complying with RPC 1.14. Such declaration or questionnaire shall be completed, executed and delivered by such lawyer to the Association on or before the date of delivery specified in such declaration or questionnaire.

(b) Noncompliance. Failure to file the declaration or questionnaire on or before the date specified in section (a) shall be grounds for discipline. Such failure shall also subject the lawyer who has failed to comply with this rule to a full audit of his or her books and records as provided in rule 13.1(c), upon request of state bar counsel to a review committee. A copy of any request made under this section shall be served upon the lawyer involved. The request shall be granted upon a showing that the lawyer has failed to comply with section (a) of this rule. If the lawyer should later comply, state bar counsel shall have discretion to determine whether an audit should be conducted, and if so the scope of that audit. A lawyer audited pursuant to this section shall be liable for all actual costs of conducting such audit, and also a charge of \$100 per day spent by the auditor in conducting the audit and preparing an audit report. Costs and charges shall be assessed in the same manner as costs under rule 2.8 (b)(2).

RLD 2.9(a)

(a) Rights. Any person filing a complaint with the Association alleging an act of misconduct by a lawyer shall have the right to:

(1) Be advised promptly of the receipt of the complaint, and of the name, address and office phone number of the person assigned to its investigation if such an assignment is made;

(2) Request reconsideration by a review committee of a conditional dismissal of the complaint by state bar counsel or reconsideration by the Board of a dismissal of the complaint by a review committee when the chairperson of the Board so directs;

(3) Have a reasonable opportunity to speak with the investigator assigned to the complaint, by telephone or in person, concerning the substance of the complaint or its status;

(4) Receive a copy of any response submitted by the lawyer complained against, except when that response makes reference to confidences or secrets of a client of the lawyer to which the complainant is not privy, or

contains information of a personal and private nature regarding the lawyer, or when a review committee determines that the interests of justice would better be served if the response is not released;

(5) Submit additional supplemental written information or documentation at any time;

(6) Attend ~~and testify as a witness~~ at any hearing conducted into the complaint, subject to the applicable rules of evidence and any protective order issued pursuant to rule 11.1(f);

(7) Testify as a witness at any hearing conducted into the complaint, subject to the applicable rules of evidence and any protective order issued pursuant to rule 11.1(f).

~~(7)~~ (8) Be advised of the disposition of the complaint.

RLD 5.5A (a), (b), (e)

(a) Grounds. An admonition may be issued by a review committee, or as permitted by rule 2.3 (f)(5), by the Disciplinary Board, when investigation of a complaint shows misconduct involving inattention, neglect or lack of competence in handling a matter.

(b) Effect. An admonition shall be admissible in evidence in subsequent discipline or disability proceedings involving the lawyer. File materials relating to an investigation concluded with an admonition, including the admonition, shall be subject to destruction as provided in rule 12.8(b).

(e) Admonition Not Public. An admonition shall not be a public matter, unless a stipulation approved by a review committee or Disciplinary Board provides that the admonition shall be public, or the admonition is admitted into evidence in a public disciplinary proceeding, or issued by the Board after a hearing under section (d).

RLD 2.8(b)

(b) Failure To Cooperate. When a lawyer has failed to comply with any request made pursuant to section (a) for more than 30 days, state bar counsel may notify the lawyer that failure to so comply within 10 days may necessitate the taking of the deposition of the lawyer pursuant to subpoena.

(1) Any deposition conducted after the expiration of that 10-day period and necessitated by the continued failure to cooperate by the lawyer may be conducted at any place within the state of Washington.

(2) A lawyer whose failure to cooperate has resulted in a subpoena being served for a deposition being to be conducted pursuant to the preceding subsection shall be liable for the actual costs of conducting such that deposition, including but not limited to service fees, court reporter fees, travel expenses and the cost of transcribing the deposition, if ordered by state bar counsel, regardless of the ultimate disposition of the underlying complaint. In addition, a lawyer whose failure to cooperate has resulted in service of a subpoena for a deposition shall be liable for the expense of a reasonable attorney fee of \$200. Upon application of state bar counsel to a review committee itemizing the costs and expenses and setting forth the reasons necessitating the deposition, and after giving the lawyer 10 days to respond, the review committee shall by order assess such costs and expenses as

appear appropriate against the lawyer. Board review of an order assessing costs and expenses under this rule may be conducted in the same manner and under the same terms as review under rule 5.7(e).

(3) Failure of a lawyer to cooperate fully and promptly with an investigation as required by section (a) of this rule shall also constitute grounds for discipline.

RLD 2.3(f)

(f) Authority of Board. The Board shall have the power and authority to:

(1) Review each proceeding in which a recommendation of disbarment, suspension, or transfer to disability inactive status has been made by a hearing officer or panel;

(2) Review each proceeding in which a recommendation other than disbarment or suspension from the practice of law has been made by a hearing officer or panel, including a recommendation of dismissal, upon an appeal filed pursuant to rule 6.1(b);

(3) Review stipulations entered into pursuant to rule 4.14 when such stipulations provide for suspension or disbarment;

(4) Review any prehearing ruling of a hearing officer or panel, upon request for review by either the respondent lawyer or state bar counsel, where the chairperson of the Board determines that such review is necessary and appropriate and will serve the ends of justice;

(5) Review the decision of a review committee dismissing allegations of misconduct by a lawyer when such review is directed by the chairperson of the Board, and upon such review order a hearing on the alleged misconduct, dismiss the matter, issue an advisory letter pursuant to rule 5.6, issue an admonition pursuant to rule 5.5A, or order such further investigation as may appear appropriate;

(6) Perform such other functions and take such other actions as provided in these rules or as may be delegated to it by the Board of Governors or Supreme Court, or as may be necessary and proper to carry out its duties.

RLD 2.5(d)

(d) Terms of Appointment. Appointment by the Board of Governors to the hearing officer list, or to the list of nonlawyers maintained pursuant to section (c), shall be for a period of 3 years and shall be subject to reappointment at the discretion of the Board of Governors. Eligibility of a member of the Disciplinary Board to serve as a hearing officer or panel member shall be concurrent with his or her term on the Board. Notwithstanding the provisions of this rule, a hearing officer or panel member shall have authority to act in any matter assigned to him or her prior to the expiration of his or her appointment or term.

APR 14

LIMITED PRACTICE RULE FOR FOREIGN LAW
CONSULTANTS

(a) Purpose. The purpose of this rule is to authorize lawyers from a foreign country to advise or consult about foreign law and to prescribe the conditions and limitations upon such limited practice.

(b) Qualifications.

(1) To qualify as a Foreign Law Consultant applicant for admission to the limited practice of law in the State of Washington as provided in these rules, a person must:

(i) Present satisfactory proof of both admission to the practice of law, together with current good standing, in a foreign jurisdiction, and active legal experience as a lawyer or counselor at law or the equivalent in a foreign jurisdiction for at least 5 of the 7 years immediately preceding the application; and

(ii) Possess the good moral character and fitness requisite for a member of the Bar of the State of Washington; and

(iii) Be an actual bona fide resident of the State of Washington; and

(iv) Execute under oath and file with the Bar Association two copies of an application, one of which shall be in the applicant's own handwriting, in such form as may be required by the Board of Governors; and

(v) File with the application a certificate from the authority in such foreign country having final jurisdiction over professional discipline, certifying as to the applicant's admission to practice, and the date thereof, and as to the good standing of such lawyer or counselor at law or the equivalent, together with a duly authenticated English translation of such certificate, if it is not in English; and

(vi) File with the application a letter of recommendation from one of the members of the executive body of such authority or from one of the judges of the highest law court or courts of original jurisdiction of such foreign country, together with a duly authenticated English translation of such letter, if it is not in English; and

(vii) Provide with the application such other evidence of the applicant's educational and professional qualifications, good moral character and fitness and compliance with the requirements of this rule as the Board of Governors may require; and

(viii) Pay upon the filing of the application a fee equal to that required pursuant to rule 3(d)(2) to be paid by an attorney applicant to take the bar examination.

(2) Upon a showing that strict compliance with the provisions of subsections (b)(1)(v) or (b)(1)(vi) would cause the applicant unnecessary hardship, the Board of Governors may at its discretion waive or vary the application of such provisions and permit the applicant to furnish other evidence in lieu thereof.

(c) Procedure. The Board of Governors shall approve or disapprove applications for admission of Foreign Law Consultants. Additional proof of any facts stated in the application may be required by the Board. In the event of the failure or refusal of the applicant to furnish any information or proof, or to answer any inquiry of the Board pertinent to the pending application, the Board may deny the application. Upon approval of the application by the Board of Governors, the Board shall recommend to the Supreme Court the admission of the applicant for the purposes herein stated. The Supreme Court may enter an order admitting to practice those applicants it deems qualified, conditioned upon such applicants:

(i) Taking and filing with the Clerk of the Supreme Court the Oath of Attorney pursuant to rule 5; and

(ii) Paying to the Bar Association its membership fee for the current year in the amount required of active members admitted for 3 or more years; and

(iii) Filing with the Bar Association in writing his or her address in the State of Washington, together with a statement that the applicant has read the Rules of Professional Conduct and Rules for Lawyer Discipline, is familiar with their contents and agrees to abide by them.

(2) Upon the entry of an order of admission, the filing of the required materials and payment of the membership fee, the applicant shall be enrolled as a Foreign Law Consultant and shall be entitled to the limited practice of law as specified by this rule.

(d) Scope of Practice. A Foreign Law Consultant shall be authorized to engage in the limited practice of law only as authorized by the provisions of this rule. A Foreign Law Consultant may not:

(1) Appear for a person other than the Foreign Law Consultant as lawyer in any court or before any magistrate or other judicial officer in this state (other than upon admission for a particular action or proceeding pursuant to rule 8(b)) or prepare pleadings or any other papers or issue subpoenas in any action or proceeding brought in any court or before any judicial officer of this state;

(2) Prepare any deed, mortgage, assignment, discharge, lease or any other instrument affecting title to real estate located in the United States; or

(3) Prepare any will or trust instrument affecting the disposition on death of any property located in the United States and owned by a resident thereof; or any instrument related to the administration of a decedent's estate in the United States; or

(4) Prepare any instrument with respect to the marital relations, rights or duties of a resident of the United States, or the custody or care of the children of such a resident; or

(5) Render legal advice on the law of the State of Washington, of any other state or territory of the United States, of the District of Columbia or of the United States (whether rendered incident to preparation of legal instruments or otherwise) unless and to the extent that the Foreign Law Consultant is admitted to practice law before the highest court of such other jurisdiction; or

(6) In any way hold himself or herself out as a member of the Bar of the State of Washington; or

(7) Use any title other than "Foreign Law Consultant", the firm name, and/or authorized title used in the foreign country where the Foreign Law Consultant is admitted to practice. In each case, such title or name shall be used in conjunction with the name of such foreign country.

(e) Disciplinary Provisions. A Foreign Law Consultant shall be subject to the Rules for Lawyer Discipline and the Rules of Professional Conduct as adopted by the Supreme Court and to all other laws and rules governing lawyers admitted to the Bar of this state. Jurisdiction shall continue whether or not the Consultant retains the authority for the limited practice of law in this state, and regardless of the residence of the Consultant.

(f) Continuing Requirements.

(1) Continuing Legal Education. Foreign Law Consultants shall comply with rule 11 concerning Continuing Legal Education.

(2) Annual Fee. A Foreign Law Consultant shall pay to the Bar Association its membership fee for the current year in the amount required of active members admitted to practice for 3 or more years.

(3) Report. A Foreign Law Consultant shall promptly report to the Bar Association any change in his or her status in any jurisdiction where he or she is admitted to practice.

(g) Termination of License. A limited license is granted at the sufferance of the Supreme Court and may be revoked at any time upon the court's own motion, or upon the motion of the Board of Governors, with or without cause, including failure to comply with the terms of this rule.

RPC 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.

"Consents in writing" or "written consent" means either (a) a written consent executed by a client, or (b) oral consent given by a client which the lawyer confirms in writing in a manner which can be easily understood by the client and which is promptly transmitted 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".

"Substantial" when used in reference to degree or extent denotes a material matter of clear and weighty importance.

.RPC 1.5 (a), (b), (c)

(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 and the terms of the fee agreement between the lawyer and client;

(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 in the matter on which legal services are rendered 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. Whether the fee agreement or confirming writing demonstrates that the client had received a reasonable and fair disclosure of material elements of the fee agreement and of the lawyer's billing practices.

(b) When the lawyer has not regularly represented the client, or if the fee agreement is substantially different than that previously used by the parties, the basis or rate of the fee or factors involved in determining the charges for legal services and the lawyer's billing practices shall be communicated to the client, preferably in writing, before or within a reasonable time after commencing the representation. Upon the request of the client in any matter, the lawyer shall communicate to the client in writing the basis or rate of the fee.

(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 section (d) or other law.

(1) 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.

(2) A contingent fee consisting of a percentage of the monetary amount recovered for a claimant, in which all or part of the recovery is to be paid in the future, shall be paid only (i) by applying the percentage to the amounts recovered as they are received by the client or

(ii) by applying the percentage to the actual cost of the settlement or award to the defendant.

RPC 1.6 (a), (c)

(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 sections (b) and (c).

(c) A lawyer may reveal to the tribunal confidences or secrets which disclose any breach of fiduciary responsibility by a client who is a guardian, personal representative, receiver, or other court appointed fiduciary.

RPC 7.5(d)

(d) Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact. Lawyers practicing out of the same office who are not partners or shareholders of a professional corporation may not join their names together. Lawyers who are not (1) partners or shareholders of a professional corporation, or (2) employees of a sole proprietorship, partnership, or professional corporation or other organization, or (3) in the relationship of being "Of Counsel" to a sole proprietorship, partnership, or professional corporation or other organization, shall have separate letterheads, cards and pleading paper, and shall sign their names individually at the end of all pleadings and correspondence and not in conjunction with the names of other lawyers.

APR 13
[NEW RULE]

SIGNING OF PLEADINGS AND OTHER PAPERS; NOTICE OF CHANGE OF ADDRESS OR NAME

(a) Signing of Pleadings and Other Papers. All pleadings and other papers signed by an attorney and filed with a court shall include the attorney's Washington State Bar Association membership number in the signature block. The law department of a municipality, county, or state, public defender organization or law firm is authorized to make an application to the Office of the Administrator for the Courts for an office identification number. An office identification number may be assigned by the Office of the Administrator for the Courts upon a showing that it will facilitate the process of electronic notification. If an office identification number is granted, it shall appear with the attorney's Washington State Bar Association membership number in the signature block.

(b) Change of Address. An attorney whose office address changes shall, within 10 days after the change, notify in writing the Executive Director of the Washington State Bar Association, who shall forward changes weekly to the Office of the Clerk of the Supreme Court for entry into the state computer system. In addition to the attorney's full name, the notice shall contain (1) the attorney's Washington State Bar Association membership number, (2) the previous address and telephone number, clearly identified as such, (3) the new address and telephone number, clearly identified as such, and (4) the effective date of the change. The courts of this state may

rely on the address information contained in the state computer system in issuing notices in pending actions.

(c) Change of Name. An attorney whose name changes shall, within 10 days after the change, notify in writing the Executive Director of the Washington State Bar Association, who shall forward changes weekly to the Office of the Clerk of the Supreme Court for entry into the state computer system. The notice shall contain (1) the full previous name, clearly identified as such, (2) the full new name, clearly identified as such, (3) the attorney's Washington State Bar Association membership number, and (4) the effective date of the change.

(d) Requirements of Local and Other Court Rules Not Affected. The responsibility of a party or an attorney to keep the court and other parties and attorneys informed of the party's or attorney's correct name and current address, as may be required by local or other court rule, is not affected by this rule.

RAP 18.23

MAIL ADDRESSED TO APPELLATE COURTS

All briefs and other papers sent submitted to the Supreme Court and the Court of Appeals to be filed or considered in a case should be addressed to the clerk of the appropriate court and should clearly show, in the brief or paper itself or in a cover letter, (1) the name of the court to which the brief or paper is being submitted, (2) the caption of the case, and (3) the docket number of the case in the appellate court or, if none, the docket number of the case in the trial court and the name of the trial court.

Reviser's note: The typographical error in the above material occurred in the copy filed by the Supreme Court and appears in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: The brackets and enclosed material in the text of the above material occurred in the copy filed by the Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 90-11-085

**COLUMBIA RIVER
GORGE COMMISSION**

[Filed May 17, 1990, 2:35 p.m.]

Reviser's note: The following material has **not** been adopted under the Administrative Procedure Act, chapter 34.05 RCW, but has been filed in the office of the code reviser and is published in the Register exactly as filed.

I HEREBY CERTIFY that the copy shown below is a true, full and correct copy of rule(s) adopted on May 8, 1990, by the Columbia River Gorge Commission to become effective upon filing.

The within matter having come before the Columbia River Gorge Commission after all procedures having been in the required form and conducted in accordance with applicable statutes and rules and being fully advised in the premises.

Notice of Intended Action in Code Revisers Register: Yes.

NOW THEREFORE, IT IS HEREBY ORDERED that the following action to be taken: Amending 350-20

and 350-16 as administrative rules of the Columbia River Gorge Commission.

DATED this 15th day of May, 1990.

By: Richard P. Benner
Executive Director

Statutory Authority: RCW 43.97.015 to 43.97.035, chapter 499, Laws of 1987.

For Further Information Contact: Richard P. Benner, Executive Director, (509) 493-3323.

COLUMBIA RIVER GORGE COMMISSION
350-16

350-16-024. Commission Record for Review.

(1) Within thirty days after service of a petition for judicial review, or within further time allowed by the court, the commission shall transmit to the court the original or a certified copy of the commission record specified in 350-16-020.

(2) The commission may charge a nonindigent petitioner with the reasonable costs of preparing any necessary copies and transcripts for transmittal to the court. A failure by the petitioner to pay this cost to the commission relieves the commission from the responsibility for preparation of the record and transmittal to the court. For the purposes of this paragraph, a nonindigent person is one whose income is more than 130 percent of the poverty income guidelines published in the Federal Register by the U.S. Department of Health and Human Resources.

COLUMBIA RIVER GORGE COMMISSION

Chapter 350
Division 16

Administrative Rules

With Amendments of January 9, 1990

350-16-001. Commission Required to Prepare Public Writings in Readable Form.

(1) The commission shall when reasonable prepare its public writings in simple language with short, precise, affirmative, active-voice sentences.

(2) As used in this section, "public writing" means any rule, form, license or notice prepared by the commission.

350-16-002. Definitions for 350-16-002 to 350-16-018.

(1) "Commission" means the Columbia River Gorge Commission or any officer authorized by the commission to make rules or to issue orders.

(2)(a) "Contested case" means a proceeding before the commission:

(A) In which the individual legal rights, duties or privileges of specific parties are required by statute or Constitution to be determined only after a hearing at which such specific parties are entitled to appear and to be heard:

(B) Where the commission has discretion to suspend or revoke a right or privilege of a person;

(C) For the suspension, revocation or refusal to renew or issue a license where the licensee or applicant for a license demands such hearing.

(b) "Contested case" does not include proceedings in which any commission decision rests solely on the result of a test.

(3) "Economic effect" means the costs of compliance with a rule for businesses including but not limited to the costs of equipment, supplies, labor and administration.

(4) "License" includes the whole or part of any commission permit, certificate, approval, registration or similar form of permission required by law to pursue any commercial activity, trade, occupation or profession.

(5)(a) "Order" means any commission action expressed orally or in writing directed to a named person or named persons, other than employees, officers or members of the commission. "Order" includes any commission determination or decisions issued in connection with a contested case proceeding.

(b) "Final order" means final commission action expressed in writing. "Final order" does not include any tentative or preliminary commission declaration or statement that:

(A) Precedes final commission action; or

(B) Does not preclude further commission consideration of the subject matter of the statement or declaration.

(6) "Party" means:

(a) Each person or agency entitled as of right to a hearing before the commission;

(b) Each person or agency named by the commission to be a party; or

(c) Any person requesting to participate before the commission as a party or in a limited party status which the commission determines either has an interest in the outcome of the commission's proceeding or represents a public interest in such result.

(7) "Person" means any individual, partnership, corporation, association, governmental subdivision or public or private organization of any character other than the commission.

(8) "Rule" means any commission directive, standard, regulation or statement of general applicability that implements, interprets or prescribes law or policy, or describes the procedure or practice requirements of the commission. The term includes the amendment or repeal of a prior rule, but does not include:

(a) Unless a hearing is required by statute, internal management directives, regulations or statements which do not substantially affect the interests of the public:

(A) Between agencies, or their officers or their employees; or

(B) Within the commission, between its officers or between employees.

(b) Action by commission directed to other agencies or other units of government which do not substantially affect the interests of the public.

(c) Declaratory rulings.

(d) Intra-agency memoranda.

(9) "Small business" means a corporation, partnership, sole proprietorship or other legal entity formed for

the purpose of making a profit, which is independently owned and operated from all other businesses which has 50 or fewer employees.

350-16-003. Description of Organization; Service of Order; Effect of Not Putting Order in Writing.

(1) In addition to other rulemaking requirements imposed by law, the commission shall publish a description of its organization and the methods whereby the public may obtain information or make submissions or requests.

(2) An order shall not be effective as to a person or party unless it is served upon him either personally or by mail. This subsection is not applicable in favor of any person or party who has actual knowledge of the order.

(3) An order is not final until it is reduced to writing.

350-16-004. Notice Requirements for Rule Adoption; Temporary Rule Adoption, or Amendment; Substantial Compliance Required.

(1) Prior to the adoption, amendment or repeal of any rule, the commission shall give notice of its intended action:

(a) In the manner established by rule adopted by the commission, which provides a reasonable opportunity for interested persons to be notified of the agency's proposed action;

(b) In the Oregon bulletin and Washington register at least 20 days prior to the commencement of any commission action; and

(c) No later than three days after publication in the register and bulletin, to persons who have requested notice pursuant to subsection (7) of this section.

(2)(a) The notice required by subsection (1) of this section shall state the subject matter and purpose of the intended action in sufficient detail to inform a person that the person's interests may be affected, and the time, place and manner in which interested persons may present their views on the intended action.

(b) The commission shall include with the notice of intended action given under subsection (1) of this section:

(A) A citation of the statutory or other legal authority relied upon and bearing upon the promulgation of the rule;

(B) A statement of the need for the rule and a statement of how the rule is intended to meet the need;

(C) A list of the principal documents, reports or studies, if any, prepared by or relied upon by the commission in considering the need for and in preparing the rule, and a statement of the location at which those documents are available for public inspection. The list may be abbreviated if necessary, and if so abbreviated there shall be identified the location of a complete list;

(D) A statement of fiscal impact identifying state agencies, units of local government and the public which may be economically affected by the adoption, amendment or repeal of the rule and an estimate of that economic impact on state agencies, units of local government and the public. In considering the economic effect of the proposed action on the public, the agency shall utilize available information to project any significant

economic effect of that action on businesses which shall include a cost of compliance effect on small businesses affected.

(E) A statement of the anticipated effects of the proposed rule;

(F) A statement whether the rule is necessary as a result of federal law or a court decision;

(G) An indication of the person or persons proposing the rule;

(H) The date on which the commission intends to adopt the rule; and

(I) The commission personnel responsible for implementation and enforcement of the rule, with office location and telephone number.

(3) When the commission proposes to adopt, amend or repeal a rule, it shall give interested persons reasonable opportunity to submit data or views at a public hearing. The commission shall consider fully any written or oral submission.

(4) Upon request of an interested person received within 15 days after commission notice pursuant to subsection (1) of this section, the commission shall postpone the date of its intended action no less than 10 nor more than 90 days in order to allow the requesting person an opportunity to submit data, views or arguments concerning the proposed action. Nothing in this subsection shall preclude the commission from adopting a temporary rule pursuant to subsection (5) of this section.

(5) Notwithstanding subsections (1) to (4) of this section, the commission may adopt or amend a rule without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable, if the commission prepares:

(a) A statement of its findings that its failure to act promptly will result in serious prejudice to the public interest or the interest of the parties concerned and the specific reasons of its findings of prejudice;

(b) A citation of the statutory or other legal authority relied upon and bearing upon the promulgation of the rule;

(c) A statement of the need for the rule and a statement of how the rule is intended to meet the need; and

(d) A list of the principal documents, reports or studies, if any, prepared by or relied upon by the commission in considering the need for and in preparing the rule, and a statement of the location at which those documents are available for public inspection.

(6) A rule adopted or amended under subsection (5) of this section is temporary and may be effective for a period of not longer than 90 days. The adoption of a rule under this subsection does not preclude the subsequent adoption of an identical rule under subsections (1) to (4) of this section.

(7) Any person may request in writing that the commission mail to the person copies of its notice of intended action given pursuant to subsection (1) of this section. Upon receipt of any request the commission shall acknowledge the request, establish a mailing list and maintain a record of all mailings made pursuant to the request. The commission may establish procedures for establishing and maintaining the mailing lists current

and, by rule, establish fees necessary to defray the costs of mailings and maintenance of the lists.

(8) This section does not apply to public contracts and purchasing.

(9) No rule is valid unless adopted in substantial compliance with the provisions of this section in effect on the date the rule is adopted.

(10) Unless otherwise provided by statute, the adoption, amendment or repeal of a rule by an agency need not be based upon or supported by an evidentiary record.

350-16-005. Procedure for Commission Adoption of Federal Rules.

(1) Notwithstanding 350-16-004, when the commission is required to adopt rules or regulations promulgated by an agency of the Federal Government and the Agency has no authority to alter or amend the content or language of those rules or regulations prior to their adoption, the agency may adopt those rules or regulations under the procedure prescribed in this section.

(2) Prior to the adoption of a federal rule or regulation under subsection (1) of this section, the commission shall give notice of the adoption of the rule or regulation, the effective date of the rule or regulation and the subject matter of the rule or regulation in the manner established in 350-16-004(1).

(3) After giving notice the commission may add to the rule or regulation by filing a copy with the Oregon Secretary of State and the Washington Code Reviser. The commission is not required to conduct public hearings concerning the adoption of the rule or regulation.

(4) Nothing in this section authorizes the commission to amend federal rules or regulations or adopt rules in accordance with federal requirements without giving an opportunity for hearings as required by 350-16-004.

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

350-16-006. Filing and Taking Effect of Rules; Filing of Executive Orders; Copies.

(1)(a) The commission shall file in the office of the Oregon Secretary of State and Washington Code Reviser a certified copy of each rule adopted by it.

(b) Notwithstanding the provisions of paragraph (a) of this subsection, the commission adopting a rule incorporating published standards of reference is not required to file a copy of those standards with the Oregon Secretary of State or the Washington Code Reviser if:

(A) The standards adopted are unusually voluminous and costly to reproduce; and

(B) The rule identifies the location of the standards to be incorporated and the conditions of their availability to the public.

(2) Each rule is effective upon the expiration of 30 days after the date of filing as required by subsection (1) of this section, except that:

(a) If a later effective date is required by constitution, statute or court order, the later date is the effective date.

(b) If a different effective date is specified in the rule and the commission finds that action is necessary because of imminent peril to public health, safety or welfare, the specified date is the effective date.

(c) A temporary rule becomes effective upon filing with the Oregon Secretary of State and Washington Code Reviser, or at a designated later date, only if the statement required by 350-16-004(5) is filed with the rule. The commission shall take appropriate measures to make temporary rules known to the persons who may be affected by them.

(3) When a rule is amended or repealed by the commission, the commission shall file a certified copy of the amendment or notice of repeal with the Oregon Secretary of State and Washington Code Reviser.

(4) No rule of which a certified copy is required to be filed shall be valid or effective against any person or party until a certified copy is filed in accordance with this section. However, if the commission, in disposing of a contested case, announces in its decision the adoption of a general policy applicable to such case and subsequent cases of like nature the commission may rely upon such decision in disposition of later cases.

350-16-007. Petitions Requesting Adoption of Rules.

An interested person may petition the commission requesting the promulgation, amendment or repeal of a rule. The commission shall prescribe by rule the form for such petitions and the procedure for their submission, consideration and disposition. Not later than 30 days after the date of submission of a petition, the commission shall deny the petition in writing or shall initiate the rulemaking proceedings. If the commission denies the petition it shall set forth in writing its reasons for doing so.

350-16-008. Notice to Party Before Hearing of Rights and Procedure; Legislative Findings; Failure to Provide Notice.

(1) Citizens have a right to be informed as to the procedures by which contested cases are heard by the commission, their rights in hearings before the commission, the import and effect of hearings before the commission and their rights and remedies with respect to actions taken by the commission. Accordingly, it is the purpose of subsections (2) to (4) of this section to set forth certain requirements of the commission so that citizens shall be fully informed as to these matters when exercising their rights before the commission.

(2) Prior to the commencement of a contested case hearing before the commission, the commission shall inform each party to the hearing of the following matters:

(a) If a party is not represented by an attorney, a general description of the hearing procedure including the order of presentation of evidence, what kinds of evidence are admissible, whether objections may be made to the introduction of evidence and what kind of objections may be made and an explanation of the burdens of proof or burdens of going forward with the evidence.

(b) The manner of making the record and its availability to the parties.

(c) The function of the record-making with respect to the perpetuation of the testimony and evidence and with respect to any appeal from the determination or order of the commission.

(d) Whether an attorney will represent the commission in the matters to be heard and whether the parties ordinarily and customarily are represented by an attorney.

(e) The title and function of the person presiding at the hearing with respect to the decision process, including, but not limited to, the manner in which the testimony and evidence taken by the person presiding at the hearing are reviewed, the effect of that person's determination, whether the person presiding at the hearing is or is not an employee, officer or other representative of the commission and whether that person has the authority to make a final independent determination.

(f) In the event a party is not represented by an attorney, whether the party may during the course of proceedings request a recess if at that point the party determines that representation by an attorney is necessary to the protection of the party's rights.

(g) Whether there exists an opportunity for an adjournment at the end of the hearing if the party then determines that additional evidence should be brought to the attention of the commission and the hearing reopened.

(h) Whether there exists an opportunity after the hearing and prior to the final determination or order of the commission to review and object to any proposed findings of fact, conclusions of law, summary of evidence or recommendations of conclusions of law, summary of evidence or recommendations of the officer presiding at the hearing.

(i) A description of the appeal process from the determination or order of the commission.

(3) The information required to be given to a party to a hearing under subsections (2) and (3) of this section may be given in writing or orally before commencement of the hearing.

(4) The failure of the commission to give notice of any item specified in subsections (2) and (3) of this section, shall not invalidate any determination or order of the commission unless upon an appeal from or review of the determination or order a court finds that the failure affects the substantial rights of the complaining party. In the event of such a finding, the court shall remand the matter to the commission for a reopening of the hearing and shall direct the commission as to what steps it shall take to remedy the prejudice to the rights of the complaining party.

Reviser's note: The spelling error in the caption of the section above occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

350-16-009. Notice, Hearing and Record in Contested Cases; Informal Dispositions; Hearings Officer; Statement of Ex Parte Communications.

(1) In a contested case hearing, all parties shall be afforded an opportunity for hearing after notice of not

less than 20 days, served personally or by registered or certified mail.

(2) The notice shall include:

(a) A statement of the party's right to hearing, or a statement of the time and place of the hearing;

(b) A statement of the authority and jurisdiction under which the hearing is to be held;

(c) A reference to the particular sections of the statutes and rules involved; and

(d) A short and plain statement of the matters asserted or charged.

(3) Parties may elect to be represented by counsel and to respond and present evidence and argument on all issues involved.

(4) The commission may adopt rules of procedure governing participation in contested cases by person appearing as limited parties.

(5) Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order or default.

(6) An order adverse to a party may be issued upon default only upon prima facie case made on the record of the commission. When an order is effective only if a request for hearing is not made by the party, the record may be made at the time of issuance of the order, and if the order is based only on material included in the application or other submissions of the party, the commission may so certify and so notify the party, and such material shall constitute the evidentiary record of the proceeding if hearing is not requested. The commission shall serve a default order upon the defaulted party or the party's attorney, if any.

(7) Within seven days after service of a default order under subsection (6) of this section, the party against whom it was entered may file a written motion requesting that the order be vacated, and stating the grounds relied upon. During the time within which a party may file a written motion under this subsection, the presiding officer may adjourn the proceedings or conduct them without the participation of that party, having due regard for the interests of justice and the orderly and prompt conduct of the proceedings. At the commencement of the hearing, the officer presiding shall explain the issues involved in the hearing and the matters that the parties must either prove or disprove.

(8) Testimony shall be taken upon oath or affirmation of the witness form when received. The officer presiding at the hearing shall administer oaths or affirmatives to witnesses.

(9) A presiding officer who receives an ex parte communication during the pendency of a proceeding shall place on the record of the proceeding all written communications received, all written responses to the communications and a memorandum stating the substance of all oral communications received, all responses made, and the identity of each person from whom the presiding officer received an ex parte communication. The presiding officer shall advise all parties that these matters have been placed on the record. Upon request made within ten days after notice of the ex parte communication, any

party desiring to rebut the communication shall be allowed to place a written rebuttal statement on the record.

(10) The officer presiding at the hearing shall insure that the record developed at the hearing shows a full and fair inquiry into the facts necessary for consideration of all issues property before the presiding officer in the case.

(11) The record in a contested case shall include:

- (a) All pleadings, motions and intermediate rulings.
- (b) Evidence received or considered.
- (c) Stipulations.
- (d) A statement of matters officially noticed.
- (e) Questions and offers of proof, objections and rulings thereon.
- (f) A statement of any ex parte communications on a fact in issue made to the officer presiding at the hearing.
- (g) Proposed findings and exceptions.
- (h) Any proposed, intermediate or final order prepared by the commission or a hearings officer.

(12) A verbatim oral, written or mechanical record shall be made of all motions, rulings and testimony. The record need not be transcribed unless requested for purposes of rehearing or court review. The commission may charge the party requesting transcription, unless the party files an appropriate affidavit of indigency.

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

350-16-010. Presiding Officer - Disqualification, Substitution.

(1) Any party may petition for the disqualification of an individual promptly after receipt of notice indicating that the individual will preside or, if later, promptly upon discovering facts establishing grounds for disqualification.

(2) The individual whose disqualification is requested shall determine whether to grant the petition, stating facts and reasons for the determination.

(3) If a substitute is required for an individual who becomes unavailable as a result of disqualification or any other reason, the substitute must be appointed by the commission.

350-16-011. Interpreter for Handicapped Person in Contested Case.

(1) When a handicapped person is a party to a contested case, the handicapped person is entitled to a qualified interpreter to interpret the proceedings to the handicapped person and to interpret the testimony of the handicapped person to the commission.

(2)(a) Except as provided in paragraph (b) of this subsection, the commission shall appoint the qualified interpreter for the handicapped person; and the commission shall fix and pay the fees and expenses of the qualified interpreter if:

(A) The handicapped person makes a verified statement and provides the information in writing under oath showing the inability of the handicapped person to obtain a qualified interpreter, and provides any other information required by the commission concerning the

inability of the handicapped person to obtain such an interpreter; and

(B) It appears to the commission that the handicapped person is without means and is unable to obtain a qualified interpreter.

(b) If the handicapped person knowingly and voluntarily files with the commission a written statement that the handicapped person does not desire a qualified interpreter to be appointed for the handicapped person, the commission shall not appoint such an interpreter for the handicapped person.

(3) As used in this section:

(a) "Handicapped person" means a person who cannot readily understand or communicate the English language, or cannot understand the proceedings or a charge made against the handicapped person, or is incapable of presenting or assisting in the presentation of the defense of the handicapped person, because the handicapped person is deaf, or because the handicapped person has a physical hearing impairment or physical speaking impairment.

(b) "Qualified interpreter" means a person who is readily able to communicate with the handicapped person, translate the proceedings for the handicapped person, and accurately repeat and translate the statements of the handicapped person to the commission.

350-16-012. Depositions or Subpoena of Material Witness; Discovery.

(1) On petition of any party to a contested case, the commission may order that the testimony of any material witness may be taken by deposition in the manner prescribed by law for depositions in civil actions. The petition shall set forth the name and address of the witness whose testimony is desired, a showing of the materiality of the testimony of the witness, and a request for an order that the testimony of such witness be taken before an officer named in the petition for that purpose. If the witness resides in Oregon or Washington and is unwilling to appear, the commission may issue a subpoena, requiring his appearance.

(2) On petition of any party to a contested case the commission may order that the party be allowed an opportunity to visit the property that is the subject of a hearing before the commission. The petition shall set forth the name, address and telephone number of the person or persons who will visit the property and a showing of the materiality of the evidence to be obtained from the visit. The applicant, the owner of the property or a representative shall be entitled to accompany the petitioning party while on the property and shall be given access to any written report or notes from the site visit prepared for the petitioning party that is not subject to protection under the attorney-client privilege.

(3) The commission may allow petitions to take depositions, for subpoenas, admissions or other forms of discovery prescribed by law in civil actions upon a showing of necessity and unavailability by other means. In determining whether to allow the discovery the commission shall consider:

(a) Whether all parties are represented by counsel;

(b) Whether undue expense or delay in bringing the matter to hearing will result;

(c) Whether the discovery will promote the orderly and prompt conduct of the proceeding; and

(d) Whether the interests of justice will be promoted.

350-16-013. Subpoenas in Contested Cases.

(1) The commission shall issue subpoenas to any party to a contested case upon request upon a showing of general relevance and reasonable scope of the evidence sought. A party, other than the commission, entitled to have witnesses on behalf of the party may have subpoenas issued by an attorney of record of the party, subscribed by the signature of the attorney. Witnesses appearing pursuant to subpoena, other than the parties or officers or employees of the commission, shall receive fees and mileage as prescribed by law for witnesses in civil actions.

(2) If any person fails to comply with any subpoena so issued or any party or witness refuses to testify on any matters on which the party or witness may be lawfully interrogated, the judge of the circuit court or superior court of any county, on the application of the commission or of a designated representative of the commission or of the party requesting the issuance of or issuing the subpoena, shall compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.

350-16-014. Evidence in Contested Cases.

(1) Irrelevant, immaterial or unduly repetitious evidence shall be excluded but erroneous rulings on evidence shall not preclude commission action on the record unless shown to have substantially prejudiced the rights of a party. All other evidence of a type commonly relied upon by reasonably prudent persons in conduct of their serious affairs shall be admissible. The commission shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Any part of the evidence may be received in written form.

(2) All evidence shall be offered and made a part of the record in the case, and except for matters stipulated to and except as provided in subsection (4) of this section no other factual information or evidence shall be considered in the determination of the case. Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference. The burden of presenting evidence to support a fact or position in a contested case rests on the proponent of the fact or position.

(3) Every party shall have the right of cross examination of witnesses who testify and shall have the right to submit rebuttal evidence. Persons appearing in a limited party status shall participate in the manner and to the extent prescribed by rule of the commission.

(4) The commission may take notice of judicially cognizable facts, and may take official notice of general, technical or scientific facts within its specialized knowledge. Parties shall be notified at any time during the proceeding but in any event prior to the final decision of

material officially noticed and the sources of the materials and they shall be afforded an opportunity to contest the facts so noticed. The commission may utilize its experience, technical competence and specialized knowledge in the evaluation of the evidence presented to it.

(5) No sanction shall be imposed or order be issued except upon consideration of the whole record or such portions thereof as may be cited by any party, and as supported by, and in accordance with, reliable, probative and substantial evidence.

(6) The commission may, at its discretion, be represented at the hearings by the Attorney General of Washington or Oregon.

350-16-015. Examination of Evidence by Agency in Contested Cases.

Whenever in a contested case a majority of the officials of the commission who are to render the final order have not heard the case or considered the record, the order, if adverse to party other than the commission itself, shall not be made until a proposed order, including findings of fact and conclusions of law, has been served upon the parties and an opportunity has been afforded to each party adversely affected to file exceptions and present argument to the officials who are to render the decision.

350-16-016. Commission Statement of Ex Parte Communications; Notice.

Any commissioner who receives an ex parte communication during the pendency of a proceeding shall place on the record of the proceeding all written communications received, all written responses to the communications and a memorandum stating the substance of all oral communications received, all responses made, and the identity of each person from whom the commissioner received an ex parte communication. The commissioner shall advise all parties that these matters have been placed on the record. Upon request made within ten days after notice of the ex parte communication, any party desiring to rebut the communication shall be allowed to place a written rebuttal statement on the record.

350-16-017. Proposed Order by Hearings Officer; Amendment by Commission; Exemptions.

(1) Except as otherwise provided in subsections (1) to (3) of this section, unless a hearings officer is authorized or required by law or commission rule to issue a final order, the hearings officer shall prepare and serve on the commission and all parties to a contested case hearing a proposed order, including recommended findings of fact and conclusions of law. The proposed order shall become final after the 30th day following the date of service of the proposed order, unless the commission within that period issues an amended order.

(2) The commission may by rule specify a period of time after which a proposed order will become final that is different from that specified in subsection (1) of this section.

(3) If the commission determines that additional time will be necessary to allow the commission adequately to

review a proposed order in a contested case, the commission may extend the time after which the proposed order will become final by a specified period of time. The commission shall notify the parties to the hearing of the period of extension.

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

350-16-018. Orders in Contested Cases.

(1) Every order adverse to a party to the proceeding shall be in writing or stated in the record and may be accompanied by an opinion.

(2) A final order shall be accompanied by findings of fact and conclusions of law, and the reasons and basis therefore, on all the material issues of fact, law, or discretion presented on the record, including the remedy or sanction. Any findings based substantially upon credibility of evidence or demeanor of witnesses shall be so identified. The findings of fact shall consist of a concise statement of the underlying facts supporting the findings as to each contested issue of facts and as to each ultimate fact required to support the commission's order.

(3) The commission shall serve in writing any final order within 90 days after the hearing or after the submission of any additional memoranda, briefs or proposed findings. The commission shall notify the parties to a proceeding of a final order by delivering or mailing a copy of the order and any accompanying findings and conclusions to each party or, if applicable, the party's attorney of record.

(4) Every final order shall include a citation of the statutes under which the order may be appealed.

350-16-020. Commission Record of Contested Case.

(1) The commission shall maintain an official record of each contested case.

(2) The commission record shall include:

- (a) Notices of proceedings;
- (b) Any prehearing order;
- (c) Any motions, pleadings, briefs, petitions, requests and intermediate rulings;
- (d) Evidence received or considered;
- (e) A statement of any matters officially noticed;
- (f) Proffers of proof and objections and rulings thereon;
- (g) Proposed findings, requested orders and exceptions;
- (h) The recording prepared for the commission at the hearing, together with any transcript of all or part of the hearing considered before final disposition of the proceeding;
- (i) Any final order, initial order or order on reconsideration;
- (j) Staff memoranda or data submitted to the commission; and
- (k) Matters placed on the record after an ex parte communication.

350-16-022. Service of Process.

A petition for judicial review of a final order in a contested case shall be served upon the commission by delivery of a copy of the petition to the office of the executive director or chairperson of the commission at the principal office of the commission.

350-16-024. Commission Record for Review.

(1) Within thirty days after service of a petition for judicial review, or within further time allowed by the court, the commission shall transmit to the court the original or a certified copy of the commission record specified in 350-16-020.

(2) The commission may charge a nonindigent petitioner with the reasonable costs of preparing any necessary copies and transcripts for transmittal to the court. A failure by the petitioner to pay this cost to the commission relieves the commission from the responsibility for preparation of the record and transmittal to the court. For the purposes of this paragraph, a nonindigent person is one whose income is more than 130 percent of the poverty income guidelines published in the Federal Register by the U.S. Department of Health and Human Resources.

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COLUMBIA RIVER GORGE COMMISSION

350-20

350-20-017. Pre-Hearing Conference.

(1) The Commission Chair or its designee may schedule a pre-hearing conference with the parties to an appeal no later than five (5) working days prior to the date set for the hearing. The purpose of the pre-hearing conference shall be to:

(a) List witnesses and exhibits to be presented at the hearing by each party;

(b) Note objections to any of the witnesses or exhibits by any party;

(c) Identify, simplify and clarify issues to be raised at the hearing;

(d) Consider other matters which may facilitate the orderly conduct of the hearing.

(2) All witnesses and exhibits to be presented by the parties at the hearing must be introduced at the pre-hearing conference. The Commission Chair or its designee shall prepare a list of witnesses and exhibits for introduction at the hearing and inclusion in the record of the hearing. Any witness or exhibit not introduced at the pre-hearing conference may not be presented at the hearing unless the party demonstrates that the witness or exhibit was not available at the time of the conference, or that the witness or exhibit is needed for purposes of rebuttal, or that the testimony or exhibit is based upon newly discovered information.

350-20-018(7). Conduct of the Hearing. (Note renumbering only)

350-20-019(8). Final Order. (Note renumbering only)

350-20-020(19). Resubmission of Disapproved Application. (Note renumbering only)

350-20-021(0). Changes or Alterations to an Approved Action. (Note renumbering only)

COLUMBIA RIVER GORGE COMMISSION
Chapter 350
Division 20

Review and Approval of Major Development Actions and New Residential Development With Amendments of May 10 and November 15, 1988, June 13, 1989 and January 9 and May 8, 1990

350-20-001. Purpose.

The purpose of this division is to define the procedures and guidelines used by the Columbia River Gorge Commission in reviewing and approving major development actions and new residential development pursuant to section 10(c) of the Columbia River Gorge National Scenic Area Act (P.L. 99-663).

350-20-002. Definitions.

For the purposes of this division, the following definitions shall apply, unless context requires otherwise:

- (1) "City" means any city whose boundaries extend into a Special or General Management Area.
- (2) "Commission" means the Columbia River Gorge Commission as authorized by ORS 390.500 to 390.515, Chapter 14, Oregon Laws 1987 and RCW 43.97.015 to 43.97.035, Chapter 499, Washington Laws 1987.
- (3) "Director" means the Executive Director of the Columbia River Gorge Commission or staff designee.
- (4) "Counties" means Multnomah, Hood River and Wasco Counties, Oregon; and Clark, Skamania and Klickitat Counties, Washington.
- (5) "General Management Areas (GMAs)" means those lands within the boundaries of the National Scenic Area except for those areas designated as Special Management Areas (SMAs) or Urban Areas (UAs).
- (6) "File" means to deliver to Commission offices by mail or otherwise. To be considered filed, a document must be received at Commission offices by 5:00 p.m.
- (7) "Forest Service" means U.S.D.A. Forest Service Columbia River Gorge National Scenic Area Office.
- (8) "Major Development Action" means any of the following:
 - (a) subdivisions, partitions, and short plat proposals outside of Urban Areas;
 - (b) any permit for siting or constructing outside Urban Areas of multifamily residential, industrial or commercial facilities, except such facilities as are included in the recreation assessment prepared pursuant to section 6 of P.L. 99-663;
 - (c) the exploration, development, and production of mineral resources in General and Special Management Areas unless such exploration, development, or production can (i) be conducted without disturbing the surface of any land within the boundaries of a Special Management Area or (ii) is for sand, gravel, and crushed rock used for the construction, maintenance or reconstruction of roads within the Special Management Areas used for the production of forest products; and
 - (d) permits for siting or construction within the Special Management Areas of any residence or other related

major structure on any parcel less than forty (40) acres in size.

(9) "National Scenic Area" or "Scenic Area" means the Columbia River Gorge National Scenic Area established pursuant to section 4 of P.L. 99-663.

(10) "Person" means any individual, partnership, corporation, association, governmental division or public or private organization or any character other than the Commission.

(11) "Party" means:

(a) Each person or agency entitled as of right to a hearing before the Commission;

(b) Each person or agency named by the Commission to be a party; or

(c) Any person requesting to participate before the Commission as a party or in a limited status which the Commission determines either has an interest in the outcome of the Commission's proceedings or represents a public interest in such result.

(12) "Related Major Structure" means any detached structure which is accessory to a residence.

(13) "Residential Development" means the permitting for siting or construction of any single family residence, related major structure, or alteration to the exterior of any single family residence or related major structure deemed significant by the Commission or its designee.

(14) "Special Management Areas (SMAs)" means areas within the National Scenic Area established or revised pursuant to section 4(b) of P.L. 99-663.

(15) "Indian Tribes" means the Nez Perce Tribe, the Confederated Tribes and Bands of the Yakima Nation, the Confederated Tribes of the Warm Springs of Oregon, and the Confederated Tribes of the Umatilla Indian Reservation.

(16) "Urban Areas (UAs)" means those areas within the Scenic Area identified as Urban Areas on the map referred to in section 4(e) of P.L. 99-663 or within the boundaries of an Urban Area as revised pursuant to section 4(f).

350-20-003. Review and Approval Required.

Prior to the effective date of a county's land use ordinance adopted and approved pursuant to sections 7 and 8 of P.L. 99-663, the Commission shall review all proposals for major development actions and new residential development within Special and General Management Areas in that county. Only major development actions and new residential development found by the Commission to be consistent with the standards of section 6 and the purposes of P.L. 99-663 and the Final Interim Guidelines referred to in section 350-20-004 shall be allowed. No major development action or new residential development shall be undertaken or initiated without prior Commission approval.

350-20-004. Review Standards and Guidelines.

(1) The Columbia River Gorge National Scenic Area Final Interim Guidelines, published by the Forest Service and dated June 30, 1987, are adopted by reference as amended in paragraph (2) below and declared to be a part of this rule. In reviewing major development actions and new residential development for consistency with the

standards of section 6 and the purposes of P.L. 99-663, Chapter 3 of the Final Interim Guidelines, as amended in paragraph (2) below, shall be utilized.

(2) The Final Interim Guidelines identified in paragraph (1) above are amended as follows:

(a) The definition of agricultural lands shall be revised to read as follows: "Agricultural lands are those lands which are primarily used or are suitable for the production of farm commodities including the growing of crops, fruits or Christmas trees or the pasturing, grazing or feeding of livestock. Lands designated as open space by the Commission shall not be considered agricultural lands."

(b) The definition of forest lands shall be revised to read as follows: "Forest lands are those lands which are used for growing forest products or are capable of producing in excess of twenty (20) cubic feet per acre per year of Douglas fir, Ponderosa pine or other merchantable tree species. Lands designated as open space by the Commission shall not be considered forest lands."

(c) The guidelines for existing uses shall be revised as follows: "When a structure is destroyed or partially destroyed, it will be considered an existing use when replaced in kind and in the same location within one year. The exterior color and reflectivity of replacement structures must be consistent with the scenic guidelines in Chapter III. Replacement of a structure or use that differs in size or location from the original shall be subject to a consistency determination. Replacement of a mobile home in a special management area with a modular or site-built home, to be used in the same manner and for the same purposes, shall be considered the continuation of an existing use except that it shall be subject to review for consistency with the guidelines on scenic resources in section B(1).

350-20-005. Application for Review and Approval.

(1) Review of a major development action or new residential development shall commence upon the acceptance of an application by the Director.

(2) Applications for the review and approval of major development actions and new residential development shall provide the following information:

(a) The applicant's name, address and telephone number;

(b) The land owner's name, address and telephone number (if different from applicant's);

(c) The county in which the proposed development would be located;

(d) The section, quarter section, township and range in which the proposed development would be located;

(e) The street address of the proposed development;

(f) The tax lot number(s) and size in acres of the parcel(s) involved;

(g) A description of the current land use for the parcel(s) involved and adjoining lands;

(h) A narrative description in sufficient detail to clearly explain the major aspects and the features of the proposed development;

(i) A site plan drawn in black ink, either on the application form or on a separate sheet. The site plan must include:

scale and north arrow; boundaries of the parcel(s) involved; the location and width of all existing and proposed streets and roads; location and size of any existing and proposed structures; outside lighting; significant topographic features such as rock outcrops, swales, cliff or bluff lines; type and approximate location and height of trees 6" dbh (diameter at breast height) within 100 feet of proposed structures, roads, excavations or storage areas; trees 6" dbh (diameter at breast height) to remain on site after completion of development and other post-construction landscaping; boundary and depth of all grading and excavation to be done for road construction, building site preparation or landscaping purposes; location of water courses and bodies of water, including existing drainage patterns and proposed modifications to drainage patterns; location of source of water supply; for surface mining applications, the boundaries of the area to be mined, the depth of excavations and the proposed final site contours.

If the information required above is included on a site plan required for county or city permit approval, then the county or city site plan may be submitted in lieu of the above plan.

(j) A listing of major travel routes, scenic viewpoints, and public park and recreational facilities from which the proposed development would be visible;

(k) A description of the height, exterior color(s) and roofing and siding materials for all proposed structures;

(l) A description of any historic, archaeological, or cultural features on or adjacent to the development site;

(m) A description of how the proposed development would affect existing recreational uses or create new recreational opportunities;

(n) A description of how the proposed development action would affect air quality, water quality and quantity, fish and wildlife, soils, threatened or endangered plants or animals, native plants, and forest and agricultural lands; and

(o) Any additional information which the applicant feels will assist in the evaluation of the proposal including, but not limited to, maps, drawings, and development plans.

(p) The signature of the property owner or, if the applicant is other than the property owner, a signed statement by the property owner that he or she is aware that the application is being filed or a copy of the purchase agreement with the applicant;

(q) The signature of the applicant to a statement that authorizes the Director or the Director's designee reasonable access to the site in order to prepare a report on the application.

(3) Standard application forms shall be available at county and city planning offices, the office of the Columbia River Gorge Commission and the Forest Service.

350-20-006. Pre-Application Conference.

An applicant may request a pre-application conference prior to the submission of any application for development review. The purposes of the conference shall be to acquaint the applicant with the substantive and procedural requirements of this division, to discuss the principle elements of the proposed action, and to identify policies and regulations that create opportunities or pose constraints for the proposed action.

350-20-007. Submission of Applications.

Completed application forms shall be submitted directly to the office of the Columbia River Gorge Commission. Applications shall be accompanied by a statement from the applicable county or city planning department either that no approval or permit is required or that the applicant has been informed that approval or a permit is required.

350-20-008. Acceptance of Application.

Within five (5) working days of the receipt of an application, the Director shall review the application for completeness and adequacy.

(1) No application shall be accepted until all omissions and deficiencies noted have been corrected by the applicant.

(2) No application shall be accepted which the Director deems cannot be acted upon reasonably within thirty (30) working days, unless the applicant consents to a longer period for action.

(3) No application shall be accepted unless accompanied a statement from the applicable county or city planning department either that no approval or permit is required or that the applicant has been informed that approval or a permit is required.

350-20-009. Notice of Development Review.

(1) Within seven (7) working days of the acceptance of an application, the Director shall issue notice of a proposed development review. The notice shall provide the following information:

- (a) The name of the applicant;
- (b) The general location of the subject property;
- (c) A brief description of the proposed action;
- (d) The deadline for rendering a decision; and
- (e) The deadline for filing comments on the proposed action.

(2) The notice shall state that the application and supporting documents are available for inspection at the Commission office during normal working hours.

(3) The notice shall be mailed to:

(a) The Forest Service, the States of Oregon and Washington, Indian Tribes and the planning director of the applicable county or city; and

(b) Owners of property within two hundred fifty (250) feet of the subject parcel(s) for all major development actions; and

(c) The appropriate newspaper(s).

(4) The notice shall be posted at the Commission and Forest Service offices and shall be made available for posting at the applicable county or city planning office(s) and applicable library or libraries.

(5) For all development, notice shall be published in a newspaper of general circulation nearest to the site of the proposed action.

(6) A copy of the notice shall be filed in the records of the Commission.

(7) Interested persons shall have the following time periods to submit written comments to the Director relative to the consistency of the proposed actions with the guidelines of 350-20-004:

(a) Fifteen (15) working days from the date the notice was mailed, or

(b) Ten (10) working days from the date the notice was mailed, where the proposed action is:

(1) A related major structure of 400 square feet or less in a General Management Area;

(2) An alteration to the exterior of or an addition to any residence or related major structure in a General Management Area;

(3) Replacement of a residence or related major structure of the same size and in the same location as the structure replaced; or

(4) Replacement of a structure destroyed or partially destroyed by fire if an application under 350-20-005 is filed within one year of the date of the fire.

350-20-010. Decision of the Director.

(1) In making a decision on a proposed development action the Director shall:

(a) Consult with the applicant and such agencies as the Director deems appropriate;

(b) Consider information submitted by the applicant and all other relevant information available;

(c) Consider all comments submitted pursuant to 350-20-009(7); and

(d) Solicit and consider the comments of the Forest Service.

(2) The Director shall approve a major development action and new residential development only if it is consistent with the standards of section 6 and the purposes of P.L. 99-663 and the Final Interim Guidelines referred to in section 350-20-004. In approving a proposed development action, the Director may impose conditions as necessary to ensure consistency with the standards and guidelines of 350-20-004.

(3) The Director shall issue a decision on a proposed development action including findings of fact and conclusions of law and any conditions to ensure consistency with the standards of section 6 and the purposes of P.L. 99-663 and the Final Interim Guidelines referred to in section 350-20-004 within thirty (30) working days after acceptance of the application unless the applicant consents to an extension of time.

(4) The Director shall mail a copy of the decision to the applicant, the Commission, the Forest Service, the States of Oregon and Washington, the Indian Tribes, the planning director of the applicable county or city and each person who submitted comments under 350-20-009(7). The decision shall set forth the rights of appeal under 350-20-011.

(5) The decision of the Director shall be final unless a Notice of Appeal is filed in accordance with 350-20-011

or a Notice of Commission Initiated Review is filed in accordance with 350-20-013.

(6) The decision of the Director approving a proposed development action shall become void

(a) in one year if the development action is not undertaken within that year, or

(b) when the development action is discontinued for any reason for one continuous year or more.

(7) An applicant may request an extension of the validity of a development approval. Such request shall be considered an Administrative Action and shall be submitted to the Executive Director prior to the expiration of such approval, in writing, stating the reason why an extension should be granted. The Executive Director may grant an extension of up to twelve (12) months in the validity of a development approval if it is determined that conditions, for which the applicant was not responsible, would prevent the applicant from commencing his operation within the original time limitation.

350-20-011. Appeal of Decision by Director.

(1) The applicant or any person who submitted comments on a proposed development action pursuant to 350-20-009(7) may appeal the decision of the Director by filing a Notice of Appeal within the following time periods:

(a) Twenty (20) working days after the date the decision was mailed under 350-20-010(4); or

(b) Fifteen (15) working days after the date the decision was mailed under 350-20-010(4) where the proposed development action is one of these described in 350-20-009 (7)(b).

(2) The Notice of Appeal shall:

(a) Refer to the decision being appealed;

(b) Show that the person filing the appeal is either the applicant or submitted comments within the time specified in 350-20-009(7);

(c) Set forth the specific standards, guidelines or other grounds upon which the appeal is based;

(d) State the date of the Director's decision; and

(e) Indicate that the appellant has served by mail a copy of the Notice of Appeal upon the applicant, if other than the appellant, and those persons who submitted comments on the proposed development action pursuant to 350-20-009(7).

(3) Notices of Appeal not received within the time allotted by this section shall not be accepted.

350-20-012. Intervention in Appeal Hearing

(1) The applicant or any person who submitted comments on a proposed development action pursuant to 350-20-009(7) may participate in an appeal of the Director's decision by filing a Notice of Intervention with the Director within fifteen (15) working days of the date of the Notice of Appeal or Notice of Commission Initiated Review was mailed. The Notice of Intervention shall also be served by mail upon the applicant, the appellant if other than the applicant, and all persons who submitted comments on the proposed development action pursuant to 350-20-009(7).

(2) The Notice of Intervention shall:

(a) Refer to the Notice of Appeal for which intervenor status is being sought;

(b) Show that the person filing the Notice of Intervention is either the applicant or submitted comments on the proposed development action pursuant to 350-20-009(7);

(c) Set forth the specific standards, guidelines or other grounds upon which the Notice of Intervention is based;

(d) State the date of the Notice of Appeal; and

(e) Show service by mail upon those persons listed in subsection (1).

(3) Failure to file a Notice of Intervention which satisfies the requirements of subsection (2) above will deprive a person of the opportunity to participate under this section.

350-20-013. Commission Initiated Review

(1) A decision of the Director shall be referred directly to the Commission for hearing if three (3) or more members of the Commission file a written Notice of Commission Initiated Review with the Director within twenty (20) working days after the date the Notice of Decision was mailed. Copies of the Notice shall also be served by mail upon the applicant, the appellant if other than the applicant, and all persons who submitted comments on the proposed development action pursuant to 350-20-009(7).

(2) The Notice of Commission Initiated Review shall:

(a) Refer to the decision being appealed;

(b) Identify the Commission members filing the Notice;

(c) Set forth the specific policy issues, standards, guidelines or other grounds upon which the Notice of Commission Initiated Review is based;

(d) State the date of the Director's decision; and

(e) Show service by mail upon those persons listed in subsection (1).

350-20-014. Stay of Development Action.

No major development action or new residential development approved by the Director shall be undertaken or initiated during the appeal filing period set forth in 350-20-011 if the Director received any adverse comments during the comment period set forth in 350-20-009(7). If the Director received no adverse comments, major development action or new residential development approved by the Director may be undertaken or initiated during the appeal filing period, subject to the risk and consequences of an appeal or a Commission initiated review pursuant to 350-20-013. The application remains subject to rules and regulations of other state and local authorities with jurisdiction over the proposed development.

350-20-015. Hearing Date and Notice.

(1) The Commission shall at the earliest practical date set a time and place to hear an appeal. In any event, the Commission shall conduct a hearing within forty-five (45) working days after the receipt of a Notice of Appeal or Notice of Commission Initiated Review, unless the parties agree to a later date.

(2) Notice of Hearing shall be mailed to all parties at least ten (10) working days in advance of the scheduled hearing in the form prescribed in 350-16-010, the Commission's Administrative Procedures Rule.

350-20-016. Content and Transmittal of the Record.

Unless otherwise stipulated by all parties to the review, the record shall include:

(1) The final decision of the Director including the findings and conclusions;

(2) The written comments on the proposed action submitted pursuant to 350-20-009(7);

(3) The application and any other documentation submitted by the applicant;

(4) Written comments or recommendations submitted to the Director during consultations pursuant to 350-20-010(1); and

(5) Documents and other materials not described above relied on by the Director in making a decision.

350-20-017. Pre-Hearing Conference.

(1) The Commission Chair or its designee may schedule a pre-hearing conference with the parties to an appeal no later than five (5) working days prior to the date set for the hearing. The purpose of the pre-hearing conference shall be to:

(a) List witnesses and exhibits to be presented at the hearing by each party;

(b) Note objections to any of the witnesses or exhibits by any party;

(c) Identify, simplify and clarify issues to be raised at the hearing;

(d) Consider other matters which may facilitate the orderly conduct of the hearing.

(2) All witnesses and exhibits to be presented by the parties at the hearing must be introduced at the pre-hearing conference. The Commission Chair or its designee shall prepare a list of witnesses and exhibits for introduction at the hearing and inclusion in the record of the hearing. Any witness or exhibit not introduced at the pre-hearing conference may not be presented at the hearing unless the party demonstrates that the witness or exhibit was not available at the time of the conference, or that the witness or exhibit is needed for purposes of rebuttal, or that the testimony or exhibit is based upon newly discovered information.

350-20-018. Conduct of the Hearing.

(1) The Commission's review of the Director's decision shall be *de novo*. *De novo* means that the Commission shall hear the matter as if no decision had been rendered by the Director, except that all materials and information received by the Director and the Director's decision including findings and conclusions shall be included in the record.

(2) The hearing shall be conducted by the Commission or a hearings officer, if the Commission so chooses, in accordance with 350-16-009 through 350-16-017, the Commission's Administrative Procedures Rule.

350-20-019. Final Order.

(1) Unless the parties agree to an extension of time, the Commission shall within fourteen (14) working days after the completion of a hearing adopt a final order upholding, amending or reversing the decision of the Director.

(2) The order shall be in the form prescribed in 350-16-018 and shall be distributed in accordance with the provisions of 350-16-018, the Commission's Administrative Procedures Rule.

(3) The order of the Commission shall be final and shall be subject only to judicial review pursuant to the provisions of P.L. 99-663 and the applicable laws of Oregon and Washington.

350-20-020. Resubmission of Disapproved Application.

If a proposed action is disapproved by the Director, and the Commission does not approve the development on appeal, no new application for the same or substantially similar action shall be filed for at least twelve (12) months from final Commission action on the application.

350-20-021. Changes or Alterations to an Approved Action.

Any change or alteration to a development action approved by the Commission or Director pursuant to this division shall be processed as new action, except that the Director may approve minor changes or alterations deemed to be consistent with the guidelines of 350-20-004 and the findings and conclusions for the original action. The decision to approve a minor alteration or change shall be supported by written findings and conclusions.

350-20, DIR. 7

**WSR 90-13-001
PROPOSED RULES
COUNTY ROAD
ADMINISTRATION BOARD**

[Filed June 7, 1990, 1:08 p.m.]

Continuance of WSR 90-01-033.

Title of Rule: Chapter 136-40 WAC, Regarding accommodation of utilities on county road right of way.

Purpose: Deletes entire existing chapter and replaces with entire new text.

Other Identifying Information: This is a deletion and replacement of an existing rule.

Statutory Authority for Adoption: RCW 36.78.070.

Summary: The current rule to be deleted provides an optional, detailed utility accommodation policy which has become outdated and is administratively incorrect. The new text provides for a required policy for each county and sets forth the minimum requirements for such a policy.

Reasons Supporting Proposal: Rather than provide a single, detailed policy for all counties, the new text provides general guidance for the contents of any county's policy.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Vern Wagar, County Road Administration Board, 753-5989.

Name of Proponent: County Road Administration Board, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The replacement rule provides for each county to formally adopt written policy concerning accommodation of utilities on county road right of way. Those counties with such a policy will need to review them (and change if necessary) for compliance with this new rule. Some counties will need to create a policy. The replacement rule also requires CRAB to provide a 'model' policy to any requesting county. The effect is to ensure that all counties have a written policy with minimum requirements.

Proposal Changes the Following Existing Rules: Same as above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Towne Plaza, 607 East Yakima Avenue, Yakima, WA 98901, on July 26, 1990, at 1:30 p.m.

Submit Written Comments to: County Road Administration Board, 2404 Chandler Court S.W., Olympia, WA 98504, by July 23, 1990.

Date of Intended Adoption: July 26, 1990.

June 7, 1990
Ernest Geissler
Director

AMENDATORY SECTION (Amending Order 18, filed 7/22/71)

WAC 136-40-010 PURPOSE. ((The department of transportation, Federal Highway Administration requires that all states and their local subdivisions develop and adopt a policy on accommodation of utilities on road rights of way which are part of the FAS system. Such a policy is a prerequisite to allocation of federal highway funds to county road projects. It is advisable that such a policy be made applicable to all county roads.

The policy contained herein has been approved by federal and state agencies as meeting all mandatory requirements. It may be adopted by reference. It will be applicable only in those counties where it is adopted by resolution of the board of county commissioners and only under conditions stated in said resolution.)) In order to effectively administer its authority to grant franchises on county roads as provided in chapter 36.55 RCW, and considering its overall responsibilities with regards to roads and bridges as provided in RCW 36.75.040 and 36.75.050, each county legislative authority shall adopt a policy to provide administrative, procedural, and technical guidance for the installation, replacement, adjustment, relocation, and maintenance of all above and below ground utilities located within all county road rights of way.

AMENDATORY SECTION (Amending Order 18, filed 7/22/71)

WAC 136-40-020 ((APPLICATION)) CONTENTS. ((This policy shall apply to all franchises and permits issued, pursuant to RCW 80.32.010, 80.36.040 and chapter 36.55 RCW, to all public and private utilities including but not limited to electric power, telephone, telegraph, water, gas, oil, petroleum products, steam, chemicals, sewage, drainage, irrigation and similar lines that are to be located, adjusted or relocated within the rights of way of county roads.

Nothing in this policy shall be construed as limiting the rights of the county to impose restrictions or requirements in addition to and/or deviations from those stated herein in any franchise or permit where the county deems it advisable to do so.)) Each adopted utility policy shall, at a minimum:

(1) Address all public and private utilities which are installed, replaced, adjusted, relocated and/or maintained within the county road right of way, including but not limited to electric power, telephone, television, telegraph, communication, water, gas, all petroleum products, steam, chemicals, sewage, drainage, and irrigation;

(2) Include general standards and requirements for the location, design, and construction of each utility;

(3) Incorporate a written permit process for all covered utility work;

(4) Include specific requirements for underground utilities which shall include location and alignment, depth of burial and cover, encasement, marking, appurtenances and related installation procedures;

(5) Include specific requirements for above ground utilities which shall include location and alignment and vertical clearances;

(6) Include specific requirements for all utilities which shall include aesthetic/scenic considerations, installations on roadway bridges and structures, site restoration and cleanup, traffic control and public safety, and both normal and emergency repairs.

The county road administration board shall, upon request, provide any county a copy of a model utility accommodation policy. The model policy will meet the minimum requirements of this chapter and may be amended as necessary to meet the specific needs of a county.

AMENDATORY SECTION (Amending Order 18, filed 7/22/71)

WAC 136-40-030 ((DEFINITION OF TERMS)) ADOPTION AND SUBMITTAL. ((Unless otherwise stated, words and phrases used herein shall have the following meaning:

(1) Backfill — replacement of soil around and over a buried facility.

(2) Carrier — pipe directly enclosing a transmitted fluid (liquid or gas);

(3) Casing — a larger pipe enclosing a carrier.

(4) Coating — material applied to or wrapped around a pipe.

(5) Conduit or duct — an enclosed tubular runway for protecting wires or cables.

(6) Construction permit — document required prior to construction of a facility on a right of way.

(7) Cover — depth of top of pipe below grade of road or ditch.

(8) Drain — appurtenance to discharge accumulated liquid contaminants from casings or other enclosures.

(9) Encasement — structural element surrounding a pipe.

(10) Franchise — occupancy and use document required for occupancy of road rights of way in accordance with chapters 36.55 and 80.32 RCW.

(11) Gallery — an underpass for two or more pipelines.

(12) Grounded — connected to earth or to some extended conducting body which serves as a ground instead of the earth.

(13) Manhole — an opening in an underground system into which workmen or others may enter for the purpose of making installations, inspections, repairs, connections, and tests.

(14) Normal — crossing at a right angle to the road.

(15) Overcrossing — a grade separation where the subject road passes over an intersecting road or railroad.

(16) Pipe — a tubular product made as a production item for sale as such.

(17) Pressure — relative internal pressure in psig (pounds per square inch gage).

(18) Private lines — privately owned facilities which convey or transmit commodities but are devoted exclusively to the use of the owner.

(19) Rest area — a roadside area with parking facilities provided for motorists to stop and rest. It may include drinking water, toilets, tables and benches, telephones, information, and other facilities for travelers.

(20) Restoration — a general term denoting replacing, repairing or otherwise restoring the right of way to the same or equal conditions as before any change or construction thereon.

(21) Right of way — a general term denoting land, property, or interest therein, usually in a strip, acquired for or devoted to highway transportation purposes.

(22) Road — a general term denoting a street, road or public way including shoulders for purposes of vehicular travel.

(23) Roadside — a general term denoting the area adjoining the outer edge of the road.

(24) Roadway structure — the combination of subbase, base course, and surface course placed on a subgrade to support the traffic load and distribute it to the roadbed.

(25) Slab, floating — slab between but not contacting pipe or pavement.

(26) Standard specifications for road and bridge construction—the latest compilation of standard requirements for road and bridge construction issued by the Washington state highway commission and/or APWA.

(27) Traffic control—those provisions necessary to safeguard the public during construction and maintenance activities.

(28) Trenched—installed in a narrow open excavation.

(29) True line and grade—a line reasonably free from variation on both horizontal and vertical alignment.

(30) Untrenched—installed without breaking ground or pavement surface, such as by jacking or boring.

(31) Vent—appurtenance to ventilate casings.

(32) Viewpoint—a roadside area provided for motorists to stop their vehicles beyond the shoulder, primarily for viewing the scenery in safety.) Each county legislative authority shall formally adopt, no later than July 1, 1990, a policy regarding accommodation of utilities on county road rights of way that includes all the requirements enumerated in WAC 136-40-020. A copy of such policy shall be forwarded to the county road administration board by August 1, 1990.

AMENDATORY SECTION (Amending Order 18, filed 7/22/71)

~~WAC 136-40-040 ((GENERAL CONSIDERATIONS—LOCATION)) EXISTING POLICIES. ((The county may restrict the number of utility service crossings. The utility companies shall make adequate studies to anticipate their present and future needs to determine if several crossings can be combined to make the use of a utility tunnel or bridge feasible.~~

~~Utility installations should be located to minimize need for later adjustment to accommodate future road improvements and to permit access for servicing such facilities with minimum interference to traffic.~~

~~In all cases, full consideration shall be given to aesthetics, sound engineering principles, and overall economic aspects.) Counties with existing utility policies shall not be required to meet the requirements of WAC 136-40-030 unless the existing policy (1) has not been formally adopted by the county legislative authority, and/or (2) is not in substantial conformance with the content requirements of WAC 136-40-020.~~

NEW SECTION

WAC 136-40-050 UPDATES, AMENDMENTS, AND MODIFICATIONS. Should any existing, adopted utility policy be updated, amended or otherwise modified, said action shall be formally accomplished by the county legislative authority. A copy of the officially adopted updated, amended, or modified policy shall be forwarded to the county road administration board within thirty days of such adoption.

NEW SECTION

WAC 136-40-060 CONFLICTS WITH STATE AND FEDERAL REQUIREMENTS. Nothing in this section shall eliminate or modify any requirements, procedures, or authorities of the Washington state department of transportation, the Federal Highway Administration or any other state or federal agency.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 136-40-044 GENERAL CONSIDERATIONS—LOCATION STANDARDS.
- WAC 136-40-048 GENERAL CONSIDERATIONS—ROAD PURPOSE UTILITIES.
- WAC 136-40-052 GENERAL CONSIDERATIONS—ACCOMMODATION WHERE PRIOR RIGHT.
- WAC 136-40-100 DESIGN OF FACILITIES—RESPONSIBILITY.
- WAC 136-40-104 DESIGN OF FACILITIES—PLANNING.
- WAC 136-40-108 DESIGN OF FACILITIES—STANDARDS.
- WAC 136-40-112 DESIGN OF FACILITIES—APPEARANCE.
- WAC 136-40-116 DESIGN OF FACILITIES—MATERIALS.
- WAC 136-40-120 DESIGN OF FACILITIES—POWER AND COMMUNICATION CODES.
- WAC 136-40-124 DESIGN OF FACILITIES—WATER LINE CODES.

- WAC 136-40-128 DESIGN OF FACILITIES—PRESSURE PIPELINE CODES.
- WAC 136-40-132 DESIGN OF FACILITIES—SEWER LINE CODES.
- WAC 136-40-136 DESIGN OF FACILITIES—DRAINAGE FACILITY CODES.
- WAC 136-40-140 DESIGN OF FACILITIES—UTILITY TUNNEL OR BRIDGE.
- WAC 136-40-200 CONSTRUCTION PERMITS AND FRANCHISES—GENERAL.
- WAC 136-40-204 CONSTRUCTION PERMITS AND FRANCHISES—APPLICATION REQUIREMENTS.
- WAC 136-40-208 CONSTRUCTION PERMITS AND FRANCHISES—PERMIT REQUIREMENTS.
- WAC 136-40-212 CONSTRUCTION PERMITS AND FRANCHISES—ENVIRONMENTAL PROTECTION.
- WAC 136-40-300 PIPELINES—LOCATION.
- WAC 136-40-304 PIPELINES—INSTALLATION.
- WAC 136-40-308 PIPELINES—COVER.
- WAC 136-40-312 PIPELINES—ENCASEMENT.
- WAC 136-40-316 PIPELINES—UNCASED CARRIERS.
- WAC 136-40-320 PIPELINES—APPURTENANCES.
- WAC 136-40-324 PIPELINES—ADJUSTMENT OF EXISTING FACILITIES.
- WAC 136-40-400 OVERHEAD POWER AND COMMUNICATION LINES—TYPE OF CONSTRUCTION.
- WAC 136-40-404 OVERHEAD POWER AND COMMUNICATION LINES—VERTICAL CLEARANCE.
- WAC 136-40-408 OVERHEAD POWER AND COMMUNICATION LINES—HORIZONTAL CLEARANCE.
- WAC 136-40-412 OVERHEAD POWER AND COMMUNICATION LINES—IRREGULAR RIGHT OF WAY.
- WAC 136-40-416 OVERHEAD POWER AND COMMUNICATION LINES—AESTHETIC CONSIDERATIONS.
- WAC 136-40-500 UNDERGROUND POWER AND COMMUNICATION LINES—GENERAL.
- WAC 136-40-504 UNDERGROUND POWER AND COMMUNICATION LINES—DESIGN.
- WAC 136-40-508 UNDERGROUND POWER AND COMMUNICATION LINES—MANHOLES.
- WAC 136-40-512 UNDERGROUND POWER AND COMMUNICATION LINES—SCENIC AREAS.
- WAC 136-40-600 INSTALLATIONS ON BRIDGES—GENERAL.
- WAC 136-40-604 INSTALLATIONS ON BRIDGES—LOCATION.
- WAC 136-40-608 INSTALLATIONS ON BRIDGES—CLEARANCE.
- WAC 136-40-612 INSTALLATIONS ON BRIDGES—MOUNTING.
- WAC 136-40-616 INSTALLATIONS ON BRIDGES—POWER AND COMMUNICATION LINES.
- WAC 136-40-620 INSTALLATIONS ON BRIDGES—BEYOND ABUTMENTS.
- WAC 136-40-624 INSTALLATIONS ON BRIDGES—RESPONSIBILITY.
- WAC 136-40-700 ALL UTILITIES—DRAINAGE.
- WAC 136-40-704 ALL UTILITIES—RESTORATION.
- WAC 136-40-708 ALL UTILITIES—VEGETATION.
- WAC 136-40-712 ALL UTILITIES—DEBRIS.
- WAC 136-40-800 PUBLIC SAFETY—TRAFFIC CONTROL.
- WAC 136-40-804 PUBLIC SAFETY—OPEN EXCAVATION.
- WAC 136-40-808 PUBLIC SAFETY—MAINTENANCE.
- WAC 136-40-812 PUBLIC SAFETY—EMERGENCIES.

**WSR 90-13-002
PROPOSED RULES
COUNTY ROAD
ADMINISTRATION BOARD**
[Filed June 7, 1990, 1:10 p.m.]

Original Notice.

Title of Rule: Amending chapter 136-28 WAC, Standard of good practice—Cooperative procedures for processing of county road accident reports.

Purpose: Revises procedures to fit current Washington State Patrol information needs and standards; and references county road log as source of milepost information.

Other Identifying Information: This is an amendment to existing rule.

Statutory Authority for Adoption: RCW 36.78.070.

Summary: Procedural relationship between the various county road departments and the Washington State Patrol records section regarding statewide accident records are revised to accommodate current data sources and reporting requirements. No additional paperwork or handling over present actual practices will be necessary.

Reasons Supporting Proposal: Amendments will standardize accident reporting procedures to insure statewide uniformity in such records.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Vern Wagar, County Road Administration Board, 753-5989.

Name of Proponent: County Road Administration Board, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Revises procedures to fit current Washington State Patrol information needs and standards; reflects currently available databases. Specifies record section of WSP as central reporting point; addresses disposition of noncounty road accident reports; standardizes road number convention; adds coding of location as rural or urban; and standardizes coding for intersection accidents.

Proposal Changes the Following Existing Rules: Same as above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Towne Plaza, 607 East Yakima Avenue, Yakima, WA 98901, on July 26, 1990, at 1:30 p.m.

Submit Written Comments to: County Road Administration Board, 2404 Chandler Court S.W., Olympia, WA 98504, by July 23, 1990.

Date of Intended Adoption: July 26, 1990.

June 7, 1990
Ernest Geissler
Director

AMENDATORY SECTION (Amending Order 5, filed 4/23/68)

WAC 136-28-010 **PURPOSE.** The National Highway Safety Act of 1966 requires that all states, in cooperation with their various local governments, collect, compile and make reports to the National Highway Safety Bureau of accident statistics in each state. In order to implement this requirement the county road administration board has acted to coordinate the activities of the county engineers(;) and the state patrol ((and the planning and traffic sections of the department of highways)). Each county engineer is now requested to cooperate in this effort by following the procedure outlined below.

AMENDATORY SECTION (Amending Order 5, filed 4/23/68)

WAC 136-28-020 **PROCEDURE.** The state patrol collects accident reports from all law enforcement agencies and receives accident reports from individual drivers. Periodically, the state patrol will send

or deliver to the county engineer's office in each county reports concerning accidents occurring on county roads in that county.

The county engineer will analyze each report and ((mark in large red numbers across the upper left corner of the report the county number, the county road number according to the county's latest state road log, and the milepoint)) indicate within the appropriate spaces on the report the county number, the county road number, the milepoint and, if applicable, the road number of the intersecting county road at which the accident occurred. The county engineer shall also indicate in the appropriate space as to whether the location is rural or urban.

The coded reports will be returned ((as quickly as possible)) to the records section of the state patrol ((in accordance with a schedule to be determined between the engineer and the patrol at local level)) within two weeks of receipt.

Should the county engineer determine any accident report location is not on a road contained within the latest county road log, he shall return the accident report, uncoded, with a transmittal letter indicating the appropriate jurisdiction such as private road, state highway, city street, other state agency, federal agency, etc.

AMENDATORY SECTION (Amending Order 5, filed 4/23/68)

WAC 136-28-030 **CODING DETAIL.** (1) The county number shall be that particular number assigned to each county by the ((department of highways)) state office of financial management for county identification purposes.

(2) The county road number shall be that particular five-digit number, including both leading and trailing zeros if applicable, assigned to each county road according to the county's latest ((state)) county road log. No local names or numbers or FAS numbers shall be used in coding.

(3) The milepoint shall be determined as accurately as practicable from a comparison of information on the accident report with the latest ((state)) county road log.

(4) Accidents ((related to)) at an intersection with a state highway ((should normally)) will be coded by the state((; not by the county)) department of transportation.

(5) To ensure uniformity, accidents at the intersection of any two county roads shall be coded to ((that)) a road ((having the lowest county road number according to the county's latest state road log and to the appropriate milepoint on that road)) in the following priority order:

(a) The road with the higher functional class;

(b) The road that is the through route;

(c) The road with the lowest road number.

(6) Accidents on roads and/or intersections with dual city-county or county-county responsibilities shall be coded in general accordance with the procedures outlined herein based on a mutual understanding between the several jurisdictions involved.

WSR 90-13-003

PROPOSED RULES

COUNTY ROAD

ADMINISTRATION BOARD

[Filed June 7, 1990, 1:12 p.m.]

Original Notice.

Title of Rule: Amending chapter 136-20 WAC, Standard of good practice—Bridge inspection procedure.

Purpose: Editing of typographical errors.

Other Identifying Information: This is an amendment to existing rule.

Statutory Authority for Adoption: RCW 36.78.070.

Summary: Corrects earlier typographical errors only.

Reasons Supporting Proposal: Corrections being done at same time as other chapter WAC's are being updated.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Vern Wagar, County Road Administration Board, 753-5989.

Name of Proponent: County Road Administration Board, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Corrects existing typographical errors.

Proposal Changes the Following Existing Rules: Same as above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Towne Plaza, 607 East Yakima Avenue, Yakima, WA 98901, on July 26, 1990, at 1:30 p.m.

Submit Written Comments to: County Road Administration Board, 2404 Chandler Court S.W., Olympia, WA 98504-3913, by July 23, 1990.

Date of Intended Adoption: July 26, 1990.

June 7, 1990
Ernest Geissler
Director

bridge. The resolution of adoption of the six year program shall include assurances to the effect that the engineer's report with respect to deficient bridges was available to ~~((the))~~ said authority during the preparation of the program.

WSR 90-13-004
NOTICE OF PUBLIC MEETINGS
CONVENTION AND
TRADE CENTER
[Memorandum—June 5, 1990]

The Marketing Committee of the Washington State Convention and Trade Center will meet on Monday, June 11, 1990, at 1:30 p.m. in the 5th Floor Board Room of the Convention Center, 800 Convention Place, Seattle.

The board of directors of the Washington State Convention and Trade Center will meet on Wednesday, June 13, 1990, at 2:00 p.m. in Room 601 of the Convention Center, 800 Convention Place, Seattle.

If you have any questions regarding these meetings, please call 447-5000.

AMENDATORY SECTION (Amending Order 36, filed 1/3/79)

WAC 136-20-010 PURPOSE. ~~((Bridges—[Bridge]))~~ Bridges of many kinds are an integral part of every county road system. The safety ~~((and))~~ and adequacy of these bridges is of vital importance to the traveling public. A program of regular periodic inspection and reporting is necessary to fully inform each county legislative authority regarding the condition and adequacy of all bridges.

AMENDATORY SECTION (Amending Order 36, filed 1/3/79)

WAC 136-20-020 INVENTORY. Each county road engineer shall have available in his office a complete inventory of all bridges on the county road system. The inventory shall list the location of each bridge by the state road log number and appropriate milepoint, and shall include such other information as the engineer deems necessary. In addition, all data required for the SWIBS bridge inventory shall be submitted to the department of transportation state aid engineer on appropriate forms furnished by the department~~((t))~~.

AMENDATORY SECTION (Amending Order 36, filed 1/3/79)

WAC 136-20-030 INSPECTION. Each county road engineer shall be responsible for inspection of all bridges on the county road system in accordance with the bridge inspection procedure, described in the current edition of the AASHTO manual for maintenance inspection of bridges. The county road engineer shall note the date of inspection and any changes since the previous inspection on the SWIBS form and submit all forms to the state aid engineer at a predetermined time~~((t))~~.

AMENDATORY SECTION (Amending Order 36, filed 1/3/79)

WAC 136-20-040 CERTIFICATION. Submission by the county road engineer of a dated SWIBS form to the state aid engineer shall be construed as certification that inspection of that bridge has been completed in accordance with the AASHTO inspection procedures. Annually, prior to April 1, the state aid engineer will provide CRAB and the engineers of the affected counties a listing of all county bridges for which no SWIBS inspection certification has been received during the previous thirty months. Any county with a bridge or bridges on this listing shall be assumed to be not in compliance with bridge inspection procedures~~((t))~~.

AMENDATORY SECTION (Amending Order 36, filed 1/3/79)

WAC 136-20-060 ENGINEER'S REPORT. Each county road engineer shall furnish the county legislative authority with a written resume of the findings of the bridge inspection effort. This resume shall be made available to said authority no later than June 1 of each year and shall be consulted during the preparation of the proposed six year program revision. The resume shall include the engineer's recommendations as to replacement, repair or load restriction for each deficient

WSR 90-13-005
PERMANENT RULES
DEPARTMENT OF HEALTH
(Board of Massage)

[Order 053—Filed June 7, 1990, 3:10 p.m.]

Date of Adoption: May 22, 1990.

Purpose: To revise massage examination regulations.
Statutory Authority for Adoption: RCW 18.108.025.

Pursuant to notice filed as WSR 90-07-069 on March 21, 1990.

Changes Other than Editing from Proposed to Adopted Version: There are no changes between the proposed and the adopted version.

Effective Date of Rule: Thirty-one days after filing.

May 22, 1990
John Breadstill
Chairman

AMENDATORY SECTION (Amending Order PL 448, filed 11/18/83)

WAC 308-51-120 FREQUENCY AND LOCATION OF EXAMINATIONS. (1) The board will normally conduct ~~((practical))~~ examinations ~~((in March and September of each))~~ twice a year.

(2) Written examinations will be conducted ~~((at least twenty days))~~ prior to ~~((scheduled))~~ the practical examinations. Applicants will be required to pass the written examination ~~((prior to being scheduled for))~~ and the practical examination.

(3) Written and practical examinations will be conducted at a location within the state as determined by the ~~((director, with due consideration to be given to the residential location of the examinees and the availability and costs of required facilities and services))~~ secretary.

(4) A notification will be sent to the residential address of record of each examination applicant at least fifteen days prior to each applicant's scheduled examination dates. Such notification will contain appropriate instructions or information and will reflect the time, date and location at which the applicant is expected to appear for examination. Examination fees are nonrefundable. Should an applicant fail to appear for examination at the designated time and place, he/she shall forfeit the examination fee unless he/she has notified the division of professional licensing of his/her inability to appear for the scheduled examination. Notification must reach the department of health at least five days before the designated time. With the required five days notice, a candidate may request to be rescheduled for examination any time within two years of the time ((they)) he/she submitted ((their)) his/her original application.

AMENDATORY SECTION (Amending Order PL 336, filed 3/10/80)

WAC 308-51-130 REEXAMINATION. An applicant who has failed to pass either or both portions of the examination may apply for reexamination, provided the required reexamination fee(s) is submitted. ~~(An applicant must successfully complete the written examination or oral in lieu of written where appropriate, prior to being scheduled for the practical examination))~~ and current application requirements are met. An applicant must successfully complete both portions of the examination prior to licensure. If an applicant fails to successfully pass ~~((the practical))~~ either portion of the examination within two years of ~~((passing the written))~~ the date of the original examination, he/she must retake the ~~((written))~~ entire examination ~~((before being eligible to again attempt the practical examination)).~~

WSR 90-13-006

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 90-47—Filed June 7, 1990, 3:17 p.m.]

Date of Adoption: June 5, 1990.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-57-290 and 220-57-497.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Spring chinook returns to the Leavenworth National Fish Hatchery are lower than anticipated and a closure of the sport fishery is necessary to ensure escapement needs.

Effective Date of Rule: June 8, 1990.

June 5, 1990

Joseph R. Blum

Director

NEW SECTION

WAC 220-57-29000L ICICLE RIVER Notwithstanding the provisions of WAC 20-57-290, effective June 8, 1990, until further notice, the Icicle River is closed to salmon angling.

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

NEW SECTION

WAC 220-57-49700E WENATCHEE RIVER Notwithstanding the provisions of WAC 220-57-497, effective June 8, 1990, until further notice, the Wenatchee River is closed to salmon angling.

WSR 90-13-007

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 90-48—Filed June 7, 1990, 3:22 p.m.]

Date of Adoption: June 7, 1990.

Purpose: Commercial fishing rule.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-24-02000Q; and amending WAC 220-24-010, 220-24-020 and 220-24-030.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: A harvestable number of chinook salmon are available to commercial troll fishers. Based upon landing information, approximately 2,700 chinook salmon are available for harvest from the original quota of 26,100. This regulation is adopted at the recommendation of the Pacific Fisheries Management Council, and is consistent with federal regulation.

Effective Date of Rule: 12:01 a.m., June 8, 1990.

June 7, 1990

Judith Merchant

Deputy

for Joseph R. Blum

Director

NEW SECTION

WAC 220-24-02000R LAWFUL ACTS—TROLL FISHERY. Notwithstanding the provisions of WAC 220-24-010, WAC 220-24-020 and WAC 220-24-030, effective immediately it is unlawful to fish for or possess salmon taken for commercial purposes with troll gear in the waters west of the Bonilla-Tatoosh Line, the Pacific

Ocean north of Cape Falcon and south of the U.S.-Canada border, or waters west of a line drawn true north-south through Buoy 10 at the mouth of the Columbia River except as provided for in this section:

(1) Effective 12:01 AM June 8, 1990, it is lawful to fish for and possess all salmon species other than coho salmon taken from the above waters except for those waters of a conservation zone at the mouth of the Columbia River bounded by a line projected six miles due west from North Head along 46 18'00" north latitude to 124 13'18" west longitude, thence southerly along a line 167 true to 46 11'06" north latitude, 124 11'00" west longitude (the Columbia River Buoy), thence northeasterly along the Red Buoy Line to the tip of the south jetty from which conservation zone no salmon may be taken.

(2) The above open area will close at 11:59 PM June 11, 1990. All fish must be landed, sold, and recorded on a Washington State Fish Receiving Ticket by 11:59 PM, June 12, 1990.

(3) Lawful terminal gear is restricted to single point, single shank barbless hooks.

(4) No chinook salmon less than 28 inches in total length or 21.5 inches head-off length may be retained.

(5) It is unlawful to fish for or possess salmon taken for commercial purposes with any gear other than troll gear in the open fishery area.

(6) It is unlawful to transport through Coastal Salmon Management and Catch Reporting Areas 1, 2, 3, or 4 or land in the State of Washington any salmon taken for commercial purposes contrary to the provisions of Chapter 220-33 WAC or Chapter 220-47 WAC relative to seasons and species provided for in this section.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 AM June 8, 1990:

WAC 220-24-02000Q **LAWFUL ACTS - TROLL FISHERY (90-44)**

**WSR 90-13-008
PERMANENT RULES
PARKS AND RECREATION
COMMISSION**

[Filed June 7, 1990, 4:55 p.m.]

Date of Adoption: June 1, 1990.

Purpose: Establishes a process to review and approve local boating safety programs and make funds available to local jurisdictions.

Statutory Authority for Adoption: RCW 43.52.050 [43.51.050].

Pursuant to notice filed as WSR 90-09-070 on April 18, 1990.

Effective Date of Rule: Thirty-one days after filing.

June 1, 1990
Moyes Lucas
Chair

**Chapter 352-65 WAC
BOATING SAFETY PROGRAM APPROVAL**

NEW SECTION

WAC 352-65-010 **DECLARATION OF PURPOSE AND AUTHORITY.** This chapter is adopted to implement RCW 88.02.040 wherein the Washington state parks and recreation commission has been directed to establish a process to review and approve local boating safety programs and to make funds available to local jurisdictions to offset out-of-county boater impacts. These rules are designed to pursue the legislature's intention to provide for boater education about safe and responsible boating, to increase the level and visibility of the enforcement of boating laws, and to stimulate local efforts toward safe boating.

The chapter is promulgated and published pursuant to the authority granted to the parks and recreation commission in RCW 88.36.110. These rules identify the necessary elements of a county boating safety program, specify the approval process, and establish a time frame for approval and distribution of available funds.

NEW SECTION

WAC 352-65-020 **PROGRAM DESCRIPTION AND ASSURANCES.** Each county requesting approval of its boating safety program must:

(1) Complete a description of its program on the forms provided by state parks identifying each required program element as specified in WAC 352-65-040;

(2) Provide assurance that the county boating safety program will be operated throughout its scheduled season in compliance with program requirements and that the funds allocated will be expended as specified in WAC 352-65-040.

NEW SECTION

WAC 352-65-030 **EQUITABLE LOCAL DISTRIBUTION.** The legislative authority of each county with an approved boating safety program will be responsible for equitably distributing the funds allocated by the state treasurer to local jurisdictions within the county which comply with the requirements of this chapter. Local jurisdictions offering boating safety services and desiring to receive a distribution of funds must enter into a cooperative agreement with the county and receive and maintain state parks' approval for their boating safety program.

NEW SECTION

WAC 352-65-040 **MINIMUM PROGRAM REQUIREMENTS.** A boating safety program must provide the necessary services and support to allow the recreational boater the opportunity to enjoy safe and clean waters. State parks, as the state's boating safety program coordinator, has established the following minimum requirements for approval of boating safety programs:

(1) Boating accident reporting and investigation.

(a) Each county or local jurisdiction must provide an assurance that all serious or fatal accidents will be thoroughly investigated to the maximum extent possible, and that copies of the investigative reports will be submitted to state parks in a timely manner as specified in RCW 43.51.404.

(b) The approved county or local jurisdiction must support the state-wide boating accident reporting system by:

(i) Providing recreational boaters with copies of the state required boating accident report (BAR) form and informing recreational boaters of their responsibility to submit the completed BAR in a timely fashion; and

(ii) Submitting to state parks a "notice of boating accident" form which includes basic information as available regarding the time, location, severity, and operator(s) involved in a nonfatal, noninjurious boating accident.

(2) Boater assistance. The county or local jurisdiction will have the ability to respond or coordinate response to boating emergencies which occur within its jurisdiction. Such emergencies may include swift water response, open water rescue, ice rescue, vessel fire, overdue boater search, or other boating related emergencies or distress calls.

(3) Training. The county or local jurisdiction will be responsible for acquiring the training for its assigned boating safety program personnel. The training will include basic boating safety officer training as provided by the United States Coast Guard, Washington state parks, or any county or local jurisdiction whose training program is approved by Washington state parks.

Such training must be acquired by January 1, 1992, or within one year of initiating a new boating safety program, whichever occurs later.

(4) Rules and regulations. The county or local jurisdiction must adopt ordinances consistent with Washington state boating laws and regulations.

(5) Enforcement. The county or local jurisdiction must provide:

(a) Boating safety officers with law enforcement commissions which empower such officers to enforce all boating laws and regulations;

(b) A patrol schedule which insures the waterways are patrolled during peak recreational periods;

(c) Response to on-water complaints, accidents, or emergencies;

(d) The necessary boating safety patrol equipment, including vessel(s) capable of serving the minimum requirements of this section. The patrol vessel must be properly marked and properly equipped as provided in chapter 88.02 RCW and chapter 352-60 WAC.

(6) Boating education. The county or local jurisdiction must have a boating education and information program satisfactory to state parks.

(7) Waterway marking. The county or local jurisdiction will use only those waterway markers which conform to the Uniform State Waterway Marking System found in chapter 352-66 WAC.

(8) Vessel inspections.

(a) The county or local jurisdiction will conduct, during on-the-water enforcement contacts, boating safety

inspections for safety equipment as required by state and local laws and regulations. State parks will provide an inspection form for use by the county or local jurisdiction.

(b) The county or local jurisdiction will conduct or coordinate courtesy inspections to monitor recreational boater compliance with watercraft registration requirements as prescribed in chapter 88.02 RCW and carriage requirements for safety equipment as required by state and local laws and regulations.

(9) Reports. The county or local jurisdiction agrees to submit an annual report of activities performed through the boating safety program. The county or local jurisdiction agrees to participate in state-wide boating surveys coordinated by state parks. Forms will be provided by state parks.

(10) Limitations on use of funds. These funds are intended to increase education and enforcement efforts and to stimulate greater local participation in boating safety and are not to supplant existing boating safety funding. The county or local jurisdiction agrees to spend boat registration fees allocated by the state treasurer only for boating safety purposes which include all activities or expenditures identified in this section.

NEW SECTION

WAC 352-65-050 DISTRIBUTION OF FUNDS.

(1) Funds available under RCW 88.02.040, which are to be distributed by the state treasurer based on the number of registered vessels by county of moorage, shall be released upon notification to the state treasurer:

(a) By state parks that the county has an approved program; and

(b) By the department of licensing of:

(i) The amount of registration fees collected by each county through June 30 of that calendar year; and

(ii) The total vessels registered by each county through June 30 of that calendar year.

(2) State parks will award those remaining funds not distributed in subsection (1) of this section to help offset out-of-county boater law enforcement and boating safety impacts. The following information will be considered when awarding unallocated funds:

(a) State-wide surveys of vessel use;

(b) Estimates of out-of-county use made by county or local officials supported by locally conducted surveys; and

(c) Other available professionally conducted surveys, studies, or research.

NEW SECTION

WAC 352-65-060 ANNUAL PROGRAM APPROVAL AND REVOCATION. An annual assessment of each approved county or local jurisdiction boating safety program will be made by state parks in order to insure the integrity of the program approval. The assessment will be based on minimum program requirements as listed in WAC 352-65-040. Counties and local jurisdictions meeting the requirements will maintain approval; those counties or local jurisdictions unable to

demonstrate compliance with minimum approval requirements will have forty-five days to submit a plan satisfactory to state parks to remedy the deficiencies. If, after forty-five days, a county or local jurisdiction is unable to demonstrate its ability to meet minimum requirements, state parks may revoke the program approval after the county or local jurisdiction has had an opportunity for a hearing under chapter 34.05 RCW, Administrative Procedure Act.

WSR 90-13-009
EMERGENCY RULES
PARKS AND RECREATION
COMMISSION

[Filed June 7, 1990, 4:57 p.m.]

Date of Adoption: June 1, 1990.

Purpose: Establishes a central filing index system for public access to official public records at state parks.

Citation of Existing Rules Affected by this Order: Amending chapter 352-40 WAC.

Statutory Authority for Adoption: RCW 43.51.040.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: [No information supplied by agency.]

Effective Date of Rule: Immediately.

June 1, 1990
Moyes Lucas
Chairman

NEW SECTION

WAC 352-40-125 PURPOSE OF RECORDS INDEX. *The purpose of this section is to implement the provisions of RCW 42.17.260 which requires all state agencies to establish and implement a system of indexing records.*

This chapter sets forth rules to implement the sections of RCW 42.17.260 which apply to the Washington state parks and recreation commission.

NEW SECTION

WAC 352-40-127 DEFINITIONS IN RECORDS INDEX. *Whenever used in this chapter the following terms shall have the meanings herein defined unless the context clearly indicates otherwise.*

(1) *Washington Administrative Codes.* Commission adopted administrative regulations are codified as the Washington Administrative Code. They apply to the general public, the commission, and its staff; they are legal basis for park staff to enforce rules and are often adopted to implement a state statute. There are normally multiple subjects covered in one regulation, addressing agency operation in detail.

(2) *Commission policies.* Commission policies are broad statements from the commission to the agency director and staff. These are codified in the commission's policy manual. They provide the criteria for carrying out a course of action which may or may not be directed by a statute or regulation. They are not directive on the general public. Commission policies assist commission staff as a guideline when dealing with the general public. They could eventually result in the creation of a statute or regulation which would make them enforceable upon the general public. Each policy normally addresses one subject.

(3) *Administrative policies.* Administrative policies are broad statements from the director to the agency staff, providing general guidance on a specific subject. They may or may not be directed by a statute, a regulation, or commission policy. They are not directive on the general public. These policies assist staff as guidance when dealing with the general public. They could eventually result in the creation of a statute or regulation which would make them enforceable on the general public. Each policy normally covers only one subject.

(4) *Agency procedures.* Agency procedures are originated by any agency division. They are written communications of an approved system or method to accomplish one or more purposes. They may or may not establish specific responsibilities. They are not directive upon the general public. They assist staff as a guide when dealing with the general public. They could eventually result in the creation of a statute or regulation which would make them enforceable upon the general public. Each procedure covers only one subject.

(5) *Memorandums of understanding (MU).* Memorandums of understanding are originated by any agency unit. They are written communications outlining a mutually agreed upon interpretation of another communication, oral or written. They may or may not establish specific responsibilities. They are directive only upon the signatories of the MU and/or upon the signatories' staff. They assist staff as a guide when dealing with the general public.

They could eventually result in the creation of a statute or regulation which would make them enforceable upon the general public; or in the creation of an administrative policy or agency procedure which would be directive upon other staff within the agency. Each MU normally covers only one subject.

(6) *Operations directives.* Operations directives are originated by the operations division. They are written communications outlining an interpretation of another communication, oral or written. They may or may not establish specific responsibilities. They are directive only upon the signature of the assistant director of operations. They assist staff as a guide when dealing with the general public.

They could eventually result in the creation of a statute or regulation which would make them enforceable upon the general public; or in the creation of an administrative policy or agency procedure which would be directive upon other staff within the agency. Each directive normally covers only one subject.

(7) Official public record (OPR). Official public records include those listed above and those records which:

- (a) Financially obligate the agency;
- (b) Document legal actions or transactions; and/or
- (c) Are required by statute.

These records are to be retained for at least six years.

(8) Office files and memorandums. Office files and memorandums are all other documents beyond the official public records, which do not need to be retained for six years.

(9) Central file. The central file is intended to protect, retain, and make accessible those records of organizational, historical, and statutory importance to the agency.

AMENDATORY SECTION (Amending Order 15, filed 7/25/73)

~~WAC 352-40-130 SYSTEM OF INDEXING RECORDS ((INDEX)). ((1) Index. The commission has available to all persons a current index which provides identifying information as to the following records issued, adopted or promulgated since June 30, 1972:~~

~~(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;~~

~~(b) Those statements of policy and interpretations 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 report 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.~~

~~(2) Availability. 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:)) Agency records are indexed and retained as follows:~~

The index for commission policies, administrative policies, agency procedures, memorandums of understanding, and operations directives is located in the central files office. Office files and memorandums, and official public records as defined by RCW 42.17.260, are retained in the agency central files utilizing existing central files index coding.

Such records are the responsibility of the individual agency divisions to inventory, maintain, and dispose. Record descriptions, retention, and authorization disposition are listed on the records inventory schedule of each office of record and are located in the central files office.

AMENDATORY SECTION (Amending Order 15, filed 7/25/73)

WAC 352-40-140 LOCATION OF RECORD INDEXES AND COMMUNICATIONS. All communications with the commission including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 1, Laws of 1973, and these rules, requests for copies of the commission's decisions, commission policies, administrative policies, agency procedures, memorandums of understanding, operations directives, official public records, office files and memorandums, and agency record indexes and other matters, shall be addressed as follows: Washington State Parks and Recreation Commission, c/o Public Records Officer, ((P.O. Box 1128, Olympia, Washington 98504)) 7150 Cleanwater Lane, Mailstop KY-11, Olympia, WA 98504-5711.

AMENDATORY SECTION (Amending Appendix A, filed 7/25/73)

WAC 352-40-900 REQUEST FOR PUBLIC RECORD—FORM.

TO: Washington State Parks and Recreation Commission

Attn: Public Records Officer
((P.O. Box 1128
Olympia, Washington 98504))
7150 Cleanwater Lane
Mailstop KY-11
Olympia, WA 98504-5711

Name of requestor:

Address or requestor:

(Street)

(City) (State) (Zip)

Date of request:

(Month) (Day) (Year)

A.M.

Time of request: P.M.

(Hour)

What information is requested?

.....

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.....

.....

Is information indexed?

If so, how?

Are copies requested?

If so, how many?

Total pages?

Fee charged

.....\$.....

(Pages x \$.....)

AGREEMENT TO PROTECT RECORDS FROM USE FOR
COMMERCIAL PURPOSES

I hereby agree that the list of individuals and/or in-
formation provided to me by the
shall not be used for any commercial purpose by myself
or by any organizations I represent. I will protect the list
of individuals and/or information from access by anyone
who may use it for purposes of contacting the individuals
named therein or otherwise personally affecting them in
furtherance of any profit-seeking activity.

.....
Requester

SUBSCRIBED AND SWORN TO before me this
..... day of, 19..

.....
NOTARY PUBLIC in and for
the State of Washington,
residing at
.....

WSR 90-13-010
EMERGENCY RULES
DEPARTMENT OF AGRICULTURE
[Order 2043—Filed June 8, 1990, 9:34 a.m.]

Date of Adoption: June 8, 1990.

Purpose: To prevent Japanese beetle infestation in the state of Washington.

Citation of Existing Rules Affected by this Order: Amending chapter 16-470 WAC.

Statutory Authority for Adoption: Chapter 17.24 RCW.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The demand for certain nursery stock has outstripped local supplies forcing Washington and Oregon state nursery dealers to import large amounts of high risk nursery stock from Japanese beetle infested states in the eastern United States. Adding to this risk is the fact that Oregon State Department of Agriculture is rejecting high risk stock (based on their quarantine) and requiring that it be moved out of state. Rather than returning the stock back east, some shippers are attempting to "dump" this stock in Washington state because we have no quarantine established. We have already detected one live Japanese beetle in such a shipment.

Effective Date of Rule: Immediately.

June 8, 1990
Michael V. Schwisow
Deputy Director
for C. Alan Pettibone
Director

NEW SECTION

WAC 16-470-700 QUARANTINE—JAPANESE BEETLE. A quarantine is established under this chapter against the pest known as Japanese beetle (*Popillia japonica Newman*), a member of the family Scarabaeidae. The Japanese beetle is a persistent, serious and highly destructive pest, attacking the roots, leaves, and fruits of over three hundred kinds of plants including fruit trees, ornamentals, and field and vegetable crops.

NEW SECTION

WAC 16-470-705 AREAS UNDER QUARANTINE. (1) Except as provided in subsection (2) of this section, the entire states of Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, the District of Columbia, and the Provinces of Ontario and Quebec are declared to be under quarantine for Japanese beetle.

(2) The director may exempt individual counties of the states under quarantine from meeting the conditions in WAC 16-470-715 if the director determines that:

(a) The state has adopted and is enforcing restrictions on the interstate and intrastate movement of regulated articles that are equivalent to or exceed the restrictions placed on the movement of regulated articles as provided in this rule; and

(b) Annual surveys are conducted in such counties and the results of such surveys are negative for Japanese beetle.

(3) Any state may request exemption of one or more counties under subsection (2) of this section. Such request shall be in writing and signed by a duly authorized official stating the areas surveyed, the survey method, and the last date of Japanese beetle infestation in such county if previously infested. The director shall maintain a list of any county so exempted.

NEW SECTION

WAC 16-470-710 REGULATED ARTICLES. The following are hereby declared to be hosts or possible carriers of Japanese beetle and are prohibited entry into this state from an area under quarantine either directly, indirectly, diverted or reconsigned, except as provided for in WAC 16-470-715:

(1) Soil, humus, compost, and manure (except when commercially packaged);

(2) All plants with roots (except bareroot plants free from soil);

(3) Grass sod;

(4) Plant crowns or roots for propagation (except when free from soil);

(5) Bulbs, corms, tubers, and rhizomes of ornamental plants (except when free of soil);

(6) Any other plant, plant part, article, or means of conveyance when it is determined by the director to present a hazard of spreading live Japanese beetle due to

either infestation, or exposure to infestation by Japanese beetle.

NEW SECTION

WAC 16-470-715 CONDITIONS GOVERNING THE MOVEMENT OF REGULATED ARTICLES INTO WASHINGTON STATE. (1) Persons shipping regulated articles into this state from areas under quarantine shall notify the department's plant protection branch of the nature and quantity of each shipment, its expected date of arrival at destination, the name of the intended receiver and the destination. The person to whom the commodities are shipped shall hold the same until they are inspected and released by the department.

(2) The commodities covered shall be accompanied by a certificate issued by an authorized state or federal regulatory official from the state of origin certifying that the commodity, soil, or means of conveyance is treated with methods and procedures approved and prescribed by the director.

(3) Privately owned houseplants grown indoors may be allowed entry into this state without meeting the requirements of subsection (2) of this section if a department official inspects such plants as prescribed in subsection (1) of this section and determines that they are free from Japanese beetle.

NEW SECTION

WAC 16-470-720 SPECIAL PERMITS. The director may issue special permits admitting regulated articles covered in WAC 16-470-710 not otherwise eligible for entry from the area under quarantine, subject to conditions and provisions which the director may prescribe to prevent the introduction, escape, or spread of the Japanese beetle.

**WSR 90-13-011
PROPOSED RULES
DEPARTMENT OF REVENUE**

[Filed June 8, 1990, 10:34 a.m.]

Original Notice.

Title of Rule: Amending WAC 458-20-118 Sale or rental of real estate, license to use real estate.

Purpose: This rule distinguishes nontaxable real estate rentals from taxable licenses to use real estate. References are provided to other WACs for tax reporting of specific types of licenses.

Statutory Authority for Adoption: RCW 82.32.300.

Statute Being Implemented: Title 82 RCW.

Summary: RCW 82.04.390 exempts the sale of real estate from the business and occupation tax. The license to use real estate is not exempt. This WAC explains the difference between a license and a sale of real estate and provides examples of each.

Reasons Supporting Proposal: Additional examples have been added for clarification.

Name of Agency Personnel Responsible for Drafting and Implementation: Les Jaster, 711 Capitol Way, #400,

Olympia, (206) 586-7150; and Enforcement: Ed Faker, 711 Capitol Way, #400, Olympia, (206) 753-5579.

Name of Proponent: Department of Revenue, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The sale or lease of real estate is exempt from business and occupation. But, the income from granting a license to use real estate is taxable. The rule indicates how to distinguish a license from a sale or lease of real estate. This amendment provides additional examples of each for those areas where the department's tax appeals have indicated confusion exists.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

A small business economic impact statement is not required for the following reasons: No economic impact. This rule has no identifiable administrative impact. Negligible impact. This rule requires no action on the part of small business.

Hearing Location: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, WA, on July 31, 1990, at 9:30 a.m.

Submit Written Comments to: Les Jaster, Rules Coordinator, Department of Revenue, Interpretation and Appeals, Mailstop AX-02, Olympia, Washington 98504, by July 31, 1990.

Date of Intended Adoption: August 7, 1990.

June 8, 1990

Edward L. Faker
Assistant Director

AMENDATORY SECTION (Amending Order ET 83-17, filed 3/15/83)

WAC 458-20-118 SALE OR RENTAL OF REAL ESTATE, LICENSE TO USE REAL ESTATE. (1) Amounts derived from the sale and rental of real estate are exempt from taxation under the business and occupation tax. However, there is no exemption of amounts derived from engaging in any business wherein a mere license to use or enjoy real property is granted. Amounts derived from the granting of a license to use real property are taxable under the service b&o tax classification unless otherwise taxed under another classification by specific statute, e.g., sale of lodging taxed under retailing. (See RCW 82.04.050 and 82.04.290). Further, no exemption is allowed for amounts received as commissions for the sale or rental of real estate (RCW 82.04.390) nor for interest received by persons engaged in the business of selling real estate on time or installment contracts. For purposes of distinguishing the lease or rental of real estate from the granting of a license to use real estate (~~((taxable under various other classifications of the business and occupation tax)))~~) the department of revenue will be guided by the following principles.

(2) **LEASE OR RENTAL OF REAL ESTATE.** A lease or rental of real property conveys an estate or interest in a certain designated area of real property with an exclusive right in the lessee of continuous possession against the world, including the owner, and grants to the lessee the absolute right of control and occupancy during the term of the lease or rental agreement. An agreement will not be construed as a lease of real estate unless a relationship of "landlord and tenant" is created thereby. It is presumed that the sale of lodging by a hotel, motel, tourist court, etc., for a continuous period of thirty days or more is a rental of real estate. It is further presumed that all rentals of mini-storage facilities, apartments and leased departments constitute rentals of real estate. The rental of a boat moorage slip or an airplane hangar/tie down site is presumed to be a rental of real estate only if a specific space, slip, or site is assigned and the rental is for a period of thirty days or longer.

(3) LICENSE TO USE REAL ESTATE. A license grants merely a right to use the real property of another but does not confer exclusive control or dominion over the same. Usually, where the grant conveys only a license to use, the owner controls such things as lighting, heating, cleaning, repairing, and opening and closing the premises.

(a) Persons who are involved in more than one kind of business activity are required to segregate their income and report under the appropriate tax classification based on the nature of the specific activity (see RCW 82.04.440).

(b) It will be presumed that a taxable license to use or enjoy real property is granted in the rental of the following:

((+)) (i) Hotel rooms (for periods of less than 30 continuous days; see WAC 458-20-166).

((+)) (ii) Motels, tourist courts and trailer parks (for periods of less than 30 continuous days; see WAC 458-20-166).

((+)) (iii) Cold storage lockers (see WAC 458-20-133).

((+)) (iv) Safety deposit boxes and private mail boxes.

((+)) (v) Storage space (see WAC 458-20-182).

((+)) (vi) Space within park or fair grounds to a concessionaire.

(vii) Hairdressers, barbers, or manicurists who lease space within another business (see WAC 458-20-200 Leased Departments).

(viii) Use of boat launch facilities for recreational purposes.

(ix) Space on a building for the attachment of advertising signs, including for periods in excess of 30 continuous days.

(c) RCW 82.04.050(e) specifically defines all services of a hotel, motel, or similar businesses as being retail sales. Thus, the rentals of meeting rooms, display rooms, or ball rooms are retail sales when rented out by such businesses. Persons who are not in the business of selling lodging are taxable under the service b&o tax classification on income from the rental of meeting rooms.

WSR 90-13-012
PROPOSED RULES
DEPARTMENT OF REVENUE
 [Filed June 8, 1990, 10:35 a.m.]

Original Notice.

Title of Rule: Amending WAC 458-20-200 Leased department.

Purpose: This rule explains the proper tax reporting of income received from a leased department.

Statutory Authority for Adoption: RCW 82.32.300.

Statute Being Implemented: Title 82 RCW.

Summary: This rule provides for a lessor to report the tax liability of leased department. The rule also discusses proper tax reporting of income received for granting a license to use real property by a leased department.

Reasons Supporting Proposal: Revision is necessary to make this rule consistent with WAC 458-20-118.

Name of Agency Personnel Responsible for Drafting and Implementation: Les Jaster, 711 Capitol Way, #400, Olympia, (206) 586-7150; and Enforcement: Ed Faker, 711 Capitol Way, #400, Olympia, (206) 753-5579.

Name of Proponent: Department of Revenue, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule provides for a lessor to report the tax liability of a leased department. It also explains the tax reporting requirements for merely granting a license to use space by a leased department. It discusses how ancillary services provided to a leased department such as accounting or security services are taxed. The amendment provides examples to assist taxpayers and makes this rule consistent with WAC 458-20-118 with respect

to assuming that a leased department is presumed to be a rental of real estate.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

A small business economic impact statement is not required for the following reasons: No economic impact. This rule has no identifiable administrative impact. Negligible impact. This rule requires no action on the part of any small business.

Hearing Location: Evergreen Plaza Building, 711 Capitol Way South, 2nd Floor Conference Room, Olympia, WA, on July 31, 1990, at 11:00 a.m.

Submit Written Comments to: Les Jaster, Rules Coordinator, Department of Revenue, Interpretation and Appeals, Mailstop AX-02, Olympia, Washington 98504, by July 31, 1990.

Date of Intended Adoption: August 7, 1990.

June 8, 1990

Edward L. Faker
 Assistant Director

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70)

WAC 458-20-200 LEASED DEPARTMENTS. (1) Any person leasing departments of the business conducted may include in his/her tax returns the business done and sales made by the lessee where such lessor keeps the books for the lessee and makes collection on the latter's account: PROVIDED, HOWEVER, That each lessee must apply for and obtain from the department of revenue a certificate of registration, as provided under WAC 458-20-101.

~~((When the business of such leased department is included in the return made by the lessor, a statement shall be submitted to the department showing the name of the lessee of each such department, a description of the department operated, and a statement that the lessor will make returns for each of the departments so included and assume liability for the tax accruing against the lessees of such departments; but the lessee shall not be relieved from his liability for taxes in case the lessor fails to make the proper return or fails to pay taxes due. A statement of any change occurring in the ownership or status of such leased departments must be submitted to the department, showing the date of such change and all facts relative thereto:))~~

(2) BUSINESS AND OCCUPATION TAX AND RETAIL SALES TAX

(a) Any taxpayer making returns for any leased department shall report the total tax liability thereof under both the business and occupation tax and the retail sales tax, including therein all cash and charge sales. The leased department in such case is not entitled to the taxable minimum provided in WAC 458-20-104.

(b) Where the lessor receives a flat monthly rental or a percentage of sales as rental for a leased department, such income is presumed to be from the rental of real estate and is not taxable. However, this presumption will be overcome and the agreement will be considered a "license to use real estate" when the operator of the leased department does not have exclusive possession and control of the premises. The relationship of "landlord and tenant" must also exist for the agreement to be a rental of real estate. The fact that the written agreement may identify the arrangement as a "lease" is not controlling. The agreement and the relationship between the parties must be consistent with a rental of real estate. Refer to WAC 458-20-118. ((Where, however, the rental received by the lessor includes amounts for credit and accounting services, the entire amount received is taxable under the classification service and other activities unless the lessor segregates and bills separately the charge for rental and the charge for credit and accounting services.

~~Revised April 14, 1960:))~~

(c) If the lessor provides any clerical, credit, accounting, janitorial, or other services to the lessee, the lessor must report the income from these services under the service b&o tax classification. The amounts for providing these services must be segregated from the amounts received from the rental of real estate. In the absence of a reasonable segregation, it will be presumed that the entire income is for providing these services.

(3) Examples:

(a) Retailer enters into a lease agreement for rental of space within a mall. Retailer's area is separated from other lessees by walls with the exception of the front area which is open to the mall common area and is used as the entrance by potential customers and the retailer. The retailer does have a movable partition that can be locked and is used to close off the entrance from the mall common area. The agreement calls for the retailer to be open for business at all times during the hours stipulated by the lessor.

This is a rental of real estate. The retailer has exclusive possession and control over a specific area. The restriction which requires the retailer to maintain the same business hours as other lessees does not make this a license to use real estate. The lessor can exclude from the b&o tax that portion of the income which is from the rental of the real estate. The lessor must identify and pay a b&o tax on the portion of the income which is from providing services such as security, janitorial, or accounting.

(b) Hairdresser enters into a lease agreement with the operator of a hair salon for the rental of a work station. The hairdresser has use of a specific work station during specific hours of every day. This work station can not be closed off from other areas within the shop. This lessee also shares a sink and other facilities with other users.

This is not a rental of real estate. A landlord and tenant relationship does not exist. The hairdresser does not have possession and control over the premises to the exclusion of others. The fact that the agreement uses the term "lease" is not controlling. This is a "license to use" taxable under the service b&o tax classification.

(c) A department store leases an area within the store to a retailer of women's clothing. The retailer stocks its own merchandise on its shelves and uses its own employees for assisting customers. The customer pays for the merchandise at common cash register operated by department store employees. The retailer does not have separate access to its space and there is no means available to close this area off from the space used by the department store. Heating, lighting, and other utilities are provided and controlled by the department store.

This is a license agreement and not a rental of real estate. The critical element of exclusive possession and control is lacking. This is indicated by a lack of a separate entrance and the inability of the retailer to close off the women's clothing area from other parts of the store. This is further evidenced by the retailer's lack of control of the heating and lighting within this area. It is a common practice for a lessor to provide utilities to the lessee as part of the rent; however, the inability of the lessee to control the utilities is an indication that only a license to use the real estate has been granted. The department store must report the "rent" it receives under the service b&o tax classification since the income is from the granting of a license to use.

(d) Department store agrees to sell household paint for a paint supplier. The paint supplier checks on the inventory on a monthly basis and provides additional paint as needed. The department store handles stocking of shelves and all aspects of the sale. The department store makes a charge to the paint supplier based on the space required to maintain the inventory. By agreement of the parties, the department store agrees to report the retailing and retail sales tax on paint sales.

This is not a leased department or a rental of real estate. The income is merely tied to the amount of space being used. However, the income is a commission from the sale of merchandise for the paint supplier and held on consignment. The retailing tax is the liability of the paint supplier and is paid by the department store only by agreement. The commission is taxable under the service b&o tax classification. Refer to WAC 458-20-159.

**WSR 90-13-013
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Filed June 8, 1990, 1:22 p.m.]

Continuance of WSR 90-09-095.

Title of Rule: Chapter 388-08 WAC; and WAC 388-320-185 Final adjudicative order index.

Date of Intended Adoption: June 15, 1990.

June 8, 1990
Leslie F. James, Director
Administrative Services

**WSR 90-13-014
NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION
[Memorandum—June 7, 1990]**

This is to advise you that the Washington State Human Rights Commission will hold a special commission meeting on June 11, 1990. The meeting will be held by telephone conference call at 10:00 a.m. The call will originate at the office of the Human Rights Commission, 402 Evergreen Plaza Building, 711 South Capitol Way, Olympia, (206) 753-4876. The meeting will be held to discuss the selection of an executive director and will be conducted in executive session; the name of the successful candidate will be announced in open session at the end of the conference call.

**WSR 90-13-015
EMERGENCY RULES
HIGHER EDUCATION
PERSONNEL BOARD
[Filed June 8, 1990, 1:52 p.m.]**

Date of Adoption: June 6, 1990.

Purpose: Amendment makes rule current with new legislation. Rule sets forth categories of exemption from coverage of Title 251 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 251-04-040.

Statutory Authority for Adoption: Chapter 28B.16 RCW and RCW 34.05.350.

Pursuant to RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: HB 2567 which contains this change becomes effective on June 7, 1990. The change in the Higher Education Personnel Board rules must be effective at the same time.

Effective Date of Rule: Immediately.

June 8, 1990
John A. Spitz
Director

AMENDATORY SECTION (Amending WSR 90-06-023, filed 2/28/90, effective 4/1/90)

WAC 251-04-040 EXEMPTIONS. *The following classifications, positions, and employees of higher education institutions/related boards are hereby exempted from coverage of this chapter.*

(1) Members of the governing board of each institution/related board;

(2) Students employed by the institution at which they are enrolled (or related board) and who either:

(a) Work five hundred sixteen hours or less in any six consecutive months, exclusive of hours worked in a temporary position(s) during the summer and other breaks in the academic year, provided such employment does not:

(i) Take the place of a classified employee laid off due to lack of funds or lack of work; or

(ii) Fill a position currently or formerly occupied by a classified employee during the current or prior calendar or fiscal year, whichever is longer;

(b) Are employed in a position directly related to their major field of study to provide training opportunity; or

(c) Are elected or appointed to a student body office or student organization position such as student officers or student news staff members.

(3) Students participating in a documented and approved programmed internship which consists of an academic component and work experience.

(4) Students employed through the state or federal work/study programs.

(5) Persons employed to work one thousand fifty hours or less in any twelve consecutive month period from the original date of hire or October 1, 1989, whichever is later. Such an appointment may be subject to remedial action in accordance with WAC 251-12-600, if the number of hours worked exceeds one thousand fifty hours in any twelve consecutive month period from the original date of hire or October 1, 1989, whichever is later, exclusive of overtime or work time as described in subsection (2) of this section.

(6) Part-time professional consultants retained on an independent part-time or temporary basis such as physicians, architects, or other professional consultants employed on an independent contractual relationship for advisory purposes and who do not perform administrative or supervisory duties.

(7) The director, his confidential secretary, assistant directors, and professional education employees of the state board for community college education.

(8) The personnel director of the higher education personnel board and his confidential secretary.

(9) The governing board of each institution/related board may also exempt from this chapter, subject to the employee's right of appeal to the higher education personnel board, classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring academic preparation or special training, and principal assistants to executive heads of major administrative or academic divisions, as determined by the higher education personnel board: **PROVIDED**, That no nonacademic employee engaged in office, clerical, maintenance, or food and trades services may be exempted by the higher education personnel board under this provision.

(10) Any employee who believes that any classification should or should not be exempt, or any employee because of academic qualifications which would enable such employee to teach and thus be exempt, may appeal to the board in the same manner as provided in WAC 251-12-080, et seq.

(11) Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary (~~(- within four years from the date of appointment to the exempt position. However, (a) upon the prior request of the appointing authority of the exempt position, the board may approve one extension of no more than four years, and (b) if an appointment was accepted prior to July 10, 1982, then the four-year period shall begin on July 10, 1982.)~~) Application for return to classified service must be made not later than thirty calendar days following the conclusion of the exempt appointment. A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided for in this section.

(12) When action is taken to convert an exempt position to classified status, the effect upon the incumbent of such position shall be as provided in WAC 251-19-160.

Reviser's note: RCW 34.05.395 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 90-13-016
EMERGENCY RULES
HIGHER EDUCATION
PERSONNEL BOARD
[Filed June 8, 1990, 1:54 p.m.]

Date of Adoption: June 6, 1990.

Purpose: Amendment makes rule current with new legislation. Rules set forth the manner of certifying eligible candidates for selection.

Citation of Existing Rules Affected by this Order: Repealing WAC 251-18-185 and 251-18-270; and amending WAC 251-18-240 and 251-18-280.

Statutory Authority for Adoption: RCW 28B.16.100.

Other Authority: HB 2567.

Pursuant to RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: HB 2567 which contains this change becomes effective on June 7, 1990. The change in the Higher Education Personnel Board rules must be effective at the same time.

Effective Date of Rule: Immediately.

June 8, 1990
John A. Spitz
Director

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 251-18-185 ELIGIBLE LISTS—TIED
SCORES—CERTIFICATION.

WAC 251-18-270 CERTIFICATION—INTERVIEW OF ELIGIBLES

AMENDATORY SECTION (Amending Order 145, filed 2/28/86, effective 4/1/86)

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 (~~(and, as provided in WAC 251-23-060, up)~~), provided that:

(i) When other applicants on the eligible list in use have scores equal to the lowest score among the names certified, their names shall be certified; and

(ii) Up to three additional names of eligibles who meet the applicable affirmative action criteria shall be certified as provided in WAC 251-23-060.

(2) Names shall be certified in strict order of standing on the eligible list(s), as established in WAC 251-18-180.

(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(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.

(4) Permanent employees certified from an eligible list for consideration of appointment shall be notified by the institution at the time of referral. Upon appointment, the institution shall advise those employees certified but not appointed of the action taken.

AMENDATORY SECTION (Amending Order 98, filed 7/22/82, effective 9/1/82)

WAC 251-18-280 CERTIFICATION—SELECTION—ACTIONS REQUIRED. (1) The employing official shall consider all eligibles certified.

(2) Following certification and consideration of eligibles ((and upon completion of the resulting interviews)), the personnel officer shall record one of the following dispositions of the employing official for each name certified:

(a) Eligible was (~~interviewed and~~) considered but not appointed;

(b) Eligible waived consideration for the position;

(c) Eligible could not be contacted (~~(, provided he/she had been given at least two working days to respond to notice of certification;~~

~~(d) Eligible))~~ or failed to appear for ((~~the~~)) an interview; or

((~~the~~)) (d) Eligible was appointed to the position.

(2) When the number of certified eligibles available is reduced to less than four more than there are positions to be filled, upon request from the employing official the personnel officer may provide a replacement name for each eligible who has waived consideration, been determined to be unavailable, or did not appear for the scheduled interview.

**WSR 90-13-017
PERMANENT RULES
HIGHER EDUCATION
PERSONNEL BOARD**
[Filed June 8, 1990, 1:55 p.m.]

Date of Adoption: June 7, 1990.

Purpose: To give guidance to the parties to administrative hearings before the board for submission of pre-hearing statements, briefs, or written argument.

Citation of Existing Rules Affected by this Order: Amending WAC 251-12-085.

Statutory Authority for Adoption: RCW 28B.16.100.

Pursuant to notice filed as WSR 90-09-074 on April 18, 1990.

Changes Other than Editing from Proposed to Adopted Version: New section WAC 251-12-099, proposal was modified to specify that when the board requests briefs, it will request them from all parties; also that copies will be provided to each opposing party.

Effective Date of Rule: Thirty-one days after filing.

June 8, 1990

John A. Spitz

Director

AMENDATORY SECTION (Amending WSR 89-22-020, filed 10/24/89, effective 12/1/89)

WAC 251-12-085 HEARING EXAMINERS. (1) The board may appoint one or more hearing examiners to preside over, conduct and make recommended decisions in all cases of employee appeals to the board. The hearing examiner shall conduct hearings in the same manner and shall have the same authority as the presiding board member at hearings before the board. The hearing examiner shall also have the authority to do the following:

- (a) Determine the order of presentation of evidence;
- (b) Administer oaths and affirmations;
- (c) Issue subpoenas;
- (d) Rule on procedural matters, objections, and motions;
- (e) Rule on offers of proof and receive relevant evidence;

(f) Take any appropriate action necessary to maintain order during the hearing;

(g) Permit or require oral argument or briefs and determine the time limits for submission thereof; and

(h) Take any other action necessary and authorized by any applicable statute or rule.

(2) With the exclusion of WAC 251-12-076, within thirty calendar days of the hearing, the hearing examiner shall issue a recommended decision which shall be transmitted to the board and be served upon the parties by certified mail with a statement regarding the right to file exceptions to the recommended decision.

(3) Within thirty calendar days of service of the recommended decision, any party adversely affected may file written exceptions with the board.

(4) If no written exceptions are filed, the hearing examiner's recommended decision will become final forty calendar days after service of the recommended decision unless within that period the board issues a notice to each of the parties that a hearing will be scheduled for reconsideration of the hearing examiner's recommended decision.

(5) When exceptions are filed, such written statements shall include in detail the specific items of the hearing examiner's recommended decision to which exception is taken. A hearing on the exceptions will be scheduled before the board at which time all parties may present written and/or oral argument on the basis of the transcript and exhibits. Written argument may be presented in accordance with WAC 251-12-099. Following the hearing on the exceptions the board may affirm, reverse, or modify the recommended findings of fact, conclusions of law and/or decision of the hearing examiner.

NEW SECTION

WAC 251-12-099 FILING OF PREHEARING STATEMENTS, BRIEFS, AND WRITTEN ARGUMENT. (1) Any party to a hearing before the board who desires to submit, or when the board requests all parties to submit, a prehearing statement, prehearing brief, or written argument will provide such documents to the board and to each opposing party no later than fourteen calendar days prior to the scheduled hearing date.

(2) Any party submitting such documents will provide the original and three copies to the board, and one copy to each opposing party.

(3) Submission of documents will be accomplished when board staff receives the original document in the board's Olympia, Washington, headquarters.

WSR 90-13-018
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed June 8, 1990, 2:15 p.m., effective July 9, 1990]

Date of Adoption: June 8, 1990.

Purpose: Revise general reporting rules, classification plan, and corresponding base rate tables applicable to

workers' compensation insurance underwritten by the Washington state fund, Department of Labor and Industries.

Citation of Existing Rules Affected by this Order: Amending chapter 296-17 WAC, Manual of rules, classifications and rating system for Washington workers' compensation insurance.

Statutory Authority for Adoption: RCW 51.04.020(1) and 51.16.035.

Pursuant to notice filed as WSR 90-11-099 on May 21, 1990.

Effective Date of Rule: July 9, 1990.

June 8, 1990
Joseph A. Dear
Director

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-350 MINIMUM PREMIUMS—ASSUMED WORKER HOURS. A minimum premium is the lowest amount of premium to be paid by an employer and is also the basis for determining premium computation for workers for whom an assumed number of worker hours must be, and hereby, is established:

(1) Minimum premium. Except as otherwise provided in this chapter, every employer shall be liable for a premium not less than ten dollars for any calendar quarter regardless of number of worker hours reported.

(2) Excluded employments. Any employer having any person in their employ excluded from industrial insurance whose application for coverage under the elective adoption provisions of RCW 51.12.110 or authority of RCW 51.12.095 or 51.32.030 has been accepted by the director shall report and pay premium on the actual hours worked for each such person who is paid on an hourly, salaried-part time, percentage of profit or piece basis; or one hundred sixty hours per month for any such person paid on a salary basis employed full time. In the event records disclosing actual hours worked are not maintained by the employer for any person paid on an hourly, salaried-part time, percentage of profits or piece basis the worker hours of such person shall be determined by dividing the gross wages of such person by the state minimum wage for the purpose of premium calculation. However, when applying the state minimum wage the maximum number of hours assessed for a month will be one hundred sixty.

(3) Building or property management. Resident managers, caretakers, or similar employments that are employed for irregular periods and whose compensation is for a stipulated sum in money or a substitute for money shall be reported for the purpose of premium calculation ((as provided in subsection (6) of this section)) by dividing total compensation by \$6.00 to determine reportable assumed hours. Provided that the reportable exposure calculated under this subsection shall not exceed 520 hours per quarter for each worker.

(4)(a) Commission personnel—Inside employments. Commission personnel—inside employments are persons whose compensation is based upon a percentage of the amount charged for the commodity or service rendered

and who are employed exclusively within an office having no duties away from the office. Commission personnel—inside employments are to be reported for premium purposes at a minimum of assumed worker hours of not less than eight worker hours a day for part-time employment, or not less than 40 worker hours per week for full-time employment unless the employer maintains and presents to the department's representative at the time of audit payroll records that show in detail the name of each such commissioned worker, the actual number of hours worked for each such worker and the date or dates the services were rendered. If actual time records are maintained then such actual hours shall be reported to the department and premiums paid on such actual hours.

(b) Commission personnel—Outside employments. Commission personnel—outside employments are persons whose compensation is based upon a percentage of the amount charged for the commodity or service rendered and who are employed to perform duties primarily away from the employers premises although some office work may be performed. Commission personnel—outside employments are to be reported for premium purposes at a minimum of assumed worker hours of not less than eight worker hours a day for part-time employment, or not less than 40 worker hours per week for full-time employment: PROVIDED, That the assumed eight worker hours daily for part-time employment will apply only if the employer's books and records are maintained so as to show separately such person's actual record of employment.

(5) Salaried personnel. Salaried personnel for the purposes of this chapter means persons whose compensation is not governed by the number of hours devoted to employment for their employer. Employers having salaried personnel in their employ shall for the purpose of premium calculation report assumed worker hours based upon one hundred sixty worker hours for each month in which the employee is on salary: PROVIDED, That if the employer maintains complete and accurate records, supported by original time cards or timebook entries, the employer may report and pay premium on the actual hours worked by salaried personnel: PROVIDED FURTHER, That the department may, at its discretion, authorize some other method in assuming workers hours for premium calculating purposes in the case of contract personnel employed by schools and/or school districts.

(6) Piece workers. For employees whose compensation is based upon the accomplishment of a number of individual tasks whether computed on the number of pounds, items, pieces, or otherwise who are not subject to any federal or state law or rule which requires the reporting of actual hours worked, the employer shall for the purpose of premium calculation assume each two dollars of earnings of each employee as representing one worker hour: PROVIDED, That if the average rate of compensation for the applicable classification is at least \$3.00 but less than \$3.50 per worker hour the assumed amount shall be \$3.00 of earnings as representing one worker hour, and on a progressive basis, if the average compensation is at least \$3.50 but less than \$4.00 the

assumed amount shall be \$3.50 of earnings as representing one worker hour, and so forth. The records of the department as compiled for the preceding fiscal year ending June 30, shall be the basis for determining the average rate of compensation for each classification: PROVIDED FURTHER, That an employer who maintains records but is not required to do so shall report the actual hours worked for the purpose of premium calculation. In the event an employer who is otherwise required by federal or state laws or rules to maintain records of actual hours worked by each employee fails to do so, the worker hours of such employees will be determined by dividing the gross wages of each employee by the state minimum hourly wage to determine the hours reported for the purpose of premium calculation. Notwithstanding any other provisions of this section, workers employed in a work activity center pursuant to WAC 296-17-779 shall be reported on the basis of the piece worker rule.

(7) Noncontact sports teams. All employers having personnel in their employ as defined under WAC 296-17-745 shall for the purpose of premium calculations, report assumed worker hours based upon 40 worker hours for each week in which any duties are performed.

(8) Jockeys and race drivers. All employers having personnel in their employ as defined under WAC 296-17-739 shall, for the purpose of premium calculations, report assumed worker hours based upon ten hours for each mount in each horse race; professional drivers shall report worker hours based upon ten hours for each heat or race of any racing event: PROVIDED, That any day such personnel do not ride or drive in a race, the premium calculation shall be made by assuming ten worker hours for any day in which duties are performed.

(9) Pilots and flight crew members. Pilots and flight crew members having flight duties during a work shift including preflight time shall have premium calculated by utilizing daily readings logged per federal requirements of the aircraft tachometer time: PROVIDED, That if the total tachometer time for any day includes a fraction of an hour, the reportable time will be increased to the next full hour: PROVIDED FURTHER, That pilots and flight crew members who assume nonflying duties during a work shift will have premium calculated in accordance with the appropriate rules and classifications applicable to nonflight duties.

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-45002 SPECIAL TRUCKING INDUSTRY RULES. The following subsection shall apply to all trucking industry employers as applicable.

(1) Insurance liability. Every trucking industry employer operating as an intrastate carrier or a combined intrastate and interstate carrier must insure their workers' compensation insurance liability through the Washington state fund or be self-insured with the state of Washington.

Washington employers operating exclusively in interstate or foreign commerce or any combination of interstate and foreign commerce must insure their workers' compensation insurance liability for their Washington

employees with the Washington state fund, be self-insured with the state of Washington, or provide workers' compensation insurance for their Washington employees under the laws of another state when such other state law provides for such coverage.

Interstate or foreign commerce trucking employers who insure their workers' compensation insurance liability under the laws of another state must provide the department with copies of their current policy and applicable endorsements upon request.

Employers who elect to insure their workers' compensation insurance liability under the laws of another state and who fail to provide updated policy information when requested to do so will be declared an unregistered employer and subject to all the penalties contained in Title 51 RCW.

(2) Reporting. Trucking industry employers insuring their workers' compensation insurance liability with the Washington state fund shall keep and preserve all original time records/books including supporting information from drivers' logs for a period of three calendar years plus three months.

Employers are to report actual hours worked, including time spent loading and unloading trucks, for each driver in their employ. For purposes of this section, actual hours worked does not include time spent during lunch or rest periods or overnight lodging.

Failure of employers to keep accurate records of actual hours worked by their employees will result in the department estimating work hours by dividing gross payroll wages by the state minimum wage for each worker for whom records were not kept. However, in no case will the estimated or actual hours to be reported exceed five hundred twenty hours per calendar quarter for each worker.

(3) Exclusions. Trucking industry employers meeting all of the following conditions are exempted from mandatory coverage.

(a) Must be engaged exclusively in interstate or foreign commerce.

(b) Must have elected to cover their Washington workers on a voluntary basis under the Washington state fund and must have elected such coverage in writing on forms provided by the department.

(c) After having elected coverage, withdrew such coverage in writing to the department on or before January 2, 1987.

If all the conditions set forth in (a), (b), and (c) of this subsection have not been met, employers must insure their workers' compensation insurance liability with the Washington state fund or under the laws of another state.

(4) Definitions. For purposes of interpretation of RCW 51.12.095(1) and administration of this section, the following terms shall have the meanings given below:

(a) "Agents" means individuals hired to perform services for the interstate or foreign commerce carrier that are intended to be carried out by the individual and not contracted out to others but does not include owner operators as defined in RCW 51.12.095(1).

(b) "Contacts" means locations at which freight, merchandise, or goods are picked up or dropped off within the boundaries of this state.

(c) "Doing business" means having any terminals, agents or contacts within the boundaries of this state.

(d) "Employees" means the same as the term "worker" as contained in RCW 51.08.180.

(e) "Terminals" means a physical location wherein the business activities (operations) of the trucking company are conducted on a routine basis. Terminals will generally include loading or shipping docks, warehouse space, dispatch offices and may also include administrative offices.

(f) "Washington" shall be used to limit the scope of the term "employees." When used with the term "employees" it will require the following test for benefit purposes (all conditions must be met).

(i) The individual must be hired in Washington or must have been transferred to Washington; and

(ii) The individual must perform some work in Washington (i.e., driving, loading, or unloading trucks).

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-45003 SPECIAL CONSTRUCTION INDUSTRY RULE. (1) Construction or erection operations. Each distinct type of construction or erection operation at a job site or location shall be assigned to the basic classification describing that operation provided separate payroll/time records are maintained for each such operation and which show in detail the name, rate of pay, and actual hours worked for each employee.

In the event payroll/time records are not maintained to support separate classification assignments the entire number of work hours in question shall be assigned to the highest rated classification which applies to the job site or location where the operation is being performed. The department may upon request by an employer (contractor) prior to the commencement of a contract authorize the use of a single basic classification to cover an entire project.

Selection of the basic classification will be determined by estimating the work hours for each construction operation at the site or location and calculating the premiums by each applicable classification—total estimated premiums will then be divided by the total estimated hours to produce an average rate. The basic classification assigned to the employer that carries the rate nearest to the estimated average rate will be selected provided that if the estimated average rate is equally between two classifications assigned to the employer the lower of the two rates will be selected.

Separate construction or erection classifications shall not be assigned to any operation which is within the scope of another basic classification assigned to such a job site or location. For example a carpenter employed by a concrete contractor to build foundation forms is to be assigned to a concrete construction classification and not a carpentry classification.

(2) Subcontracted work. The general contractor ((or specialist contractor)) as defined in RCW 18.27.010,

((as the case may be)) who subcontracts work out to others must ensure that such subcontractors are properly registered and licensed under chapter 18.27 or 19.28 RCW as applicable to avoid being held liable for industrial insurance premiums for such subcontractors (RCW 51.12.070). At the time of audit or within thirty days thereafter the general contractor or specialist contractor as the case may be who has subcontracted work out to others must provide the department's traveling auditors, agents or assistants a list containing the names of such subcontractors, their contractors registration of license number, the expiration date of such registration or license, and their uniform business identifier or industrial insurance account number. Failure by the general contractor or specialist contractor to provide this record at the time of audit may result in a premium assessment being made for each subcontractor used by the general contractor or specialist contractor.

(3) Debris removal. Work hours related to the removal of construction materials equipment or debris from a job site or location by employees of a general contractor or specialist contractor are to be assigned to the construction classification applicable to the phase of construction work being supported by such clean up personnel. However, if clean up personnel are involved in general job site or location clean up then risk classification 0510 or 0518 will apply as applicable to the job site or location. Employees of a specialist contractor engaged exclusively in debris removal services shall be assigned to risk classification 0510 or 0518 as applicable to the job site or location serviced.

(4) Scaffolding, hoists, and towers. Work hours related to the installation, maintenance or removal of scaffolding, hod hoists, distributing towers, sidewalk bridges, and elevators by employees of a general contractor or specialist contractor are to be assigned to the construction classification applicable to the phase of construction being supported. However, if the scaffolding, hod hoists, distributing towers, sidewalk bridges and elevators being installed supports several phases of construction then risk classification 0510 or 0518 will apply as applicable to the jobsite or location. Employees of a specialist contractor engaged exclusively in work described in this subsection shall be assigned to risk classification 0510 or 0518 as applicable to the job site or location.

(5) Preoccupancy clean up. Work hours related to preoccupancy clean up by employees of a general contractor or specialist contractor are to be assigned to classification 6602 "Janitors, N.O.C." provided that the term "preoccupancy clean up" for purposes of this rule is limited in scope to dusting, washing windows, vacuuming carpets, mopping floors, and cleaning fixtures. A division of individual work hours between classification 6602 and any construction, erection, or shop classification is not allowed. Employees having duties that fall within a construction classification and who are also engaged in preoccupancy clean up are to be reported in the applicable construction classification.

(6) Shop or yard operations. Construction or erection contractors who maintain a permanent shop or yard operation may report the work hours of such employees in classification 5206, provided that this classification shall

not apply to any yard or shop employee during any work shift in which the yard or shop employee has duties subject to another classification or if the classification assigned to the employer requires a separate treatment for shop operations.

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-50904 CLASSIFICATION 0206.

Commercial concrete construction such as but not limited to sewage disposal plants, swimming pools, fish hatcheries, water purification plants construction, and similar concrete projects

This classification will be used to report concrete construction projects other than concrete building construction reported in risk classification ((0505)) 0518; concrete construction done in connection with wood frame building construction reported in risk classification 0102; highway, street, and road construction projects reported in risk classification 0101; and bridge construction projects reported in risk classification 0201.

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-519 CLASSIFICATION 0504.

Cleaning, washing, and/or sandblasting buildings, N.O.C. - including shop operations

Painting bridges, including incidental preparation work
Painting, coating or cleaning oil or gas storage tanks and beer vats

Painting, decorating or paperhanging, N.O.C., including incidental preparation, including shop

Painting towers, smokestacks and steel or iron structures
Plastering, stuccoing, and lathing buildings - interior work

Sandblasting, N.O.C., including shop operations

Wallboard taping and texturing, excluding wallboard installation rated under risk classification 0515 (WAC 296-17-52107)

Water proofing, N.O.C., excluding roofing or subaqueous work.

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-532 CLASSIFICATION 0901.

Ship building or repair, N.O.C., all types - including dismantling of ship hulls

This classification includes all shop and yard operations ((~~See risk classification 3606 for pleasure craft/recreational boat building~~)).

AMENDATORY SECTION (Amending Order 87-12, filed 5/29/87, effective 7/1/87)

WAC 296-17-57602 CLASSIFICATION 3303.

Meat, fish and poultry dealers, retail

This classification is limited to employers engaged in selling fresh meats, fish and poultry over the counter, by the pound to a retail consumer and who maintain

show cases displaying fresh cuts of meat, fish and poultry available for sale by the pound to such consumers

This classification excludes custom meat cutting facilities (~~licensed under chapter 16.49 RCW who are prohibited by law from selling fresh meat, fish and poultry by the pound to a retail customer~~) which are subject to risk classification 4302 (~~(WAC 296-17-631)~~) and wholesale meat dealers subject to risk classification 3304.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-590 CLASSIFICATION 3506.

Crane, hoisting service and rigging contractors. This classification excludes operations incidental to risk classifications 0201 (WAC 296-17-508), 0202 (WAC 296-17-509), (~~0505 (WAC 296-17-520)~~), 0506 (WAC 296-17-52001), 0507 (WAC 296-17-52002), 0508 (WAC 296-17-521), 0509 (WAC 296-17-52101), 0510 (WAC 296-17-52102), 0518 (WAC 296-17-52110), 0604 (WAC 296-17-525), 0701 (WAC 296-17-528) and 5001 (WAC 296-17-659).

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-592 CLASSIFICATION 3508.

Plastic or fiberglass goods manufacturing, N.O.C.

NEW SECTION

WAC 296-17-59202 CLASSIFICATION 3510.

Plastic goods manufacturing: Blow molding, vacuum forming, foam molding, and injection molding.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-631 CLASSIFICATION 4302.

Custom meat cutting facilities (~~as licensed under chapter 16.49 RCW~~) engaged in cutting uninspected or combined uninspected and inspected meats including farm kill operations. For purposes of this rule the terms "uninspected and inspected meats" shall be given the meanings as contained in chapter 16.49 RCW.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-634 CLASSIFICATION 4305.

Garbage, refuse or ashes collecting

Garbage works, landfill, reduction or incineration operations – including cashiers collecting fees from customers and incidental recycle operation conducted in connection with a landfill or garbage works operation
Radioactive waste landfill.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-679 CLASSIFICATION 5306.

Clerical office, sales personnel and white collar employees of county, public utility districts and taxing districts, N.O.C.

Clerical office, sales personnel and white collar employees of Indian tribal councils.

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-870 EVALUATION OF ACTUAL LOSSES. Except as provided in the following subsections of this paragraph, actual losses shall include all payments as of the "valuation date" for each claim arising from an accident occurring during the experience period. Losses for claims open as of the valuation date may also include a reserve for future payments. Actual losses on claims for accidents occurring outside of the experience period shall not be included.

(1) Valuation date. The valuation date shall be on and include December 31, one year and one day immediately preceding the effective date of premium rates as set forth in WAC 296-17-895. For experience modifications effective January 1, 1990, and thereafter, the valuation date shall be June 1, seven months immediately preceding the effective date of premium rates.

(2) Retroactive adjustments – revision of losses between valuation dates. No claim value shall be revised between valuation dates and no retroactive adjustment of an experience modification shall be made because of disputation concerning the judgment of the claims examiner or because of subsequent developments except as specifically provided in the following cases:

(a) In cases where loss values are included or excluded through mistake other than error of judgment.

(b) In cases where a third party recovery is made.

(c) In cases where the claim qualifies as a second injury claim under the provisions of RCW 51.16.120.

(d) In cases where a claim, which was previously evaluated as a compensable claim, is closed and is determined to be noncompensable (ineligible for benefits other than medical treatment).

(e) In cases where a claim is closed and is determined to be ineligible for any benefits.

In the above specified cases retroactive adjustment of the experience modification shall be made for each rating in which the claim was included. Retroactive adjustments will not be made for rating periods more than ten years prior to the date on which the claim status was changed.

(3) Average death value. Each fatality occurring to a worker included within the mandatory or elective coverage of Title 51 RCW shall be assigned the "average death value," said value to be the average incurred cost for all such fatalities occurring during the experience period. The average death value is set forth in Table II.

(4) Third party recovery. In the event of a third party recovery on a claim, the employer shall be charged for a portion of the actual loss amount, gross of such recovery, established on the claim for each year in which the

claim's injury date falls within the experience period (see WAC 296-17-850). This portion shall be calculated at the time the recovery is made, and shall be determined by taking the ratio of the total cost of the claim, including attorneys' fees, after recovery, to the total cost of the claim before recovery. If the claim is open at the time the recovery is made, then costs before and after recovery may include an allowance for future claim payments. Both the primary and excess components of the actual loss amount shall be reduced in the same proportion.

(5) Second injury claims. The primary and excess values of any claim which becomes eligible for second injury relief under the provisions of RCW 51.16.120, as now or hereafter amended, shall be reduced by the percentage of relief granted.

(6) Occupational disease claims. When a claim results from an employee's exposure to an occupational disease hazard, the "date of injury," for the purposes of experience rating, shall be the date on which the disability was diagnosed, giving rise to the filing of a claim for benefits. The cost of any occupational disease claim, paid from the accident fund and medical aid fund and arising from exposure to the disease hazard under two or more employers, shall be prorated to each period of employment involving exposure to the hazard. Each insured employer who had employed the claimant during the experience period, and for at least ten percent of the claimant's exposure to the hazard, shall be charged for his share of the claim based upon the prorated costs.

(7) Maximum claim value. No claim shall enter an employer's experience record at a value greater than the "maximum claim value." The maximum claim value is set forth in Table II.

AMENDATORY SECTION (Amending Order 89-18 [79-18], filed 11/30/79, effective 1/1/80)

WAC 296-17-87308 EXPERIENCE MODIFICATION. WAC 296-17-873 through ((296-17-87309)) 296-17-87308 do not permit the establishment of more than one experience modification on a single risk at the same time.

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

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-885 TABLE III.

Expected Loss Rates and D-Ratios
Expected Loss Rates in Dollars Per Worker Hour
for Indicated Fiscal Year

CLASS	1986	1987	1988	D-RATIO
0101	1.0704	.9817	.8683	.409
0102	1.0477	.9644	.8513	.468
0103	1.3726	1.2600	1.1188	.406
0104	1.1143	1.0164	.9001	.330
0105	((θ)).9767((θ)).8972		.7955	.422
0106	2.0719	1.9065	1.6985	.432
0107	.9024	.8287	.7329	.429
0108	.8723	.7999	.7056	.418

CLASS	1986	1987	1988	D-RATIO
0109	2.3494	2.1497	1.9037	.372
0201	1.6872	1.5406	1.3643	.345
0202	2.5949	2.3783	2.1253	.339
0206	1.3955	1.2760	1.1291	.367
0301	.5383	.4966	.4391	.500
0302	1.5129	1.3900	1.2240	.449
0306	.7058	.6491	.5741	.452
0307	.6944	.6390	.5658	.456
0401	1.2094	1.1102((θ)).9822		.445
0402	((θ)).4824((θ)).4457((θ)).3955			.406
0403	((θ)).9808((θ)).9001		.7985	.406
0502	((θ)).9117	.8373	.7387	.437
0503	((θ)).2960((θ)).2732((θ)).2422			.450
0504	1.2094	1.1102	.9822	.423
0505	1.2292	1.1288((θ)).9971		.436
0506	3.0066	2.7636	2.4494	.436
0507	2.7268	2.5097	2.2163	.468
0508	2.9591	2.7054	2.4016	.348
0509	1.8578	1.7004	1.5088	.366
0510	1.1320	1.0416	.9207	.460
0511	1.0032	.9227	.8164	.454
0512	1.3228	1.2172	1.0754	.463
0513	.7048	.6482	.5733	.453
0514	1.1633	1.0683	.9468	.428
0515	1.8952	1.7394	1.5359	.426
0516	1.4878	1.3680	1.2082	.451
0517	1.3810	1.2671	1.1217	.413
0518	1.1378	1.0455((θ)).9227		.444
0519	1.4509	1.3342	1.1788	.452
0601	.4375	.4028	.3570	.461
0602	.3640	.3351	.2969	.459
0603	.6461	.5939	.5246	.446
0604	1.6417	1.5046	1.3440	.341
0606	.2167	.1999	.1771	.490
0607	.2403	.2214	.1960	.485
0608	.2438	.2249	.1990	.499
0701	1.3727	1.2559	1.1090	.385
0803	.3159	.2905	.2575	.443
0804	.5846	.5367	.4754	.421
0901	1.8248	1.6645	1.4738	.333
1002	((θ)).8656	.7992	.7058	.516
1003	.5366	.4940	.4370	.466
1004	.5366	.4940	.4370	.466
1005	3.2974	3.0351	2.6728	.475
1007	.2012	.1855	.1643	.478
1101	.5224	.4825	.4281	.518
1102	1.0482((θ)).9621		.8505	.425
1103	.3985	.3675	.3250	.493
1104	.4725	.4353	.3859	.472
1106	.1890	.1747	.1553	.538
1108	.4150	.3828	.3392	.491
1109	.7282	.6712	.5938	.485
1301	.2022	.1859	.1649	.440
1303	.1702	.1563	.1384	.441
1304	.0164	.0152	.0135	.512
1305	.2814	.2598	.2300	.510
1401	1.1698	1.0792((θ)).9670		.461
1404	.5294	.4879	.4315	.484
1405	.4731	.4359	.3855	.479
1501	.3326	.3063	.2712	.470

CLASS	1986	1987	1988	D-RATIO	CLASS	1986	1987	1988	D-RATIO
1507	.2184	.2013	.1785	.478	3702	.3849	.3532	.3132	.410
1701	1.5226	1.3903	1.2292	.353	3707	.3418	.3155	.2784	.511
1702	1.5226	1.3903	1.2292	.353	3708	.2435	.2246	.1986	.501
1703	.4016	.3686	.3258	.420	3801	.1905	.1756	.1554	.486
1704	.8110	.7437	.6589	.401	3802	.1564	.1446	.1290	.536
1801	.9320	.8561	.7588	.424	3808	.2332	.2155	.1906	.524
1802	.4605	.4237	.3758	.452	3901	.1380	.1272	.1129	.483
2002	.5330	.4904	.4353	.450	3902	.4583	.4227	.3742	.495
2003	.3475	.3207	.2843	.504	3903 ((θ))	.9887	.9101	.8093	.450
2004	.6197	.5707	.5043	.475	3905	.1265	.1172	.1042	.562
2005	.3139	.2894	.2570	.481	3906	.3408	.3139	.2781	.472
2007	.3098	.2853	.2535	.464	3909	.2599	.2397	.2129	.487
2008	.2351	.2161	.1915	.436	4002	.6021	.5543	.4907	.463
2101	.5361	.4940	.4384	.472	4101	.1901	.1754	.1562	.484
2102	.3475	.3207	.2843	.504	4103	.2355	.2173	.1925	.509
2104	.2930	.2709	.2395	.542	4107	.0953	.0878	.0780	.485
2105	.3922	.3610	.3197	.457	4108	.1901	.1754	.1562	.484
2106	.3792	.3491	.3100	.452	4109	.1901	.1754	.1562	.484
2201	.2066	.1907	.1689	.511	4201	.2452	.2257	.1997	.463
2202	.4204	.3876	.3443	.481	4301	.7605	.7009	.6189	.488
2203	.2737	.2526	.2231	.506	4302	.6187	.5693	.5035	.464
2401	.4624	.4258	.3767	.473	4303	.2372	.2187	.1939	.483
2903	.5862	.5420	.4789	.540	4304	.5227	.4824	.4277	.507
2904	.7069	.6519	.5813	.475	4305 ((θ))	.9921 ((θ))	.9120	.8085	.438
2905	.4531	.4182	.3703	.513	4401	.4059	.3751	.3312	.533
2906	.4823	.4441	.3926	.475	4402	.6336	.5840	.5169	.481
2907	.4262	.3931	.3475	.500	4404	.5392	.4978	.4396	.514
2908	.7897	.7269	.6431	.462	4501	.1268	.1164	.1032	.420
2909	.5450	.5017	.4442	.464	4502	.0322	.0297	.0263	.411
3101	.5293	.4851	.4297	.393	4504	.0725	.0671	.0596	.526
3102	.3745	.3441	.3049	.433	4601	.5632	.5176	.4619	.396
3103	.3745	.3441	.3049	.433	4802	.2812	.2593	.2294	.496
3104	.4947	.4558	.4064	.457	4803	.3236	.2989	.2639	.525
3105	.8299	.7629	.6736	.451	4804	.5123	.4728	.4194	.504
3301	.6583	.6087	.5365	.543	4805	.3321	.3061	.2711	.485
3302	.6583	.6087	.5365	.543	4806	.0837	.0771	.0682	.495
3303	.2224	.2047	.1818	.446	4808	.3892	.3582	.3173	.460
3304	.6583	.6087	.5365	.543	4809	.2125	.1963	.1742	.525
3309	.3122	.2873	.2552	.445	4810	.1448	.1337	.1184	.500
3401	.3344	.3081	.2733	.476	4811	.2658	.2446	.2166	.455
3402	.3215	.2971	.2628	.527	4812	.3799	.3504	.3098	.502
3403	.1206	.1111	.0986	.485	4901	.0414	.0382	.0338	.494
3404	.3612	.3337	.2954	.518	4902	.0324	.0298	.0264	.482
3405	.2059	.1898	.1681	.489	4903	.0414	.0382	.0338	.494
3406	.1654	.1528	.1360	.504	4904	.0164	.0152	.0135	.512
3407	.2596	.2386	.2116	.437	4905	.2852	.2639	.2340	.550
3408	.0907	.0836	.0741	.456	4906	.0459	.0423	.0376	.479
3409	.1469	.1354	.1204	.464	4907	.0771	.0711	.0630	.462
3501	.6602	.6067	.5383	.428	4908	.1095	.1010	.0904	.464
3503	.2111	.1948	.1724	.514	4909	.1095	.1010	.0904	.464
3506	.6333	.5813	.5145	.416	4910	.2960	.2732	.2422	.499
3508	.4937	.4563	.4037	.537	5001	3.5218	3.2287	2.8550	.406
3509	.3154	.2925	.2582	.600	5002	.4629	.4275	.3774	.521
3510	.4937	.4563	.4037	.537	5003	1.1451	1.0501 ((θ))	.9292	.406
3602	.0764	.0707	.0627	.538	5004	2.2503	2.0665	1.8243	.436
3603	.5101	.4706	.4168	.498	5101	.5740	.5282	.4672	.459
3604	1.0656 ((θ))	.9779	.8672	.408	5102 ((θ))	.6781 ((θ))	.6246	.5526	.472
3605	.3799	.3502	.3100	.485	5103	.6781	.6246	.5526	.472
3606	.6866	.6319	.5614	.447	5106	.5535	.5091	.4527	.432
3701	.2372	.2187	.1939	.483	5108	.6276	.5780	.5118	.471

CLASS	1986	1987	1988	D-RATIO	CLASS	1986	1987	1988	D-RATIO
5109	.4273	.3915	.3470	.385	6706	.3265	.3011	.2677	.480
5201	.2741	.2523	.2238	.462	6707	1.5956*	1.4781*	1.3124*	.576
5204	1.1802	1.0877((θ))	.9553	.498	6708	4.3646	4.0262	3.6128	.451
5206	.2850	.2615	.2312	.419	6709	.1379	.1277	.1136	.554
5207	.1515	.1402	.1243	.539	6801	.3725	.3412	.3024	.386
5208	.8187	.7533	.6661	.460	6802	.3128	.2881	.2557	.464
5209	.5020	.4623	.4093	.468	6803	1.3764	1.2480	1.1036	.272
5301	.0209	.0193	.0171	.490	6804	.1978	.1816	.1611	.401
5305	.0262	.0241	.0214	.426	6809	2.2170	2.0490	1.8297	.520
5306	.0299	.0276	.0244	.448	6901	.0337	.0311	.0285	.682
5307	.2928	.2702	.2389	.507	6902	.4291	.3939	.3484	.428
6103	.0362	.0334	.0297	.534	6903	5.2349	4.7702	4.2438	.287
6104	.2820	.2599	.2305	.482	6904	.1602	.1474	.1308	.446
6105	.1388	.1280	.1133	.485	6905	.2031	.1862	.1655	.386
6107	.0928	.0856	.0760	.482	6906	.0835	.0772	.0705	.682
6108	.4737	.4385	.3880	.565	6907	1.2509	1.1500	1.0158	.450
6109	.0322	.0298	.0264	.540	6908	.3141	.2898	.2562	.504
6110	.2619	.2425	.2146	.569	6909	.0541	.0499	.0443	.470
6201	.1258	.1159	.1030	.476	7101	.0235	.0216	.0192	.431
6202	.5459	.5010	.4449	.404	7102	2.9918*	2.7652*	2.4818*	.508
6203	.0780	.0719	.0638	.457	7103	.1717	.1581	.1399	.457
6204	.1349	.1246	.1106	.521	7104	.0395	.0364	.0321	.466
6205	.1349	.1246	.1106	.521	7105	.2809	.2594	.2293	.519
6206	.1349	.1246	.1106	.521	7106	.5610	.5161	.4556	.500
6207	.8171	.7539	.6702	.495	7107	1.2771	1.1776	1.0481	.498
6208	.2100	.1936	.1717	.482	7108	2.1598	1.9890	1.7559	.481
6209	.2029	.1872	.1666	.492	7109	5.4194	4.9873	4.4167	.457
6301	.1011	.0930	.0825	.435	7110	.2809	.2594	.2293	.521
6302	.1418	.1302	.1156	.412	7111	.2809	.2594	.2293	.521
6303	.0532	.0491	.0436	.460	7112	.5609	.5161	.4556	.463
6304	.1126	.1038	.0923	.478	7113	.5609	.5161	.4556	.463
6305	.0512	.0473	.0421	.509	7114	.5609	.5161	.4556	.463
6306	.2294	.2112	.1879	.454	7115	.5609	.5161	.4556	.463
6308	.0335	.0308	.0273	.446	7116	.5609	.5161	.4556	.463
6309	.1043	.0964	.0857	.531	7117	1.2771	1.1776	1.0481	.476
6402	.2092	.1928	.1706	.489	7118	2.1598	1.9890	1.7559	.477
6403	.1496	.1384	.1227	.543	7119	2.1598	1.9890	1.7559	.477
6404	.1222	.1129	.1001	.539	7120	5.4194	4.9873	4.4167	.457
6405	.4910	.4524	.4004	.476	7121	5.4194	4.9873	4.4167	.457
6406	.0676	.0625	.0555	.514	7201	.5870	.5415	.4766	.513
6407	.1491	.1377	.1223	.512	7202	.0296	.0272	.0241	.446
6408	.3069	.2820	.2511	.407	7203	.1084	.0999	.0888	.457
6409	.3871	.3564	.3176	.444	7204	.0000	.0000	.0000	.682
6501	.0601	.0557	.0493	.550	7301	.5554	.5123	.4536	.496
6502	.0163	.0151	.0134	.480	7302	.6295	.5812	.5172	.500
6503	.0828	.0755	.0673	.317	7307	1.1401	1.0555	.9371	.563
6504	.3064	.2837	.2526	.563	7308	.2154	.1985	.1762	.477
6505	.1597	.1475	.1310	.516	7309	.1379	.1277	.1136	.554
6506	.0633	.0584	.0519	.499					
6508	.3623	.3342	.2962	.498					
6509	.1846	.1703	.1511	.491					
6601	.1626	.1500	.1334	.493					
6602	.4824	.4457	.3955	.518					
6603	.2236	.2062	.1829	.487					
6604	.0575	.0528	.0468	.455					
6605	.1931	.1782	.1577	.510					
6607	.1515	.1402	.1243	.539					
6608	.2019	.1857	.1640	.453					
6704	.1682	.1551	.1379	.482					
6705	.6760	.6250	.5547	.535					

*Daily expected loss rate

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-895 INDUSTRIAL INSURANCE ACCIDENT FUND BASE RATES AND MEDICAL AID BASE RATES BY CLASS OF INDUSTRY. Industrial insurance accident fund and medical aid fund base rates by class of industry shall be as set forth below.

Base Rates Effective January 1, 1990			Base Rates Effective January 1, 1990		
Class	Accident Fund	Medical Aid Fund	Class	Accident Fund	Medical Aid Fund
0101	1.2222	0.6207	1301	0.2114	0.1467
0102	1.1529	0.6391	1303	0.1782	0.1092
0103	1.3079	0.9728	1304	0.0145	0.0140
0104	1.3381	0.5465	1305	0.2501	0.2113
0105	0.8936	0.6653	1401	0.6842	1.2560
0106	1.8695	1.5910	1404	0.4608	0.3679
0107	1.0469	0.5469	1405	0.4459	0.3241
0108	1.0913	0.4396	1501	0.3059	0.2331
0109	2.7192	1.3186	1507	0.1970	0.1672
0201	1.9953	0.8657	1701	1.8744	0.7117
0202	2.2044	2.1940	1702	1.8744	0.7117
0206	1.6933	0.7296	1703	0.4290	0.2340
0301	0.5045	0.3799	1704	0.8234	0.5071
0302	1.8706	0.7567	1801	0.9655	0.6276
0306	0.7548	0.4520	1802	0.4027	0.3356
0307	0.6983	0.4755	2002	0.4557	0.4026
0403	0.9842	0.6665	2003	0.3053	0.2736
0502	1.1202	0.4946	2004	0.5936	0.4019
0504	1.2989	0.7388	2005	0.2485	0.2555
0506	3.0344	2.0654	2007	0.2506	0.2495
0507	2.7529	1.6845	2008	0.2187	0.1577
0508	3.1977	1.8432	2101	0.4421	0.4184
0509	2.0130	1.1533	2102	0.3053	0.2736
0510	1.1487	0.7237	2104	0.2206	0.2184
0511	1.0313	0.6550	2105	0.3938	0.2723
0512	1.4676	0.8291	2106	0.3166	0.2949
0513	0.6854	0.4539	2201	0.1805	0.1578
0514	1.2017	0.7746	2202	0.3371	0.3425
0515	2.2189	1.0423	2203	0.2528	0.1839
0516	1.6437	0.8907	2401	0.4367	0.3146
0517	1.5523	0.8465	2903	0.5209	0.4355
0518	1.3461	0.6423	2904	0.4963	0.6544
0519	1.6420	0.8924	2905	0.3683	0.3413
0601	0.4442	0.3137	2906	0.4900	0.3164
0602	0.3726	0.2609	2907	0.3939	0.2957
0603	0.6717	0.3846	2908	0.7648	0.5287
0604	1.2664	1.3686	2909	0.4905	0.3789
0606	0.2002	0.1655	3101	0.5539	0.3201
0607	0.2147	0.1698	3102	0.3669	0.2495
0608	0.2342	0.1749	3103	0.3669	0.2495
0701	1.7049	0.6622	3104	0.3991	0.4489
0803	0.2848	0.2240	3105	0.8326	0.4832
0804	0.5882	0.3742	3303	0.1834	0.1699
0901	2.0753	0.8865	3304	0.5999	0.4410
1002	0.8094	0.5984	3309	0.2575	0.2408
1003	0.5306	0.3604	3401	0.3063	0.2532
1004	0.5306	0.3604	3402	0.2883	0.2417
1005	3.3817	1.7917	3403	0.1080	0.0962
1007	0.1959	0.1474	3404	0.3137	0.2770
1101	0.4344	0.4307	3405	0.1876	0.1481
1102	1.1343	0.6137	3406	0.1164	0.1532
1103	0.3711	0.2769	3407	0.2554	0.1832
1104	0.4029	0.3524	3408	0.0888	0.0676
1106	0.1346	0.1708	3409	0.1154	0.1224
1108	0.3739	0.3141	3501	0.5964	0.4696
1109	0.6326	0.5085	3503	0.1683	0.1547

Base Rates Effective January 1, 1990			Base Rates Effective January 1, 1990		
Class	Accident Fund	Medical Aid Fund	Class	Accident Fund	Medical Aid Fund
3506	0.6986	0.3926	4908	0.0648	0.1138
3508	0.4346	0.3791	4909	0.0648	0.1138
3509	0.2862	0.2381	4910	0.2404	0.2291
3510	0.4346	0.3791	5001	4.1269	1.9893
3602	0.0594	0.0639	5002	0.4747	0.3181
3603	0.4602	0.3822	5003	1.2407	0.6748
3604	0.9838	0.7083	5004	2.1618	1.3200
3605	0.3380	0.2729	5101	0.5408	0.3774
3701	0.2121	0.1807	5103	0.6031	0.4655
3702	0.3769	0.2550	5106	0.4607	0.4385
3707	0.3250	0.2282	5108	0.6117	0.4403
3708	0.2160	0.1737	5109	0.4191	0.2661
3801	0.1783	0.1368	5201	0.2518	0.2040
3802	0.1125	0.1494	5204	1.3680	0.5900
3808	0.2045	0.1751	5206	0.3167	0.1679
3901	0.1106	0.1083	5207	0.1128	0.1300
3902	0.4003	0.3342	5208	0.8342	0.5292
3903	0.7843	0.7985	5209	0.4570	0.3511
3905	0.0882	0.1223	5301	0.0170	0.0181
3906	0.3249	0.2451	5305	0.0226	0.0208
3909	0.2004	0.2132	5306	0.0270	0.0224
4002	0.5786	0.4115	5307	0.2887	0.2099
4101	0.1382	0.1690	6103	0.0270	0.0336
4103	0.2298	0.1807	6104	0.2352	0.2178
4107	0.0862	0.0761	6105	0.1220	0.1014
4108	0.1382	0.1690	6107	0.0794	0.0753
4109	0.1382	0.1690	6108	0.4048	0.3793
4201	0.2556	0.1667	6109	0.0265	0.0262
4301	0.7354	0.4891	6110	0.2190	0.2094
4302	0.5859	0.4048	6201	0.1071	0.1034
4304	0.4350	0.4134	6202	0.4829	0.3862
4305	1.0451	0.6882	6203	0.0646	0.0613
4401	0.3784	0.2870	6204	0.1052	0.1133
4402	0.5770	0.4500	6205	0.1052	0.1133
4404	0.5039	0.3671	6206	0.1052	0.1133
4501	0.1210	0.0877	6207	0.6270	0.7017
4502	0.0312	0.0221	6208	0.1726	0.1629
4504	0.0506	0.0664	6209	0.1496	0.1792
4601	0.4303	0.4894	6301	0.1102	0.0717
4802	0.2294	0.1985	6302	0.1234	0.1020
4803	0.1907	0.2251	6303	0.0438	0.0443
4804	0.4266	0.4071	6304	0.0814	0.0941
4805	0.2771	0.2427	6305	0.0340	0.0447
4806	0.0582	0.0581	6306	0.1733	0.1911
4808	0.3406	0.2731	6308	0.0314	0.0223
4809	0.1701	0.1777	6309	0.0750	0.0909
4810	0.1044	0.1089	6402	0.1763	0.1491
4811	0.2027	0.1841	6403	0.1151	0.1269
4812	0.3549	0.2651	6404	0.0894	0.1014
4901	0.0409	0.0312	6405	0.4745	0.3454
4902	0.0290	0.0249	6406	0.0523	0.0579
4903	0.0409	0.0312	6407	0.1051	0.1255
4904	0.0134	0.0140	6408	0.2551	0.2477
4905	0.2132	0.2437	6409	0.3150	0.3364
4906	0.0387	0.0373	6501	0.0492	0.0490
4907	0.0664	0.0575	6502	0.0134	0.0137

Class	Base Rates Effective January 1, 1990		Class	Base Rates Effective January 1, 1990	
	Accident Fund	Medical Aid Fund		Accident Fund	Medical Aid Fund
6503	0.0863	0.0543	7119	2.1091	1.3442
6504	0.1988	0.2993	7120	4.9234	3.7491
6505	0.1237	0.1376	7121	4.9234	3.7491
6506	0.0471	0.0551	7201	0.6148	0.3426
6508	0.3163	0.2780	7202	0.0267	0.0220
6509	0.1504	0.1477	7203	0.0823	0.0909
6601	0.1238	0.1369	7204	—	—
6602	0.3818	0.4025	7301	0.4707	0.4096
6603	0.1959	0.1738	7302	0.4842	0.5661
6604	0.0564	0.0394	7307	0.7184	1.0230
6605	0.1945	0.1410	7308	0.1702	0.1699
6607	0.1128	0.1300	7309	0.0916	0.1311
6608	0.2158	0.1242			
6614	127.2820**	148.8180**			
6615	95.0120**	111.0880**			
6616	12.4930**	14.6070**			
6617	9.2660**	10.8340**			
6618	68.7350**	80.3650**			
6704	0.1288	0.1451			
6705	0.4702	0.5796			
6706	0.2826	0.2770			
6707	9.69*	11.66*			
6708	2.6540	3.6860			
6709	0.0916	0.1311			
6801	0.4098	0.2252			
6802	0.2748	0.2381			
6803	1.8750	0.4345			
6804	0.1968	0.1352			
6809	1.4431	2.2613			
6901	—	0.0566			
6902	0.4463	0.2594			
6903	5.7307	3.0914			
6904	0.1658	0.1170			
6905	0.1962	0.1404			
6906	—	0.1404			
6907	1.2887	0.7471			
6908	0.2810	0.2223			
6909	0.0461	0.0441			
7101	0.0248	0.0159			
7102	13.34*	27.76*			
7103	0.1688	0.1181			
7104	0.0162	0.0188			
7105	0.0379	0.0269			
7106	0.1942	0.1470			
7107	0.1942	0.1470			
7108	0.1926	0.1470			
7109	0.2520	0.2019			
7110	0.2520	0.2019			
7111	0.2611	0.2019			
7112	0.5796	0.3398			
7113	0.5544	0.3398			
7114	0.5544	0.3398			
7115	0.5544	0.3398			
7116	0.5544	0.3398			
7117	0.9528	1.1142			
7118	2.1091	1.3442			

*Daily rate. The daily rate shall be paid in full on any person for any calendar day in which any duties are performed that are incidental to the profession of the worker.
 **These rates are calculated on a per license basis for parimutuel race tracks and are base rated.

WSR 90-13-019
RESCINDING EMERGENCY RULES
DEPARTMENT OF AGRICULTURE
 [Filed June 8, 1990, 3:55 p.m.]

Because of a change in counties requiring exemptions from certain requirements in noxious weed control, the department is rescinding WSR 90-08-017, filed on March 27, 1990.

Michael V. Schwisow
 Deputy Director

WSR 90-13-020
EMERGENCY RULES
DEPARTMENT OF AGRICULTURE
 [Filed June 8, 1990, 3:58 p.m.]

Date of Adoption: June 8, 1990.
 Purpose: Restricts the use of certain herbicides and pesticides.

Citation of Existing Rules Affected by this Order: Amending WAC 16-228-164 and 16-230-615.

Statutory Authority for Adoption: Chapters 15.58 and 17.21 RCW.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The new private applicator's fee required by HB 2222 has discouraged citizens in

certain counties from renewing their private applicator license which are required to purchase 2,4-D in one gallon containers. The control of noxious weeds is very important to agriculture. There are no commercial noxious weed applicators available in this area. The department has received a request from Ferry, Stevens, and Okanogan counties as well as Pend Oreille County.

Effective Date of Rule: Immediately.

June 8, 1990
 Michael V. Schwisow
 Deputy Director

AMENDATORY SECTION [(Amending Order 1923, filed 4/6/87)]

WAC 16-230-615 RESTRICTED USE HERBICIDES—EASTERN WASHINGTON—SALE AND DISTRIBUTION. Liquid formulations of restricted use herbicides distributed in packages of one gallon or larger in counties located east of the crest of the Cascade Mountains shall be sold and distributed only by licensed pesticide dealers to certified applicators or their duly authorized representatives except for liquid amine formulations of ready-to-use products, or liquid amine formulations containing fifteen percent or less of restricted use herbicides, labeled for consumer use in containers up to and including one gallon in size or liquid formulations of any concentration of 2,4-D in containers up to and including one gallon in size when purchased and used within Ferry, Stevens, Pend Oreille, and Okanogan Counties for noxious weed control.

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

AMENDATORY SECTION [(Amending Order 2022, filed 11/30/89, effective 12/31/89)]

WAC 16-228-164 STATE RESTRICTED USE PESTICIDES FOR USE BY CERTIFIED APPLICATORS ONLY. (1) Pesticides containing the following active ingredients are hereby declared state restricted use pesticides for the protection of groundwater and shall be distributed only by licensed pesticide dealers to certified applicators or their duly authorized representatives. These pesticides shall be used or applied only by certified applicators or persons under the direct supervision of a certified applicator and only for those uses covered by the certified applicator's license category(s).

Common Chemical Name Also Known As*

alachlor	Lasso
aldicarb	Temik
atrazine	
bromacil	Hyvar, Krovar
carbofuran	Furadan
cyanazine	Bladex
DCPA	Dacthal
1,3-dichloropropene	Telone
disulfoton	Di-Syston
diuron	Karmex, Krovar
heptachlor	
hexazinone	Velpar
metolachlor	Dual

Common Chemical Name Also Known As*

metribuzin	Lexone, Sencor
oxamyl	Vydate
picloram	Tordon
prometon	Pramitol
simazine	Princep
tebuthiuron	Spike

*This column is to be used only as a guide and may not include all brand or trade names under which these chemicals are distributed.

(2) Pesticides defined by the following categories are hereby declared state restricted use pesticides and shall be distributed only by licensed pesticide dealers to certified applicators or their duly authorized representatives. These pesticides shall be used or applied only by certified applicators or persons under the direct supervision of a certified applicator, and only for those uses covered by the certified applicator's license category. Dealers shall keep records as defined in subsection (4) of this section, and shall furnish the records to the director as defined in subsection (7) of this section.

(a) Any EPA restricted use pesticide not listed in this rule.

(b) 2,4-D - all dry formulations and all liquid formulations distributed in packages of one gallon and larger to be used in counties located east of the crest of the Cascade Mountains. The following types of formulations are exempt from this requirement:

(i) Dry formulations labeled and intended for home and garden use only;

(ii) One gallon containers of liquid amine formulations packaged as ready-to-use products, labeled for consumer use; and

(iii) One gallon containers of liquid amine formulations containing fifteen percent or less of restricted use herbicides, labeled for consumer use.

(iv) Liquid formulations of any concentration in containers up to and including one gallon in size when purchased and used within Ferry, Stevens, Pend Oreille, and Okanogan Counties for noxious weed control.

(3) Pesticides which are not classified as EPA restricted use pesticides and which are labeled and intended only for the following uses are exempt from the requirements of this section:

(a) Home and garden use;

(b) Pet products;

(c) Cooling tower, air conditioner, industrial systems and humidifier biocides;

(d) Use within wholly enclosed structures (with floors) or fumigation chambers. Greenhouses are not considered as wholly enclosed structures.

(4) Pesticide dealers shall keep records of distribution of state restricted use pesticides specified by common chemical name in subsection (1) and (2) of this section for a period of seven years from the date of distribution. The records shall contain the following information:

(a) Name and address of purchaser;

(b) Name and address of certified applicator (if different from (a) above);

(c) Name of authorized agent (if applicable);

(d) Brand and specific pesticide name and/or EPA registration number;

(e) Number of pounds or gallons of the pesticide distributed;

(f) Date of distribution;

(g) Certified applicator number.

(5) Certified applicators may designate authorized agent(s) for the purpose of purchasing or receiving restricted use pesticides listed in subsections (1) and (2) of this section by making previous arrangements with the pesticide dealer, or the authorized agent may provide written authorization to the dealer at the time of purchase. At the time of purchase by an authorized agent the pesticide dealer shall require the certified applicator's name and license or certification number.

(6) Certified applicators shall keep records of applications of state restricted use pesticides specified by common chemical name in subsection (1) and (2) of this section for a period of seven years from the date of application, and the records shall contain the information specified in WAC 16-228-190.

(7) Records required by subsections (4) and (6) of this section shall be furnished to the director immediately upon request.

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

Reviser's note: RCW 34.05.395 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 90-13-021
RULES OF COURT
STATE SUPREME COURT
[June 7, 1990]

IN THE MATTER OF THE ADOPTION NO. 25700-A-456
OF THE AMENDMENT TO CR 26(b)(3) ORDER

The Board of Governors having recommended the proposed amendment to CR 26 (b)(3) and the Court having determined that the amendment will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption

Now, therefore, it is hereby

ORDERED:

(a) That the amendment as attached hereto is adopted.

(b) That pursuant to the emergency provisions of GR 9(i), the amendment will be published expeditiously in the Washington Reports and will become effective September 1, 1990.

DATED at Olympia, Washington this 7th day of June, 1990

Keith M. Callow

Robert F. Utter

Durham, J.

Robert F. Brachtenbach

James A. Andersen

Dore, A.C.J.

Charles Z. Smith

James M. Dolliver

Richard P. Guy

CR 26(b)

(b) Discovery Scope and Limits. Unless otherwise limited by order of the court in accordance with these rules, the scope of discovery is as follows:

(1) In General. Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party, including the existence, description, nature, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter. It is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

The frequency or extent of use of the discovery methods set forth in section (a) shall be limited by the court if it determines that: (A) the discovery sought is unreasonably cumulative or duplicative, or is obtainable from some other source that is more convenient, less burdensome, or less expensive; (B) the party seeking discovery has had ample opportunity by discovery in the action to obtain the information sought; or (C) the discovery is unduly burdensome or expensive, taking into account the needs of the case, the amount in controversy, limitations on the parties' resources, and the importance of the issues at stake in the litigation. The court may act upon its own initiative after reasonable notice or pursuant to a motion under section (c).

(2) Insurance Agreements. A party may obtain discovery of the existence and contents of any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment. Information concerning the insurance agreement is not by reason of disclosure admissible in evidence at trial. For purposes of this section, an application for insurance shall not be treated as part of an insurance agreement.

(3) In a case where a settlement or final award provides for all or part of the recovery to be paid in the future, a party entitled to such payments may obtain discovery of the actual cost to the defendant of making such payments. This discovery may be obtained only after the final award has been made or the settlement contract entered by the parties.

(4) Trial Preparation: Materials. Subject to the provisions of subsection (b)(5) of this rule, a party

may obtain discovery of documents and tangible things otherwise discoverable under subsection (b)(1) of this rule and prepared in anticipation of litigation or for trial by or for another party or by or for that other party's representative (including his attorney, consultant, surety, indemnitor, insurer, or agent) only upon a showing that the party seeking discovery has substantial need of the materials in the preparation of his case and that he is unable without undue hardship to obtain the substantial equivalent of the materials by other means. In ordering discovery of such materials when the required showing has been made, the court shall protect against disclosure of the mental impressions, conclusions, opinions, or legal theories of an attorney or other representative of a party concerning the litigation.

A party may obtain without the required showing a statement concerning the action or its subject matter previously made by that party. Upon request, a person not a party may obtain without the required showing a statement concerning the action or its subject matter previously made by that person. If the request is refused, the person may move for a court order. The provisions of rule 37(a)(4) apply to the award of expenses incurred in relation to the motion. For purposes of this section, a statement previously made is (A) a written statement signed or otherwise adopted or approved by the person making it, or (B) a stenographic, mechanical, electrical, or other recording, or a transcription thereof, which is substantially verbatim recital of an oral statement by the person making it and contemporaneously recorded.

(4) (5) Trial Preparation: Experts. Discovery of facts known and opinions held by experts, otherwise discoverable under the provisions of subsection (b)(1) of this rule and acquired or developed in anticipation of litigation or for trial, may be obtained only as follows:

(A)(i) A party may through interrogatories require any other party to identify each person whom the other party expects to call as an expert witness at trial, to state the subject matter on which the expert is expected to testify, to state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion, and to state such other information about the expert as may be discoverable under these rules. (ii) A party may, subject to the provisions of this rule and of rules 30 and 31, depose each person whom any other party expects to call as an expert witness at trial.

(B) A party may discover facts known or opinions held by an expert who is not expected to be called as a witness at trial, only as provided in rule 35(b) or upon a showing of exceptional circumstances under which it is impracticable for the party seeking discovery to obtain facts or opinions on the same subject by other means.

(C) Unless manifest injustice would result, (i) the court shall require that the party seeking discovery pay the expert a reasonable fee for time spent in responding to discovery under subsections (b)(5)(A)(ii) and (b)(5)(B) of this rule; and (ii) with respect to discovery obtained under subsection (b)(5)(A)(ii) of this rule the court may require, and with respect to discovery obtained under subsection (b)(5)(B) of this rule the court shall require the party seeking discovery to pay the

other party a fair portion of the fees and expenses reasonably incurred by the latter party in obtaining facts and opinions from the expert.

WSR 90-13-022
PERMANENT RULES
GAMBLING COMMISSION

[Filed June 11, 1990, 2:45 p.m., effective July 31, 1990]

Date of Adoption: June 8, 1990.

Purpose: WAC 230-08-260, clarifies the method of reporting activity at a fund raising event; WAC 230-46-025, formalizes the policy regarding the use of 1-900 numbers; WAC 230-50-560, establishes a method of proceeding to a final order without a secondary review process; and WAC 230-50-580 simplifies paperwork in adjudicated hearing process and provides for a uniform settlement procedure.

Citation of Existing Rules Affected by this Order: Amending WAC 230-08-260, 230-50-560 and 230-50-580; and [new section] WAC 230-46-025.

Statutory Authority for Adoption: RCW 9.46.0355 and [9.46.]070(14).

Pursuant to notice filed as WSR 90-10-008 on April 19, 1990.

Effective Date of Rule: July 31, 1990.

June 11, 1990
Frank L. Miller
Deputy Director

AMENDATORY SECTION (Amending Order 181, filed 7/11/88)

WAC 230-08-260 FUND RAISING EVENTS—ACTIVITY REPORT REQUIRED. Each licensee for the operation of fund raising events shall submit an activity report to the commission concerning the operation of the licensed activities and other matters set forth below for the period of each event.

The report form shall be furnished by the commission and the completed report shall be received in the office of the commission no later than 30 days following the authorized operating days or day.

The report shall be signed by the highest ranking executive officer or his designee. If the report is prepared by someone other than the licensee or his employee, then the preparer shall sign the report.

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

(1) The gross receipts from each separate gambling activity;

(2) Total cash prizes actually paid out and the total of the cost to the licensee of all merchandise prizes actually given out for each separate gambling activity. Donated prizes will be recorded at the fair market value of the prize at the time they were received by the organization;

(3) The net receipts for each separate gambling activity;

(4) The total net receipts;

(5) Full details of all expenses directly related to each event.

NEW SECTION

WAC 230-46-025 TELEPHONE CHARGES - VALUABLE CONSIDERATION. Any participant required to place a telephone call as a means of entry for a promotional contest of chance, shall not be required to pay any additional charges over and above the actual cost for placing such a call as established by a registered telephone company. Any charges over and above the actual cost of placing the telephone call, such as those associated with a 1-900 number whereby an additional service fee or other charges may be levied, shall be deemed a valuable consideration and beyond the allowable methods of entry authorized by RCW 9.46.0355.

AMENDATORY SECTION (Amending Order 200, filed 11/27/89, effective 12/28/89)

WAC 230-50-560 ADJUDICATED PROCEEDINGS-REVIEW OF INITIAL ORDER-REPLIES-RECONSIDERATION-FINAL ORDERS. Any party to an adjudicative proceeding may file a petition for review of an initial order.

(1) The petition for review shall be filed with the commission within twenty days of the date of service of the initial order unless a different place and time limit for filing the petition are specified in the initial order in its statement describing available procedures for administrative relief. Copies of the petition shall be served upon all other parties or their representatives at the time the petition is filed.

(2) The petition for review shall specify the portions of the initial order to which exception is taken and shall refer to the evidence of record which is relied upon to support the petition.

(3) Any party may file a reply to a petition for review. The reply shall be filed with the office where the petition for review was filed within ten days of the date of service of the petition and copies of the reply shall be served upon all other parties or their representatives at the time the reply is filed.

(4) At least a majority of the commission members shall review the petition within 120 days after the petition was filed and render a final order in accordance with WAC 10-08-210.

(5) A petition for reconsideration of a final order under RCW 34.05.470 shall be filed with the commission in accordance with WAC 230-50-210 within ten days of the service of the final order. Such petition shall be administered in accordance with RCW 34.05.470.

(6) An initial order issued by an administrative law judge or the commission shall become the final order in the proceedings unless a petition for reconsideration is filed in accordance with the requirements of this rule.

AMENDATORY SECTION (Amending Order 200, filed 11/27/89, effective 12/28/90 [12/28/89])

WAC 230-50-580 ADJUDICATED PROCEEDINGS-HEARINGS-FORMS. The following formats shall be utilized in all adjudicated proceedings:

(1) STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the (Suspension/
Revocation/Denial) of the
(License/Application) to Con-
duct Gambling Activities of

NO. _____

Licensee. _____

NOTICE OF ADMINISTRATIVE
CHARGES AND OPPORTUNITY
FOR AN ADJUDICATED
PROCEEDING

((RONALD O. BAILEY)) (Director's Name) alleges as follows:

I

He is the Director of the Washington State Gambling Commission and makes these charges in his official capacity.

II

Jurisdiction of this proceeding is based on Chapter 9.46 RCW, Gambling, Chapter 34.05 RCW, the Administrative Procedure Act, and Title 230 WAC.

III

_____ has been issued the following license(s) by the Washington State Gambling Commission, which license(s) (was/were) issued subject to compliance by the licensee with state laws and rules of the Commission.

- A. License Number _____ Authorizing _____ Activity _____
- B. License Number _____ Authorizing _____ Activity _____
- C. License Number _____ Authorizing _____ Activity _____

IV

(Attach Recital Of Charges)

(Appropriate Roman Numeral)

The charges specified in paragraphs ___ through ___ above constitute grounds for the ___ day suspension, or revocation of the license(s) held by _____ to conduct authorized gambling activity under authority of RCW 9.46.075 and WAC 230-04-400.

(Appropriate Roman Numeral)

The (licensee/applicant) shall be afforded the opportunity to have an Adjudicated Proceeding, which includes a hearing on the alleged violations. In order to commence an Adjudicative Proceeding, the enclosed APPLICATION FOR ADJUDICATED PROCEEDING AND REQUEST FOR HEARING MUST BE COMPLETED IN FULL by the LICENSEE OR REPRESENTATIVE and returned to the Gambling Commission within 20 days from the date of receipt of this notice. FAILURE TO RETURN THIS DOCUMENT WILL RESULT IN THE ENTRY OF A DEFAULT ORDER PURSUANT TO RCW 34.05.440 AND WAC 230-50-010, THE IMPOSITION OF THE PENALTY SET OUT ABOVE OR ONE OF LESSER DEGREE AND SHALL CONSTITUTE A WAIVER OF ANY FURTHER RIGHTS TO A HEARING OR REVIEW IN THIS MATTER.

STATE OF WASHINGTON }
COUNTY OF THURSTON }

ss.

((Ronald O. Bailey)) (Director's Name), being first duly sworn on oath, deposes and says: That he has read the foregoing Notice of Administrative Charges and Opportunity for Adjudicated Proceeding, knows the contents thereof, and believes the same to be true, and that he is the Director of the Washington State Gambling Commission and in that capacity has executed said Statement of Charges.

((Ronald O. Bailey))
(Director's Name)

SUBSCRIBED AND SWORN TO before me this _____
day of _____, 1989.

NOTARY PUBLIC in and for the State of Washington
residing at _____

(2) STATE OF WASHINGTON GAMBLING COMMISSION

In the Matter of the (Suspension/ Revocation/Denial) of the (License/Application) to Conduct Authorized Gambling Activities of (Licensee/Applicant.)

NO. _____ APPLICATION FOR ADJUDICATED PROCEEDING(S) AND REQUEST(S) FOR HEARING

You may attach a letter or a statement of your position in this matter if you choose to do so. Please indicate whether or not you attached either.

I attached a letter or statement _____ I did NOT attach a letter or statement _____

A HEARING, if requested, shall be conducted by a state Administrative Law Judge in a location near your place of business or residence, but not necessarily in the city or county in which you do business or reside. You will be notified at least seven (7) days in advance of the proceeding.

If you do not understand any portion of these documents, you are strongly encouraged to contact an attorney.

You MUST complete, sign, date and then mail this document together with the REQUEST FOR INTERPRETER form, to the Washington State Gambling Commission at the address as stated on this form WITHIN 20 days of receipt of these documents. FAILURE TO DO SO WILL RESULT IN A WAIVER OF YOUR RIGHTS TO A HEARING IN THIS MATTER AND ENTRY OF A DEFAULT ORDER PURSUANT TO RCW 34.05.440 AND WAC 230-50-010.

Dated this _____ day of _____, 1989

** SIGN HERE ** _____ LICENSEE OR REPRESENTATIVE

THIS IS AN IMPORTANT NOTICE WHICH DETERMINES WHETHER OR NOT YOU WILL HAVE THE RIGHT TO A HEARING IN THIS MATTER. PLEASE READ THIS NOTICE CAREFULLY. IF YOU HAVE ANY QUESTIONS REGARDING YOUR LEGAL RIGHTS IN THIS MATTER YOU SHOULD CONTACT AN ATTORNEY.

In order to request and preserve your right to a hearing you MUST complete and sign this form, then return it by mail within 20 days to:

The Washington State Gambling Commission 4511 Woodview Drive SE Mail Stop QB-11 Lacey, Washington 98504-8121

FAILURE TO COMPLETE AND RETURN THIS FORM AS INSTRUCTED WILL RESULT IN THE ENTRY OF A DEFAULT ORDER AGAINST YOU PURSUANT TO RCW 34.05.440, and WAIVER of your rights to appeal in this matter.

YOU HAVE 20 DAYS FROM THE DATE OF RECEIPT OF THIS FORM TO COMPLETE AND RETURN IT TO THE ADDRESS ABOVE.

NO EXTENSIONS BEYOND THE 20 DAYS WILL BE GRANTED.

BRIEF EXPLANATION OF RIGHTS AND PROCEEDINGS:

You have the right to apply for an ADJUDICATIVE PROCEEDING, which includes a hearing on the allegations set forth in the notice of administrative charges. The hearing will be conducted by a state Administrative Law Judge pursuant to state law and administrative codes. You have the right to be represented by an attorney of your choice and at YOUR OWN EXPENSE.

You have the right to produce witnesses, and evidence relevant to the violations alleged. See WAC 230-50 for additional rights.

You have the right to have an interpreter for the proceedings if you or any witness which you will call is a limited English speaking person OR a hearing impaired person.

In order to request an interpreter, you MUST complete the attached REQUEST FOR INTERPRETER FORM and RETURN IT along with this form to the Gambling Commission. THIS SERVICE IS FREE OF CHARGE.

INSTRUCTIONS - Place a check mark and your signature next to the statement which describes your request(s) in this matter.

- Check Mark Signature 1) _____ I want to have a hearing in this Adjudicated Proceeding _____ 2) _____ I will be represented by an attorney in this matter, his/her name, address and phone number are as follows: Name _____ Address _____ Phone Number _____ 3) _____ I will NOT be represented by an attorney in this matter. _____ 4) _____ I DO NOT want a HEARING AND WAIVE MY RIGHTS TO A HEARING IN THIS MATTER. _____

Please indicate those charges, if any, which you admit occurred. _____

(3) STATE OF WASHINGTON GAMBLING COMMISSION

In the Matter of the (Suspension/ Revocation/Denial) of the (License/Application) to Conduct Authorized Gambling Activities of (Licensee/Applicant)

NO. _____ APPLICATION FOR AN ADJUDICATED PROCEEDING AND REQUEST FOR HEARING WITH OFFER OF SETTLEMENT

THIS IS AN IMPORTANT NOTICE WHICH DETERMINES WHETHER OR NOT YOU WILL HAVE THE RIGHT TO A HEARING IN THIS MATTER. PLEASE READ THIS NOTICE CAREFULLY. IF YOU HAVE ANY QUESTIONS REGARDING YOUR LEGAL RIGHTS IN THIS MATTER YOU SHOULD CONTACT AN ATTORNEY.

In order to request and preserve your right to a hearing you MUST complete and sign this form, then return it by mail within 20 days to:

The Washington State Gambling Commission 4511 Woodview Drive SE Mail Stop QB-11 Lacey, Washington 98504-8121

FAILURE TO COMPLETE AND RETURN THIS FORM AS INSTRUCTED WILL RESULT IN THE ENTRY OF A DEFAULT ORDER AGAINST YOU PURSUANT TO RCW 34.05.440, and WAIVER of your rights to appeal in this matter.

YOU HAVE 20 DAYS FROM THE DATE OF RECEIPT OF THIS FORM TO COMPLETE AND RETURN IT TO THE ADDRESS ABOVE.

NO EXTENSIONS BEYOND THE 20 DAYS WILL BE GRANTED.

BRIEF EXPLANATION OF RIGHTS AND PROCEEDINGS:

You have the right to ((request)) apply for an ADJUDICATIVE PROCEEDING which includes a hearing on the allegations set forth in the notice of administrative charges. The hearing will be conducted by a state Administrative Law Judge pursuant to state law and administrative codes. You have the right to be represented by an attorney of your choice and at YOUR OWN EXPENSE.

You have the right to produce witnesses, and evidence relevant to the violations alleged. See WAC 230-50 for additional rights.

You have the right to have an interpreter for the proceedings if you or any witness which you will call is a limited English speaking person OR a hearing impaired person.

In order to request an interpreter, you MUST complete the attached REQUEST FOR INTERPRETER FORM and RETURN IT along with this form to the Gambling Commission. THIS SERVICE IS FREE OF CHARGE.

INSTRUCTIONS - Place a check mark and your signature next to the statement which describes your request(s) in this matter.

- Check Mark Signature
1) I WANT TO HAVE A HEARING IN THIS ADJUDICATED PROCEEDING
2) I will be represented by an attorney in this matter, his/her name, address and phone number are as follows:
Name
Address
Phone Number
3) I will NOT be represented by an attorney in this matter.
4) I DO NOT want a(n) HEARING AND WAIVE MY RIGHTS TO A HEARING IN THIS MATTER.
5) I will agree to a stipulated settlement as stated on Page 3 and have

signed the order on page 4 Please indicate those charges, if any, which you admit occurred.

You may attach a letter or a statement of your position in this matter if you choose to do so. Please indicate whether or not you attached either.

I attached a letter or statement
I did NOT attach a letter or statement

A hearing, if requested, shall be conducted by a state Administrative Law Judge in a location near your place of business or residence, but not necessarily in the city or county in which you do business or reside. You will be notified at least seven (7) days in advance of the proceeding.

If you do not understand any portion of these documents, you are strongly encouraged to contact an attorney.

You MUST complete, sign, date and then mail this document together with the REQUEST FOR INTERPRETER form, to the Washington State Gambling Commission at the address as stated on this form WITHIN 20 days of receipt of these documents. FAILURE TO DO SO WILL RESULT IN A WAIVER OF YOUR RIGHTS TO A HEARING IN THIS ADJUDICATIVE PROCEEDING AND ENTRY OF A DEFAULT ORDER PURSUANT TO RCW 34.05.440 AND WAC 230-50-010.

Dated this day of, 1989

** SIGN HERE **
LICENSEE OR REPRESENTATIVE

I will agree to a stipulated settlement in this matter and the entry of (an) the attached order on the following terms:

- A suspension of days for my gambling license(s).
A fine of in lieu of the day suspension of my gambling license(s).

Th(is) order (with) finds that the violation(s) were in fact committed.

((The staff of the Commission will contact me regarding the dates for the suspension and/or payment of the fine.)) The dates for the suspension or fine will be as stated in the order. (Insert name of commission staff member) of the staff of the Commission can be contacted regarding changing the dates for the suspension and/or payment of the fine before the order is signed.

The dates of the suspension (will be) as set are no more than 90 calendar days from the date of (return of this form to the Commission) mailing of this form to you and the fine (will be) is due PRIOR to the dates of the suspension.

By signing as indicated I agree to this settlement.

** SIGN HERE **
LICENSEE OR REPRESENTATIVE
DATE

YOU MUST ALSO SIGN THE ORDER ON PAGE FOUR WHERE INDICATED.

(4)

STATE OF WASHINGTON
GAMBLING COMMISSION

Table with 2 columns: An Adjudicated proceeding in the matter of the Suspension or Revocation of the license(s) to conduct Gambling Activities of: and No. Stipulated Settlement from Written Pre Hearing Offer. Licensee

I

The licensee named hereon stipulates that the charges as set forth in the statement of charges attached hereto occurred and agrees to entry of a finding as such and conclusion of law or the violations.

II

That (Licensee's Name) has been issued (a) license(s) to conduct gambling activity(ies), as follows:

Table with 2 columns: License Number (Insert License #) and Authorizing (Type of Activity)

III

That the following is entered as the Final Order on these charges.

That the license(s) of (Licensees Name) to conduct (Type of activity) activity(ies) is hereby suspended for a term of () days commencing (date suspension to start) and running through and including (date suspension will end). Provided further, that in lieu of said suspension the licensee may pay a fine of (\$ amount) on or before (Date).

Signed and dated this day of, 1990.

(Name)
Administrative Law Judge

(Licensee) or representative

(Asst. Attorney General)

(5)

STATE OF WASHINGTON
GAMBLING COMMISSION

An Adjudicated Proceeding In the Matter of the (Suspension/Revocation/Denial) of the (License/Application) to Conduct Authorized Gambling Activities of _____ (Licensee/Applicant).

NO. _____
NOTICE OF HEARING

I
(ATTACH RECITAL OF CHARGES)

II

That the licensee(s) (was/were) previously notified of the administrative charges pending and (has/have) made a timely application for adjudicated proceeding and request for hearing. Based upon that request, a hearing will be conducted by _____, Administrative Law Judge of _____, phone number _____, on all charges as stated pursuant to WAC 230-50-010.

III

That the hearing will be represented at the hearing by _____, Assistant Attorney General of _____, phone number _____. The licensee will be represented by _____ of _____, phone number _____.

IV

That the hearing is set for _____ at the hour of _____, in the city of _____ at _____. The hearing is being conducted under the authority of chapter 9.46 RCW and amendments thereto, and will be conducted pursuant to chapter 34.05 RCW and 230-50 WAC. Should the licensee and representatives fail to appear at the hearing as scheduled a default order pursuant to RCW 34.05.440 will be entered.

The proceeding will determine whether a suspension/revocation/or denial should be imposed.

(Ronald O. Bailey)
(Director's Name)

((5)) (6)

STATE OF WASHINGTON
GAMBLING COMMISSION

An Adjudicated Proceeding In the Matter of the (Suspension/Revocation/Denial) of the (License/Application) to Conduct Gambling Activities of:

No. _____
REQUEST FOR INTERPRETER AND/OR TRANSLATION OF DOCUMENTS

Licensee: _____

I, _____, being a party in this proceeding hereby state that I am a limited English speaking person or hearing impaired person or that I will be calling a witness who is a limited English speaking or hearing impaired person and that (I/they) require an interpreter as indicated below:

(Check all items that apply and fill in the blank spaces.)

- _____ I will require an interpreter for the _____ language.
- _____ I will require an interpreter for a hearing impairment.
- _____ I will be calling a limited English speaking witness who will require an interpreter in the _____ language.
- _____ I will be calling a hearing impaired person who will require an interpreter.
- _____ I request all documents in this proceeding be translated into the _____ language.

Signed: _____
Dated: _____

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

WSR 90-13-023
EMERGENCY RULES
OFFICE OF MINORITY AND
WOMEN'S BUSINESS ENTERPRISES
[Filed June 11, 1990, 4:09 p.m.]

Date of Adoption: June 11, 1990.

Purpose: To implement RCW 39.19.030(4) and encourage MWBE participation in state contracting opportunities.

Citation of Existing Rules Affected by this Order: [New section] WAC 326-30-03903.

Statutory Authority for Adoption: RCW 39.19.030(7).

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: OMWBE files this emergency rule so that participation goals will remain in effect while information is analyzed for purposes of adopting the permanent rule.

Effective Date of Rule: Immediately.

June 11, 1990
James A. Medina
Director

NEW SECTION

WAC 326-30-03903 GOALS FOR 1990-91. The annual overall goals for each state agency and educational institution for each of the following classes of contracts for the period July 1, 1990 through June 30, 1991, should be:

Construction/Public Works	10% MBE	6% WBE
Architect/Engineering	10% MBE	6% WBE
Purchased Goods and Services	8% MBE	4% WBE
Other Consultants	10% MBE	4% WBE

These MWBE participation goals are based on the state agency's or educational institution's total contracts subject to this chapter within each of the above noted classes of contracts, less excluded contracts.

WSR 90-13-024
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 90-50—Filed June 11, 1990, 4:40 p.m.]

Date of Adoption: June 11, 1990.

Purpose: Commercial fishing regulation.

Citation of Existing Rules Affected by this Order: Amending WAC 220-52-071.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the

public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Sea cucumbers are available for harvest in this area. Opening this area will reduce the effort in the other existing open areas. Opening this area will provide valuable management data [data] on the feasibility of a two-year rotation cycle. Harvest last occurred in this area 21 months ago, accounting for only 11% of the total harvest for that year.

Effective Date of Rule: Immediately.

June 11, 1990
Joseph R. Blum
Director

NEW SECTION

WAC 220-52-07100G COMMERCIAL SEA CUCUMBERS Notwithstanding the provisions of WAC 220-52-071, effective immediately through October 9, 1990, it is unlawful to fish for or possess sea cucumbers for commercial purposes from Marine Fish-Shellfish Management and Catch Reporting Areas 23-C and 29 except: Open Wednesday through Thursday weekly.

WSR 90-13-025

PERMANENT RULES

DEPARTMENT OF FISHERIES

[Order 90-49—Filed June 11, 1990, 4:43 p.m.]

Date of Adoption: May 30, 1990.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-312, 220-47-313, 220-47-402, 220-47-403, 220-47-413 and 220-47-414; and amending WAC 220-22-030, 220-47-304, 220-47-307, 220-47-311, 220-47-319, 220-47-401, 220-47-411 and 220-47-412.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to notice filed as WSR 90-09-093 on April 18, 1990.

Changes Other than Editing from Proposed to Adopted Version: Elliot Bay Area 10 exclusion zone, WAC 220-47-307, Area 10, (2), not adopted; area closure in Hood Canal for chinook, coho, and chum, amended; and limited participation fishery, section (1)(c) of WAC 220-47-500, not adopted.

Effective Date of Rule: Thirty-one days after filing.

June 8, 1990
Joseph R. Blum
Director

AMENDATORY SECTION (Amending Order 89-44, filed 6/8/89)

WAC 220-22-030 PUGET SOUND SALMON MANAGEMENT AND CATCH REPORTING AREAS. (1) Area 4B shall include those waters of Puget Sound easterly of a line projected from the Bonilla Point light on Vancouver Island to the Tatoosh Island light, thence to the most westerly point on Cape Flattery and

westerly of a line projected true north from the fishing boundary marker at the mouth of the Sekiu River.

(2) Area 5 shall include those waters of Puget Sound easterly of a line projected true north from the fishing boundary marker at the mouth of the Sekiu River and westerly of a line projected true north from Low Point.

(3) Area 6 shall include those waters of Puget Sound easterly of a line projected from the Angeles Point Monument to the William Head light on Vancouver Island, northerly of a line projected from the Dungeness Spit light to the Partridge Point light, westerly of a line projected from the Partridge Point light to the Smith Island light, and southerly of a line projected from the Smith Island light to vessel traffic lane buoy R to the Trial Island light.

(4) Area 6A shall include those waters of Puget Sound easterly of a line projected from the Partridge Point light to the Smith Island light to the most northeasterly of the Lawson Reef lighted buoys (RB 1 Qk Fl Bell) to Northwest Island to the Initiative 77 marker on Fidalgo Island and westerly of a line projected from Reservation Head on Fidalgo Island to West Point on Whidbey Island.

(5) Area 6B shall include those waters of Puget Sound southerly of a line projected from the Dungeness Spit light to the Partridge Point light, westerly of a line projected from the Partridge Point light to the Point Wilson light and easterly of a line projected 155° true from Dungeness Spit light to Kulo Kala Point.

(6) Area 6C shall include those waters of Puget Sound easterly of a line projected true north from Low Point and westerly of a line projected from the Angeles Point Monument to the William Head light on Vancouver Island.

(7) Area 6D shall include those waters of Puget Sound westerly of a line projected 155° true from Dungeness Spit light to Kulo Kala Point.

(8) Area 7 shall include those waters of Puget Sound southerly of a line projected true east-west through Sandy Point Light No. 2 (48 degrees, 47.2 minutes north latitude, 122 degrees, 42.7 minutes west longitude as per U.S. Coast Guard Light List No. 19880), northerly of a line projected from the Trial Island light to vessel traffic lane buoy R to the Smith Island light to the most northeasterly of the Lawson Reef lighted buoys (RB 1 Qk Fl Bell) to Northwest Island to the Initiative 77 marker on Fidalgo Island, and westerly of a line projected from Sandy Point Light No. 2 to Point Migley, thence along the eastern shore-line of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi Island, thence to Clark Point on Guemes Island following the shoreline to Southeast Point on Guemes Island, thence to March Point on Fidalgo Island, excluding those waters of East Sound northerly of a line projected due west from Rosario Point on Orcas Island.

(9) Area 7A shall include those waters of Puget Sound northerly of a line projected true east-west through Sandy Point Light No. 2 (48 degrees, 47.2 minutes north latitude, 122 degrees, 42.7 minutes west longitude as per U.S. Coast Guard Light List No. 19880), terminating on the west at the international boundary and on the east at the landfall on Sandy Point.

(10) Area 7B shall include those waters of Puget Sound westerly of a line projected 154 degrees true from Sandy Point Light No. 2 (48 degrees, 47.2 minutes north latitude, 122 degrees, 42.7 minutes west longitude as per U.S. Coast Guard Light List No. 19880) to the landfall on Gooseberry Point, easterly of a line projected from Sandy Point Light No. 2 to Point Migley, thence along the eastern shoreline of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi Island, thence to Clark Point on Guemes Island following the shoreline to Southeast Point on Guemes Island, thence to March Point on Fidalgo Island, northerly of the Burlington Northern railroad bridges at the north entrances to Swinomish Channel and westerly of a line projected from William Point light on Samish Island 28° true to the range light near Whiskey Rock on the north shore of Samish Bay and southwesterly of the mouth of Whatcom Creek, defined as a line projected approximately 14 degrees true from the flashing light at the southwest end of the Port of Bellingham North Terminal to the southernmost point of the dike surrounding the Georgia Pacific treatment pond.

(11) Area 7C shall include those waters of Puget Sound easterly of a line projected from William Point light on Samish Island 28° true to the range light near Whiskey Rock on the north shore of Samish Bay.

(12) Area 7D shall include those waters of Puget Sound easterly of a line projected 154 degrees true from Sandy Point Light No. 2 (48 degrees, 47.2 minutes north latitude, 122 degrees, 42.7 minutes west longitude as per U.S. Coast Guard Light List No. 19880) to the landfall on Gooseberry Point and south of a line projected true east from Sandy Point Light No. 2 to the landfall on Sandy Point.

(13) Area 7E shall include those waters of Puget Sound within East Sound northerly of a line projected due west from Rosario Point on Orcas Island.

(14) Area 8 shall include those waters of Puget Sound easterly of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, westerly of a line projected from the light on East Point 340° true to the light on Camano Island (Saratoga Pass light #2, Fl Red 4 Sec) southerly of the Burlington Northern railroad bridges at the north entrances to Swinomish Channel and northerly of the state highway 532 bridges between Camano Island and the mainland.

(15) Area 8A shall include those waters of Puget Sound easterly of a line projected from the East Point light on Whidbey Island 340° true to the light on Camano Island (Saratoga Pass light #2, Fl Red 4 Sec), northerly of a line projected from the southern tip of Possession Point 110° true to the shipwreck on the opposite shore, southerly of the State Highway 532 bridges between Camano Island and the mainland excluding those waters of Area 8D.

(16) Area 8D shall include those waters of Puget Sound inside and easterly of a line projected 225 degrees from the pilings at old Bower's Resort to a point 2,000 feet offshore, thence northwesterly to a point 2,000 feet off Mission Point, thence across the mouth of Tulalip Bay to a point 2,000 feet off Hermosa Point, thence northwesterly following a line 2,000 feet offshore to the

intersection with a line projected 233 degrees from the fishing boundary marker on the shore at the slide north of Tulalip Bay.

(17) Area 9 shall include those waters of Puget Sound southerly and easterly of a line projected from the Partridge Point light to the Point Wilson light, northerly of the site of the Hood Canal Floating Bridge, northerly of a line projected true west from the shoreward end of the Port Gamble tribal dock on Point Julia to the mainland in the community of Port Gamble, southerly of a line projected from the southern tip of Possession Point 110° true to the shipwreck on the opposite shore and northerly of a line projected from the Apple Cove Point light to the light at the south end of the Edmond's breakwater at Edwards Point.

(18) Area 9A shall include those waters of Puget Sound known as Port Gamble Bay southerly of a line projected true west from the shoreward end of the Port Gamble tribal dock on Point Julia to the mainland in the community of Port Gamble.

(19) Area 10 shall include those waters of Puget Sound southerly of a line projected from the Apple Cove Point light to the light at the south end of the Edmond's breakwater at Edwards Point, westerly of a line projected 233° true from the ((Acapulco)) Azteca Restaurant near Shilshole Marina through entrance piling No. 8 to the southern shore of the entrance to the Lake Washington Ship Canal, westerly of a line projected 185° true from the southwest corner of Pier 91 through the Duwamish Head light to Duwamish Head, northerly of a true east-west line passing through the Point Vashon light, easterly of a line projected from Orchard Point to Beans Point on Bainbridge Island, and northerly and easterly of a line projected true west from Agate Point on Bainbridge Island to the mainland.

(20) Area 10A shall include those waters of Puget Sound easterly of a line projected 185° true from the southwest corner of Pier 91 through the Duwamish Head light to Duwamish Head.

(21) Area 10C shall include those waters of Lake Washington southerly of the Evergreen Point Floating Bridge.

(22) Area 10D shall include those waters of the Sammamish River south of the State Highway 908 Bridge and Lake Sammamish.

(23) Area 10E shall include those waters of Puget Sound westerly of a line projected from Orchard Point to Beans Point on Bainbridge Island and southerly and westerly of a line projected true west from Agate Point on Bainbridge Island to the mainland.

(24) Area 10F shall include those waters of Puget Sound easterly of a line projected 233° true from the ((Acapulco)) Azteca Restaurant near Shilshole Marina through entrance piling Number 8 to the southern shore of the entrance to the Lake Washington Ship Canal and those waters of the Lake Washington Ship Canal westerly of a line projected from Webster Point true south to the Evergreen Point Floating Bridge including the waters of Salmon Bay, the Lake Washington Ship Canal, Lake Union and Portage Bay.

(25) Area 10G shall include those waters of Lake Washington northerly of the Evergreen Point Floating

Bridge, easterly of a line projected from Webster Point true south to the Evergreen Point Floating Bridge and those waters of the Sammamish River north of the State Highway 908 Bridge.

(26) Area 11 shall include those waters of Puget Sound southerly of a true east-west line passing through the Point Vashon light, northerly of a line projected 259 degrees true from Browns Point to the land fall in line with the site of Asarco smelter stack on the opposite shore of Commencement Bay, and northerly of the Tacoma Narrows Bridge.

(27) Area 11A shall include those waters of Puget Sound southerly of a line projected 259 degrees true from Browns Point to the land fall in line with the site of Asarco smelter stack on the opposite shore of Commencement Bay.

(28) Area 12 shall include those waters of Puget Sound southerly of the site of the Hood Canal Floating Bridge and northerly and easterly of a line projected from the Tskutsko Point light to Misery Point.

(29) Area 12A shall include those waters of Puget Sound northerly of a line projected from Pulali Point true east to the mainland.

(30) Area 12B shall include those waters of Puget Sound southerly of a line projected from Pulali Point true east to the mainland, northerly of a line projected from Ayock Point true east to the mainland, and westerly of a line projected from the Tskutsko Point light to Misery Point.

(31) Area 12C shall include those waters of Puget Sound southerly of a line projected from Ayock Point true east to the mainland and northerly and westerly of a line projected from Ayres Point to the public boat ramp at Union.

(32) Area 12D shall include those waters of Puget Sound easterly of a line projected from Ayres Point to the public boat ramp at Union.

(33) Area 13 shall include those waters of Puget Sound southerly of the Tacoma Narrows Bridge and a line projected from Green Point to Penrose Point and northerly and easterly of a line projected from the Devil's Head light to Treble Point, thence through lighted buoy No. 3 to the mainland and westerly of the railroad trestle at the mouth of Chambers Bay.

(34) Area 13A shall include those waters of Puget Sound northerly of a line projected from Green Point to Penrose Point.

(35) Area 13C shall include those waters of Puget Sound easterly of the railroad trestle at the mouth of Chambers Bay.

(36) Area 13D shall include those waters of Puget Sound westerly of a line projected from the Devil's Head light to Treble Point, thence through lighted buoy Number 3 to the mainland, northerly of a line projected from Johnson Point to Dickenson Point, northerly of a line projected from the light at Dofflemeyer Point to Cooper Point, easterly of a line projected from Cooper Point to the southeastern shore of Sanderson Harbor, easterly of a line projected from the northern tip of Steamboat Island to the light at Arcadia to Hungerford Point and southerly of a line projected true east-west through the southern tip of Stretch Island.

(37) Area 13E shall include those waters of Puget Sound southerly of a line projected from Johnson Point to Dickenson Point.

(38) Area 13F shall include those waters of Puget Sound southerly of a line projected from the light at Dofflemeyer Point to Cooper Point.

(39) Area 13G shall include those waters of Puget Sound southerly of a line projected from Cooper Point to the southeastern shore of Sanderson Harbor.

(40) Area 13H shall include those waters of Puget Sound southwesterly of a line projected from the northern tip of Steamboat Island to the light at Arcadia and those waters easterly of a line projected 64° true from Kamilche Point to the opposite shore.

(41) Area 13I shall include those waters of Puget Sound southwesterly of a line projected 64° true from Kamilche Point to the opposite shore.

(42) Area 13J shall include those waters of Puget Sound northwesterly of a line projected from the light at Arcadia to Hungerford Point.

(43) Area 13K shall include those waters of Puget Sound northerly of a line projected true east-west through the southern tip of Stretch Island.

AMENDATORY SECTION (Amending Order 988, filed 4/28/72)

WAC 220-47-304 PUGET SOUND—(~~LAWFUL GEAR=TROLL LINE~~) ALL CITIZEN SALMON SPECIES SEASONS. (~~Lawful troll line salmon gear in Puget Sound shall be limited to not more than 6 lines.~~) The following are Puget Sound all citizens salmon species seasons listed by area and species:

AREA	SPECIES	DATE	RANGE
6D:	COHO	9/23 -	10/27
7,7A:	COHO	9/2 -	10/13
	CHUM	10/14 -	11/30
7B:	CHINOOK	7/29 -	9/8
	COHO	9/9 -	10/27
	CHUM	10/28 -	11/30
7C:	CHINOOK	7/29 -	8/25
7E:	CHINOOK	7/29 -	9/8
8:	CHUM	10/28 -	11/24
8A:	CHINOOK	7/29 -	9/8
	COHO	9/9 -	10/20
	CHUM	10/21 -	11/30
8D:	CHINOOK	7/29 -	9/22
	COHO	9/23 -	11/10
	CHUM	11/11 -	11/30
10,11:	COHO	9/9 -	10/20
	CHUM	10/21 -	11/30
12:	COHO	9/9 -	10/20
	CHUM	10/21 -	11/17
12A:	COHO	9/9 -	10/20
	CHUM	10/21 -	11/17
12B:	CHINOOK	7/29 -	9/8
	COHO	9/9 -	10/20
	CHUM	10/21 -	11/17
12C:	CHINOOK	7/29 -	9/8
	CHUM	10/28 -	11/30

AMENDATORY SECTION (Amending Order 88-48, filed 7/6/88)

WAC 220-47-307 CLOSED AREAS—PUGET SOUND SALMON. It is unlawful at any time, unless otherwise provided, to take, fish for, or possess salmon taken for commercial purposes with any type of gear from the following portions of Puget Sound Salmon Management and Catch Reporting Areas:

Areas 4B, 5, 6, 6B, and 6C – The Strait of Juan de Fuca Preserve as defined in WAC 220-47-266.

Area 6D – That portion within 1,000 feet of each mouth of the Dungeness River.

Area 7 – The San Juan Island Preserve as defined in WAC 220-47-262.

Area 7A – The Drayton Harbor Preserve as defined in WAC 220-47-252.

Area 7B – That portion south and east of a line from William Point on Samish Island to Saddlebag Island to the southeastern tip of Guemes Island, and that portion northerly of the railroad trestle in Chuckanut Bay.

Area 7C – That portion southeasterly of a line projected from the mouth of Oyster Creek 237° true to a fishing boundary marker on Samish Island.

Area 8 – That portion of Skagit Bay easterly of a line projected from Brown Point on Camano Island to a white monument on the easterly point of Ika Island, thence across the Skagit River to the terminus of the jetty with McGlenn Island.

Area 8A – Those waters easterly of a line projected from Mission Point to Buoy C1, excluding the waters of Area 8D, thence to the green light at the entrance jetty of the Snohomish River thence across the mouth of the Snohomish River to the red light at Western Gear Corporation and those waters northerly of a line from Camano Head to the northern boundary of Area 8D.

Area 9 – Those waters lying inside and westerly of a line projected from the Point No Point light to Sierra Echo buoy thence to Forbes Landing wharf, east of Hansville.

Area 10 – That portion easterly of a line projected from Meadow Point to West Point and that portion of Port Madison northwest of a line from the Agate Pass entrance light to the light on the end of the Indianola dock.

Area 10E – Those waters of Liberty Bay north of a line projected due east from the southernmost Keyport dock, those waters of Dyes Inlet north of the Manette Bridge, and those waters of Sinclair Inlet southwest of a line projected true east from the Bremerton ferry terminal.

Area 11 – Those waters northerly of a line projected true west from the light at the mouth of Gig Harbor and those waters south of a line from Browns Point to the northernmost point of land on Point Defiance.

Area 12 – Those waters inside and easterly of a line projected from Lone Rock to the navigation light off Big Beef Creek, thence southerly to the tip of the outermost northern headland of Little Beef Creek.

Area 12A – Those waters north of a line projected from Fisherman's Point on the Bolton Peninsula to the

boat haven at Quilcene and those waters north of a line projected due east from Broad Spit.

Area 12B – Those waters within 1/4 mile of the mouths of the Dosewallips, Duckabush, and Hamma Hamma rivers.

Areas 12, 12A, and 12B – Additional chinook seasonal closure: Those waters north and east of a line projected from Tekiu Point to Triton Head.

Area 12C – Those waters within 1,000 feet of the western shore between the dock at Glen Ayr R.V. Park and the Hoodspout marina dock and those waters south of a line projected from the Cushman Powerhouse to the public boat ramp at Union.

Areas 12, 12B, 12C, and 12D – Additional coho and chum seasonal closure: Those waters of Area 12 south and west of a line projected 94 degrees true from Hazel Point to the light on the opposite shore, bounded on the west by the Area 12/12B boundary line, and those waters of Areas 12B, 12C, and 12D south of a line projected from Tekiu Point to Triton Head.

Area 13A – Those waters of Burley Lagoon north of State Route 302, those waters within 1,000 feet of the outer oyster stakes off Minter Creek Bay including all waters of Minter Creek Bay, those waters westerly of a line drawn due north from Thompson Spit at the mouth of Glen Cove, and those waters within 1/4 mile of Green Point.

AMENDATORY SECTION (Amending Order 89-44, filed 6/8/89)

WAC 220-47-311 PURSE SEINE—((SEASONS)) OPEN PERIODS. It is unlawful to take, fish for or possess salmon taken with purse seine gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the ((seasons)) periods provided for hereinafter in each respective Management and Catch Reporting Area:

((Areas 4B, 5, 6, 6A, 6B, 6C, 7 and 7A = closed:

Area 6D = September 17 through October 28.

Area 7B = September 11 through November 30.

Areas 7C and 7D = closed:

Area 7E = July 23 through August 19.

Area 8 = October 29 through November 18.

Area 8A = September 11 through November 30.

Area 8D = September 24 through November 30.

Areas 9 and 9A = closed:

Areas 10 and 11 = September 11 through November 30:

Areas 10A, 10C, 10D, 10E, 10F, 10G, and 11A = closed:

Area 12 = September 11 through November 30.

Area 12A = September 11 through November 30.

Area 12B = September 11 through November 30.

Area 12C = September 11 through November 30.

Areas 12D and 13 = closed:

Areas 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, 13K and all freshwater areas = closed:))

AREA	TIME	DATE
6D:	5AM SUN 9/23 - 4PM FRI 10/26 (PDT)	
7,7A:	5AM - 9PM PDT MON 10/15	
	5AM - 9PM PDT TUE 10/23	
	5AM - 9PM PDT WED 10/24	
	5AM - 8PM PST MON 10/29	
	5AM - 8PM PST TUE 10/30	
7B:	5AM MON 9/10 - 4PM FRI 10/26 (PDT)	
	5AM MON 10/29 - 4PM FRI 11/2 (PST)	
	5AM MON 11/5 - 4PM FRI 11/9 (PST)	
10,11:	5AM - 9PM PDT MON 9/10	
	5AM - 9PM PDT TUE 9/18	
	5AM - 9PM PDT MON 9/24	
	5AM - 9PM PDT TUE 10/23	
	5AM - 9PM PDT WED 10/24	
	5AM - 8PM PST MON 10/29	
	5AM - 8PM PST TUE 10/30	
12,12B:	5AM - 9PM PDT MON 9/10	
	5AM - 9PM PDT TUE 9/18	
	5AM - 9PM PDT TUE 10/23	
	5AM - 8PM PST MON 10/29	
12A:	5AM - 9PM PDT MON 9/10	
	5AM - 9PM PDT TUE 9/18	

All other saltwater and freshwater areas - closed.

AMENDATORY SECTION (Amending Order 85-60, filed 6/12/85)

WAC 220-47-319 **SPECIAL PURSE SEINE MESH SIZE**. It shall be unlawful to take, fish for or possess salmon taken with purse seine gear in Puget Sound Salmon Management and Catch Reporting Areas

6B, 6D, 8, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J and 13K from the second Monday in September through November 30 unless said purse seine gear is constructed so that the first 100 meshes below the corkline that are within 75 fathoms of the bunt, excluding the bunt, are of a size not less than 5 inches stretch measure.

AMENDATORY SECTION (Amending Order 89-44, filed 6/8/89)

WAC 220-47-401 **REEF NET**((=SEASONS)) **OPEN PERIODS**. It is unlawful to take, fish for or possess salmon taken with reef net gear for commercial purposes in Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas, during the ((seasons)) periods provided for hereinafter in each respective area:

((Areas 7 and 7A - September 3 through November 30.))

AREA	TIME	DATE
7,7A:	5AM - 9PM	PDT MON 9/17
	5AM - 9PM	PDT WED 9/19
	5AM - 9PM	PDT FRI 9/28
	5AM - 9PM	PDT MON 10/1
	5AM - 9PM	PDT SUN 10/14
	5AM - 9PM	PDT THU 10/25
	5AM - 9PM	PDT FRI 10/26
	5AM - 8PM	PST SUN 10/28
	5AM - 8PM	PST MON 10/29

All other saltwater and freshwater areas - closed.

AMENDATORY SECTION (Amending Order 89-44, filed 6/8/89)

WAC 220-47-411 **GILL NET**--((SEASONS)) **OPEN PERIODS**. It is unlawful to take, fish for or possess salmon taken with gill net gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the seasons provided for hereinafter in each respective fishing area:

((Areas 4B, 5, 6, 6A, 6B, 6C, 7 and 7A - closed:

Area 6D - September 17 through October 27.

Area 7B - July 24 through November 30.

Area 7C - July 24 through August 26.

Area 7D - closed.

Area 7E - July 23 through August 19.

Area 8 - August 20 through November 25.

Area 8A - July 23 through November 30.

Area 8D - July 23 through November 30.

Areas 9 and 9A - closed.

Area 10 - September 10 through November 30.

Areas 10A, 10C, 10D, 10E, 10F, and 10G - closed.

Area 11 - September 10 through November 30.

Area 11A - closed.

Area 12 - September 10 through November 30.

Area 12A - September 10 through November 30.

Area 12B - July 23 through November 30.

Area 12C - July 23 through November 30.

Areas 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, 13K and all freshwater areas - closed.))

AREA	TIME	DATE(S)
6D:	5AM SUN 9/23 - 4PM FRI 10/26 (PDT)	
7,7A:	5PM - 9AM PDT NIGHTLY MON 10/15, MON 10/22, TUE 10/23 4PM - 8AM PST NIGHTLY MON 10/29, TUE 10/30	
7B:	7PM - 9:30AM NIGHTLY MON 7/30, TUE 7/31 (PDT) 7PM - 9:30AM NIGHTLY MON 8/6, TUE 8/7, WED 8/8 (PDT) 6PM - 9AM NIGHTLY MON 8/13, TUE 8/14, WED 8/15 (PDT) 6PM - 9AM NIGHTLY MON 8/20, TUE 8/21 (PDT) 6PM SUN 9/9 - 4PM FRI 10/26 (PDT) 5AM MON 10/29 - 4PM FRI 11/2 (PST) 5AM MON 11/5 - 4PM FRI 11/9 (PST)	
7C:	7PM - 9:30AM NIGHTLY MON 7/30, TUE 7/31 (PDT) 7PM - 9:30AM NIGHTLY MON 8/6, TUE 8/7, WED 8/8 (PDT) 6PM - 9AM NIGHTLY MON 8/13, TUE 8/14, WED 8/15 (PDT) 6PM - 9AM NIGHTLY MON 8/20, TUE 8/21 (PDT)	
10,11:	5PM - 9AM PDT NIGHTLY MON 9/10, MON 9/17, MON 9/24 5PM - 9AM PDT NIGHTLY MON 10/22, TUE 10/23 4PM - 8AM PST NIGHTLY MON 10/29, TUE 10/30	
12,12B:	5PM - 9AM PDT NIGHTLY MON 9/10, MON 9/17 5PM - 9AM PDT MON 10/22 4PM - 8AM PST MON 10/29	
12A:	5PM - 9AM PDT NIGHTLY MON 9/10, MON 9/17	

All other saltwater and freshwater areas - closed.

AMENDATORY SECTION (Amending Order 89-44, filed 6/8/89)

WAC 220-47-412 GILL NET--(~~OPEN PERIODS~~) MINIMUM MESH SIZES. It is unlawful to take, fish for or possess salmon taken with gill net gear (~~except during the open periods~~) using mesh less than the size hereinafter designated ((in the following Puget Sound Salmon Management and Catch Reporting Areas:

Area 6D - 5:00 p.m. Sunday 9/17 through 4:00 p.m. Friday 10/27.

Area 7B - 7:00 p.m. - 9:30 a.m. nightly, Monday 7/24 and Tuesday 7/25;

7:00 p.m. - 9:30 a.m. nightly, Monday 7/31, Tuesday 8/1, and Wednesday 8/2;

6:00 p.m. - 9:00 a.m. nightly, Monday 8/7, Tuesday 8/8, and Wednesday 8/9;

6:00 p.m. through 9:00 a.m. nightly, Monday 8/14 and Tuesday 8/15;

6:00 p.m. Sunday 9/10 through 4:00 p.m. Friday 10/27;

5:00 a.m. Monday 10/30 through 4:00 p.m. Friday 11/3;

5:00 a.m. Monday 11/6 through 4:00 p.m. Friday 11/10.

Area 7C - 7:00 p.m. - 9:30 a.m. nightly, Monday 7/24 and Tuesday 7/25;

7:00 p.m. - 9:30 a.m. nightly, Monday 7/31, Tuesday 8/1, and Wednesday 8/2;

6:00 p.m. - 9:00 a.m. nightly, Monday 8/7, Tuesday 8/8, and Wednesday 8/9;

6:00 p.m. through 9:00 a.m. nightly, Monday 8/14 and Tuesday 8/15.

Areas 10 and 11 - 6:00 p.m. - 9:00 a.m. Monday 9/11;

5:00 p.m. - 9:00 a.m. Monday 9/18;

5:00 p.m. - 9:00 a.m. Monday 9/25;

5:00 p.m. - 9:00 a.m. Monday 10/16;

5:00 p.m. - 9:00 a.m. nightly Monday 10/23 and Tuesday 10/24;

4:00 p.m. - 8:00 a.m. nightly Monday 10/30 and Tuesday 10/31.

Areas 12, 12A, and 12B - 5:00 p.m. - 9:00 a.m. nightly Monday 9/11, Monday 9/18, and Monday 10/23;

4:00 p.m. - 8:00 a.m. Monday 10/30;)) for each species season:

CHINOOK SEASON	7" MINIMUM MESH
COHO SEASON	5" MINIMUM MESH
PINK SEASON	5" MINIMUM MESH
CHUM SEASON	6" MINIMUM MESH

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-47-312 PURSE SEINE--OPEN PERIODS.

WAC 220-47-313 PURSE SEINE--DAILY HOURS.

WAC 220-47-402 REEF NET--WEEKLY PERIODS.

WAC 220-47-403 REEF NET--DAILY HOURS.

WAC 220-47-413 GILL NET--DAILY HOURS.

WAC 220-47-414 GILL NET--MESH SIZES.

NEW SECTION

WAC 220-47-500 LIMITED PARTICIPATION SALMON NET FISHERIES. (1) When the director determines that a harvestable amount of salmon appears to be available, but that full-fleet fishing effort has an unacceptable risk of exceeding the available harvest, the director may authorize a limited participation fishery. Such a fishery may be authorized for experimental or developmental fisheries, fisheries necessary to refine run

size data, fisheries necessary to provide biological information, or in cases where:

(a) There is a reasonable expectation that foregone opportunity will be claimed and the harvestable surplus cannot be carried forward to the next year of harvest; and

(b) Full-fleet participation with time, space, or gear restrictions cannot achieve the harvest goal.

(2) Only licensed commercial salmon fishers may participate in a limited participation fishery. Fishers who wish to have their name placed on a limited participation register must mark the appropriate box on their license renewal application, or so notify the department, in writing, by July 31st. Interested fishers must provide a message phone number at which they may be contacted.

(3) Each year the department will, from the list of interested fishers, use random selection to create a priority list for gillnet fishers and a priority list for purse seine fishers. Priority registers will be available for inspection at the department's Olympia office, or upon written request to the department. Once the priority lists have been created, sale or transfer of the license shall invalidate the receiver from participation in that year's limited participation fishery.

(4) The number of units of each gear type selected to participate in a limited participation fishery will reflect the most recent ratio of gear types in the full-fleet fishery directed at the species in question, except when conservation concerns or biological data collection needs dictate alternative ratios or use of a single gear type.

(5) When a limited participation fishery is authorized, the department will contact fishers from the priority register at least twenty-four hours prior to the opening of the fishery. When a fisher cannot be contacted after reasonable effort, the department will select the next name, until the maximum number of allowable units of gear is reached. If not reached, the fisher's name will remain at the priority position, but the fisher may not participate in that limited participation fishery. Agreement to participate, or declining to participate, will remove the fisher from the priority position, and place the name at the bottom of the priority list.

WSR 90-13-026
PERMANENT RULES
UNIVERSITY OF WASHINGTON
[Filed June 12, 1990, 8:50 a.m.]

Date of Adoption: June 8, 1990.

Purpose: To amend parking and traffic regulations.

Citation of Existing Rules Affected by this Order:
Amending WAC 478-116-250.

Statutory Authority for Adoption: Chapter 34.05 RCW.

Other Authority: RCW 28B.10.300 and [28B.10].560.

Pursuant to notice filed as WSR 90-10-072 on May 2, 1990.

Effective Date of Rule: Thirty-one days after filing.

June 8, 1990

Melody Tereski

Administrative Procedures Officer

AMENDATORY SECTION (Amending Order 89-1, filed 7/13/89)

WAC 478-116-250 SPECIAL PERMITS. (1) Temporary or part-time employees, maintenance and service personnel, persons serving the university without pay, and other visitors who must frequently visit the campus on university business, shall be issued parking permits at the regular annual or quarterly fee or at a rate based on the regular annual fee, subject to the approval of the manager of the parking division. Parking on the campus will not be provided to persons intending to make personal solicitations from or personal sales to university employees or students.

(2) Complimentary drive-through permits may be issued to parents of young children registered in university sponsored programs. Drive-through permits do not include parking privileges.

(3) The manager of the parking division will assist university departments which sponsor functions such as conferences, seminars, dinners, and similar events in arranging for parking and the collection of parking fees. Such fees will be deposited in the parking fund.

(4) Self-sustaining university departments may requisition parking for their events in the same manner as they do other services furnished by the university and the parking fees collected will be deposited in the parking fund.

(5) Reserved parking areas may be assigned for use by the president, vice presidents, deans, department directors, or their equivalents. Additionally, reserved parking areas may be assigned for use by physically handicapped individuals where need and condition therefor are demonstrated to the manager of the parking division. The transportation officer is authorized to make exceptions to these restrictions if it is determined that such reserved status is required in the conduct of university business. Reserved parking area permits will be issued only by the manager of the parking division and upon payment of the prescribed fee. Such parking areas will be reserved usually between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday.

(6) Capital projects which use parking spaces for employee parking or construction staging may be assessed a charge based on their impact to parking revenues.

(7) The parking manager shall designate parking areas and establish parking rate fees for the 1990 Goodwill Games. The rates shall be established with the advice of the advisory committee on transportation and shall be sufficient to ensure that the parking fund remains self-sustaining and to encourage high occupancy vehicle trips to minimize traffic congestion.

WSR 90-13-027
PREPROPOSAL COMMENTS
DEPARTMENT OF ECOLOGY
 [Filed June 12, 1990, 2:50 p.m.]

Subject of Possible Rule Making: The Department of Ecology is required to develop rules for the certification of solid waste incinerator and landfill operators, and any inspector who is employed by a public agency to inspect solid waste facilities to determine compliance with state or local law or rules. Certification will require training, an examination, and a fee.

Persons may Comment on this Subject in the Following Ways: Contact Dave Dubreuil, Department of Ecology, Solid Waste Support Section, Mailstop PV-11, Olympia, Washington 98504, telephone (206) 438-7231 or 585-7231 scan, Monday-Friday, 8:00 a.m. to 5:00 p.m. from the date of this notice until adoption of this rule.

June 12, 1990
 Fred Olson
 Deputy Director

WSR 90-13-028
PERMANENT RULES
THE EVERGREEN STATE COLLEGE
 [Filed June 12, 1990, 3:50 p.m.]

Date of Adoption: May 9, 1990.

Purpose: Implements chapter 34.05 RCW.

Citation of Existing Rules Affected by this Order:
 [New sections] WAC 174-168-010 - 174-168-080 Library circulation (this is a policy which was repealed from chapter 174-136 WAC and renumbered into chapter 174-168 WAC.

Statutory Authority for Adoption: Chapter 34.05 RCW.

Pursuant to notice filed as WSR 90-04-028 on January 30, 1990; and WSR 90-10-001 on April 19, 1990.

Effective Date of Rule: Thirty-one days after filing.

June 11, 1990
 Rita M. Sevcik
 Rules Coordinator

Chapter 174-168 WAC
LIBRARY CIRCULATION POLICY

NEW SECTION

WAC 174-168-010 ACCESS AND USE OF LIBRARY RESOURCES. Any person has access to the public areas of the library. Library resources (except those noted below) may be borrowed by members of the Evergreen community with a valid Evergreen State College identification card, and by members of the local community who have suitable identification (e.g., driver's license).

NEW SECTION

WAC 174-168-020 LOAN PERIODS AND FINES. (1) GENERAL USE LIBRARY RESOURCES (PRINT AND NONPRINT).

(a) Due dates will not exceed one academic quarter. Requests for extended loan periods should be cleared through the head of circulation. Renewals should be requested before due date.

(b) Users are guaranteed the use of the material for ten days, after which it may be recalled to meet the needs of another user. A five dollar service charge will be levied if the recall due date is not honored. If an item is not returned within sixty days, a replacement charge and processing fee will be levied.

(2) Limited use library resources.

(a) Limited use library resources (e.g., video tapes) will only be loaned for specific periods.

(b) Slides are checked out for showings only.

(c) 16mm films and video cassettes will be checked out for showings only and are circulated through the services of the Washington state film library.

(d) Media services resources.

(i) The first priority for use of media services resources is for coordinated and contracted studies. Resource requests will be handled by and administered in accordance with policy formulated by the coordinator of media services.

(ii) Charges consistent with current commercial rates will be made to users outside The Evergreen State College community and to nonacademic workshops, seminars, conferences or self-sustaining programs.

(e) Portable media loan equipment. Media loan circulates audio/visual equipment to students, staff, and faculty of the college to support academic work and college business. The first priority for use of media loan resources is for coordinated and contracted studies. Borrowers are liable for loss or damage of equipment and any associated processing fees.

(i) Media loan reserves the right to deny privileges if a borrower is in violation of state operating procedures (see media loan policy statement). Campus security may be asked to contact the borrower in cases where equipment is more than two weeks overdue.

(ii) To assure borrowers that equipment will be available for reservations, overdue fines will be assessed for late equipment. Fines are uniform regardless of the kind of equipment. A three dollar charge per transaction will be levied when equipment is one day overdue. A five dollar additional charge will be levied once a week for the next two weeks. If equipment is more than two weeks overdue, the borrower may lose privileges and twenty dollars weekly fines (up to the cost of the items) will be assessed until the equipment is returned.

(iii) If the borrower keeps equipment out over the end of the academic quarter, the replacement cost and a two dollar service fee will be charged to his or her account. This replacement fee will be rescinded when the equipment is returned, but accumulated overdue fees and service fees will be not rescinded.

(iv) When equipment is returned and all fees and charges have been paid, a borrower may make an appointment with the Head of Media Loan to review policies and procedures in order to determine if borrowing privileges may be restored.

(v) Late fees, replacement charges and service fees are deposited in a library account for replacement of media loan equipment.

(vi) Charges will be made to funded workshops, seminars, conferences or self-sustaining programs. Charges will be consistent with current commercial rates.

(vii) Borrowers may be required to carry insurance for large packages of equipment (the college has no insurance). Insurance is a requirement if equipment is to leave the country.

(f) Other library resources can circulate by special arrangement with the head of circulation or appropriate account manager and are subject to recall and replacement charges.

(3) Borrowers who repeatedly ignore the rights of other borrowers or abuse the responsibilities inherent in sharing library resources with the rest of the Evergreen community, shall be denied the privilege of borrowing those resources for the remainder of the quarter.

NEW SECTION

WAC 174-168-030 LOST AND DAMAGED LIBRARY RESOURCES. (1) The borrower is responsible for loss.

(2) The borrower is responsible for damage.

(3) The borrower is responsible for the proper operation of media loan equipment.

(4) It is the borrower's responsibility to pay for lost resources before the end of the quarter. The cost of lost resources shall be their replacement value and a processing fee (twelve dollars for library books).

NEW SECTION

WAC 174-168-040 RESERVE. Materials on reserve will be found at the circulation desk.

NEW SECTION

WAC 174-168-050 CHARGING OUT LIBRARY RESOURCES. Resources are charged out at the main circulation desk, at the media loan desk, and at other appropriate locations in the library.

NEW SECTION

WAC 174-168-060 INTERLIBRARY LOAN. The library will attempt to obtain resources from wherever available. Interlibrary loan services are maintained by the reference services.

NEW SECTION

WAC 174-168-070 CIRCULATION RECORDS. In order to prevent an unreasonable invasion of personal privacy (including but not limited to RCW 42.17.260 and 42.17.310) all records relating to the registration of

patrons and their requests for use and subsequent circulation of materials by The Evergreen State College library are hereby deemed confidential, regardless of the source of inquiry or request for information.

NEW SECTION

WAC 174-168-080 SELECTION OF RESOURCES AND SERVICES. It is the policy of The Evergreen State College to select for its library the best and most suitable library materials, library equipment, and library services. The college expressly rejects any form of selection based on censorship of materials or prejudicial considerations based upon race, religion, sex, national origin, or political view point.

WSR 90-13-029

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed June 12, 1990, 4:12 p.m.]

Date of Adoption: April 24, 1990.

Purpose: Identifies certain terms similar to "financial planner" for the purpose of RCW 21.20.040(2). Eliminates applicant photograph requirement for investment adviser salesperson applications.

Citation of Existing Rules Affected by this Order: Amending WAC 460-24A-205.

Statutory Authority for Adoption: RCW 21.20.450 and 21.20.040(2).

Pursuant to notice filed as WSR 90-06-061 on March 6, 1990.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The director finds these rules are necessary or appropriate in the public interest or for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of chapter 21.20 RCW.

Effective Date of Rule: Thirty-one days after filing.

April 24, 1990

Mary Faulk

Director

NEW SECTION

WAC 460-24A-040 USE OF CERTAIN TERMS. (1) For the purposes of RCW 21.20.040(2), terms that are deemed similar to "financial planner" and "investment counselor" include, but are not limited to, the following:

(a) Certified financial planner or its abbreviation, CFP;

(b) Financial consultant;

(c) Investment consultant;

(d) Money manager;

(e) Investment manager;

(f) Investment planner; or

(g) Chartered financial consultant or its abbreviation, ChFC.

(2) A licensed insurance agent who is not registered as a securities salesperson and is not required to be so

registered, and who indicates in writing in all communications with customers or potential customers and in all advertising that his business is limited to insurance products, does not hold himself out as a financial planner merely because he uses the abbreviation ChFC.

AMENDATORY SECTION (Amending Order SDO-220-85, filed 11/19/85)

WAC 460-24A-205 NOTICE OF CHANGES BY INVESTMENT ADVISER. (1) Each licensed investment adviser shall, upon any change in the information contained in its application for a certificate (other than financial information contained therein) promptly file an amendment to such application setting forth the changed information (and in any event within 30 days after the change occurs).

(2) With respect to any investment adviser registered under the Investment Advisers Act of 1940, it shall be a sufficient compliance with subsection (1) of this section if a copy of an amendment to Form ADV, of the Securities and Exchange Commission containing the required information, or transmitted for filing to, the administrator not later than the date on which such amendment is required to be filed with the Securities and Exchange Commission.

(3) Each licensed investment adviser shall notify the administrator of the employment of any new representative in Washington by submitting a completed NASD Form U-4 ((with a photograph)) to the administrator or the administrator's designee, within 10 days after the event occurs.

(4) Each licensed investment adviser shall notify the administrator of the termination of employment of any representative in Washington, by submitting a complete NASD Form U-5 to the administrator or the administrator's designee, within 30 days after the event occurs.

**WSR 90-13-030
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Filed June 13, 1990, 2:07 p.m.]

Original Notice.

Title of Rule: Amending WAC 388-320-020 Definitions; and new WAC 388-320-184 Interpretive and policy statements.

Purpose: To describe the indexing systems for interpretive and policy statements required in RCW 42.17-.260 (4)(d) and (e).

Statutory Authority for Adoption: RCW 34.05.220 and 42.17.250.

Statute Being Implemented: RCW 34.15.220 [34.05-.220] and 42.17.250.

Summary: Describes the accessibility of interpretive and policy statements to interested persons. Includes interpretive and policy statements in the definitions section.

Reasons Supporting Proposal: This rule is necessary to adopt procedures to make interpretive and policy statements available to the public and to include interpretive and policy statements in the definitions section.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Linda Zacharias, Office of Issuances, 753-2377.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on July 25, 1990, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by July 25, 1990.

Date of Intended Adoption: August 2, 1990.

June 13, 1990

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 1609, filed 2/19/81)

WAC 388-320-020 DEFINITIONS. (1) "Client" means a person or organization about whom the department has a record.

(2) "Denial of disclosure" denotes exempting from disclosure of a public record.

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

(4) "Disclosure" means inspection and/or copying.

(5) "Interpretive statement" means a written expression of an agency's opinion. The agency head or the agency head's designee entitles an interpretive statement as to the meaning of:

(a) A statute or other provision of law;

(b) A court decision; or

(c) An agency order.

(6) "Policy statement" means a written description of an agency's current approach. The agency head or the agency head's designee entitles a policy statement as to:

(a) Implementation of a statute or other provision of law;

(b) A court decision; or

(c) An agency order, including where appropriate the agency's current practice, procedure, or method of action based on the agency's approach.

(7) "Public records" include ((any)) writing containing information ((relating)) related to the conduct of government or the performance of ((any)) a governmental or proprietary function prepared, owned, used or retained by the department regardless of physical form or characteristics.

((2)) (8) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording ((any)) a form of communication or representation, including:

(a) Letters, words, pictures, sounds, or symbols, or combination ((thereof)); and

(b) All papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

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

((4)) "Client" means any person or organization about whom the department has a record.

((5)) "Disclosure" means inspection and/or copying.

(6) "Denial of disclosure" denotes any exempting from disclosure of any public record.))

NEW SECTION

WAC 388-320-184 INTERPRETIVE AND POLICY STATEMENTS. (1) This section applies to the department, beginning on or after July 1, 1990, administering programs applying to the distribution of interpretive and policy statements.

(2) The department shall maintain a roster of persons receiving interpretive and policy statements issued on or after June 30, 1990. Annually, the department shall update the roster. The department shall send copies of new or amended statements to persons listed on the roster.

(3) A person needing interpretive and policy statements may request, in writing, a copy from the department's Office of Issuances, Mail Stop OB-33H, 12th Avenue and Franklin Street, Olympia, Washington 98504.

WSR 90-13-031
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health)

[Filed June 13, 1990, 2:08 p.m.]

Original Notice.

Title of Rule: Chapter 248-14 WAC, Nursing homes.

Purpose: To comply with chapter 43.43 RCW to require nursing home licensees to make criminal history background checks with Washington State Patrol on applicants, employees and volunteers who may have unsupervised access to nursing home residents and to prohibit from knowingly permitting persons with criminal or abuse histories from having unsupervised access to residents.

Statutory Authority for Adoption: RCW 74.42.620 and 18.51.070.

Statute Being Implemented: RCW 74.42.620 and 18.51.070.

Summary: It specifies requirements for nursing home licensees to obtain criminal history and background checks on applicants, volunteers, and, in some cases, current employees who may have unsupervised access to residents. It also prohibits licensees from knowingly hiring a person with a criminal or abuse history who may have unsupervised access to residents, or knowingly allowing any employee or volunteer with a criminal or abuse history to have unsupervised access to residents.

Reasons Supporting Proposal: This rule is necessary to comply with mandates of chapter 43.43 RCW.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Marilyn Kellison, Nursing Home Services, 753-1306.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on August 7, 1990, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by August 7, 1990.

Date of Intended Adoption: August 21, 1990.

June 13, 1990

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2881, filed 10/13/89, effective 11/13/89)

WAC 248-14-001 DEFINITIONS. (1) All adjectives and verbs such as adequate, approved, immediately, qualified, reasonable, reputable, satisfactory, sufficient, or suitable, used in these nursing home regulations to qualify a requirement shall be as determined by the department with the advice and guidance of the nursing home advisory council and the state board of health.

(2) "Activity director" means an employee responsible for the development, implementation, and maintenance of a program for residents intended to provide activities to meet the residents' needs and interests.

(3) "Alterations" means physical, mechanical, or electrical changes made to existing facilities except for painting or repair.

(4) "Ambulatory person" means a person, who, unaided by another person, is physically and mentally capable of walking a normal path to safety, including the ascent and descent of stairs.

(5) "Attending physician" means the doctor responsible for a particular person's total medical care.

(6) "Authorized practitioner" means:

(a) A certified registered nurse under chapter 18.88 RCW when authorized by the board of nursing;

(b) An osteopathic physician's assistant under chapter 18.57A RCW when authorized by the committee of osteopathic examiners; or

((f))(c)((f)) A physician's assistant under chapter 18.71A RCW when authorized by the board of medical examiners.

(7) "Background inquiry" means a written request to the department determining if an individual has a record of any of the following:

(a) Pending charges or conviction of a crime against persons as defined under RCW 43.43.830;

(b) Pending charges or conviction of crimes relating to financial exploitation of a vulnerable adult as defined under RCW 43.43.830;

(c) Found in any disciplinary board final decision to have sexually or physically abused or exploited any minor or developmentally disabled person or to have abused or financially exploited any vulnerable adult as defined under RCW 43.43.830;

(d) Found by a court in a protection proceeding under chapter 74.34 RCW to have abused or financially exploited a vulnerable adult;

(e) Found in any dependency action under RCW 13.34.030(2)(b) to have sexually assaulted or exploited any minor or to have physically abused any minor; or

(f) Found by a court in a domestic relations proceeding under Title 26 RCW to have abused or financially exploited a vulnerable adult.

(8) "Bathing facility" means a bathtub or shower.

((f))(9) "Berm" means a bank of earth piled against a wall.

((f))(10) "Change of ownership" means a change in the individual or legal organization responsible for the daily operation of a nursing home.

(a) Events which change ownership include, but are not limited to, the following:

(i) The form of legal organization of the licensee is changed (e.g., a sole proprietor forms a partnership or corporation);

(ii) Title to the nursing home business enterprise is transferred by the licensee to another party;

(iii) Where the licensee is a partnership, any event occurs which dissolves the partnership;

(iv) Where the licensee is a corporation, the corporation is dissolved, merges with another corporation which is the survivor, or consolidates with one or more other corporations to form a new corporation; or

(v) Any other event occurs which results in a change of operating entity.

(b) Ownership does not change when the following, without more, occur:

(i) A party contracts with the licensee to manage the enterprise as the licensee's agent, i.e., subject to the licensee's general approval of daily operating decisions;

(ii) If the licensee is a corporation, some or all of its stock is transferred; or

(iii) The real property or personal property assets associated with the nursing home change ownership or are leased, or a lease of them is terminated, without a change of operating entity.

~~((10)) "Cognitively impaired" means a diminished perception, reasoning, intuition or memory, and absence or reduction of intellectual faculties as in dementia, including Alzheimer's disease or a related disorder.))~~

(11) "Citation" means the finding written by a surveyor on an official state and/or federal statement of deficiencies form following a full survey, post survey, or complaint investigation.

~~(12) "Cognitively impaired" means a diminished perception, reasoning, intuition or memory, and absence or reduction of intellectual faculties as in dementia, including Alzheimer's disease or a related disorder.~~

(13) "Contact with animals" means close proximity to animals to allow for close observation, interaction, handling, or petting achieved by either animals:

(a) Being brought into the nursing home on a regular basis; or

(b) Allowed to live on the nursing home premises.

~~((13))~~ (14) "Department" means the state department of social and health services.

~~((14))~~ (15) "Dialysis" means the process of separating crystalloids and colloids in solution by means of the crystalloids and colloids unequal diffusion through a natural or artificial, semipermeable membrane.

(a) "Acute dialysis" means hemodialysis or peritoneal dialysis in the treatment of a person with renal failure for a period of time during which it is medically determined whether renal function may be restored or the failure is irreversible.

(b) "Dialysis helper" means a health care assistant trained by a kidney center under RCW 18.135.060.

~~((15))~~ (16) "Dialysis room" means a room where a patient undergoes dialysis.

~~((16))~~ (17) "Dietetic service supervisor" means a person who:

(a) Is a dietitian; or

(b) Has completed or is enrolled with a set date of completion in a dietetic technician or dietetic assistant training program, correspondence or classroom, approved by the American Dietetic Association; or

(c) Has completed or is enrolled with a set date of completion in a state-approved training program providing ninety or more hours of classroom instruction in food service supervision, and has experience in a health care institution.

~~((17))~~ (18) "Dietitian" means a person who is eligible for registration by the commission on dietetic registration of the American Dietetic Association based on the 1982 criteria for registration. A person not meeting this definition but employed in that capacity by a nursing home or homes on or before the effective date of this regulation will be deemed to meet the requirement of WAC 248-14-230(5). This grandfather clause is only effective as long as the:

(a) Person continues employment with the same nursing home or homes; and

(b) Nursing home has no serious deficiencies in dietary services.

~~((18))~~ (19) "Disclosure statement" means a signed statement by an individual indicating whether or not the individual was:

(a) Convicted of any crime against persons as defined under RCW 43.43.830;

(b) Convicted of crimes relating to financial exploitation of a vulnerable adult or defined under RCW 43.43.830;

(c) Found in any dependency action under RCW 13.34.030(2)(b) to have sexually assaulted or exploited any minor or to have physically abused any minor;

(d) Found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused or exploited any minor or to have physically abused any minor;

(e) Found in any disciplinary board final decision to have sexually or physically abused or exploited any minor or developmentally disabled person or to have abused or financially exploited any vulnerable adult;

or

(f) Found by a court in a protection proceeding under chapter 74.34 RCW to have abused or financially exploited a vulnerable adult.

(20) "Drug" means:

(a) A substance((s)) recognized as a drug((s)) in the official United States Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States, or any supplement to any of the listed publications;

(b) A substance((s)) intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man;

(c) "Drug administration" means the direct application of a drug by injection, inhalation, ingestion, or any other means to the body of a resident;

(d) "Drug dispensing" means an act entailing the interpretation of an order for a drug or biological and, ~~((pursuant to))~~ under the order, the proper selection, measuring, labeling, packaging, and issuance of the drug or biological to a residential care unit; and

(e) "Legend drug" means a drug bearing the legend, "caution, federal law prohibits dispensing without a prescription."

~~((19))~~ (21) "Drug facility" means a room or area designed and equipped for drug storage and the preparation of drugs for administration.

~~((20))~~ (22) "End stage renal disease (ESRD)" means the stage of renal impairment, virtually always irreversible and permanent, requiring dialysis or kidney transplantation to ameliorate uremic symptoms and maintain life.

~~((21))~~ (23) "Facilities" means a room or area and/or equipment to serve one or more specific functions.

~~((22))~~ (24) "Grade" means the level of ground adjacent to the building floor level measured at required windows. The ground must be level or slope downward for a distance of at least ten feet from the wall of the building. From there the ground may slope upward not greater than an average of one foot vertical to two feet horizontal within a distance of eighteen feet from the building.

~~((23))~~ (25) "Immediate supervision" means on-site supervision of one or more persons.

~~((24))~~ (26) "Kidney center" means a hospital-based or independent dialysis facility, as defined and certified by the federal government, to provide dialysis and related services and provide services as specified in WAC 248-30-090.

~~((25))~~ (27) "Lavatory" means a handwashing sink.

~~((26))~~ (28) "Licensed nurse" means either a registered nurse or a licensed practical nurse.

(a) "Licensed practical nurse" means a person duly licensed under the provisions of the Licensed Practical Nurse Act of the state of Washington, chapter 18.78 RCW.

(b) "Registered nurse" means a person duly licensed under the provisions of the law regulating the practice of registered nursing in the state of Washington, chapter 18.88 RCW.

~~((27))~~ (29) "New construction" means the following, when the preliminary plans have not been reviewed and accepted at the time of adoption of these regulations:

(a) New buildings to be used as a nursing home;

(b) Additions to buildings used as a nursing home;

(c) Conversions of existing buildings including previously licensed nursing homes; and

(d) Alterations.

~~((28))~~ (30) "Nursing care" means services designed to maintain or promote achievement of optimal independent function and health status planned, supervised, and evaluated by a registered nurse in the context of an overall individual plan of care.

~~((29))~~ (31) "Nursing home" means any home or institution operating or maintaining facilities providing convalescent or chronic care, or both, for a period in excess of twenty-four consecutive hours.

(a) A nursing home cares for three or more residents not related by blood or marriage to the operator, who, by reason of illness or infirmity, are unable to properly care for themselves.

(b) Convalescent and chronic care may include, but not be limited to, any or all procedures commonly employed in waiting on the sick, such as:

(i) Administration of medicines;

(ii) Preparation of special diets;

(iii) Giving of bedside nursing care;

(iv) Application of dressings and bandages; and

(v) Carrying out of treatment prescribed by a duly licensed practitioner of the healing arts.

(c) Nothing in the nursing home definition shall be construed to include facilities precluded by RCW 18.51.010 and 18.51.170; and

(d) Licensed nursing home beds shall not be licensed for any other purpose or use specifically regulated under state law; except, beds dually licensed for five years or more may continue to be dually licensed if the licensing does not adversely affect the quality of care provided.

~~((30))~~ (32) "Nursing services" means an organized department under the direction of a registered nurse, the members of which provide nursing care.

~~((31))~~ (33) "Outpatient service" means any service provided to a nonresident of the nursing home.

~~((32))~~ (34) "Patient" means a person receiving preventive, diagnostic, therapeutic, habilitative, rehabilitative, maintenance, or palliative health-related services under professional direction.

(a) "Inpatient" means a resident receiving services with board and room in a nursing home on a continuous twenty-four-hour-a-day basis.

(b) "Outpatient" means a nonresident of the nursing home receiving services at a nursing home not providing the nonresident the services with room and board on a continuous twenty-four-hour-a-day basis.

(c) "Resident~~((s))~~ requiring skilled nursing care" means a resident~~((s))~~ whose condition~~((s))~~, needs, and/or services are of such complexity and sophistication to require the frequent or continuous observation and intervention of a registered nurse, and the supervision of a licensed physician. A resident~~((s))~~ requires ongoing assessments of physiological and/or psychological needs, and the development and implementation of a comprehensive plan of care involving interdisciplinary planning input and coordination. Resident needs include ongoing evaluations, care plan revisions, and the teaching necessary to provide for residents whose condition is unstable and/or complex.

(d) "Residents requiring intermediate nursing care" means residents whose physiological and psychological functioning is stable, but require individually planned treatment and services under the daily direction of a registered nurse or a licensed nurse with registered nurse consultation as provided by exemption and the supervision of a licensed physician. The program is directed toward maintenance of maximum independence and return to the community whenever possible. The program includes an established treatment regimen involving more than supervision, assistance with personal care, and protection.

(e) "Residents requiring care for mental retardation or related conditions" means residents found eligible by the division of developmental disabilities and requiring health care services under subsection~~((32))~~ (34)(c) or (d) of this section, and are in need of a comprehensive habilitative and/or developmental program incorporated into a twenty-four-hour overall program plan.

~~((33))~~ (35) "Peninsular (or island) bathtub" means a bathtub having sufficient clearances around both sides and one end to accommodate residents, equipment, and attendants.

~~((34))~~ (36) "Pharmacist" means a person duly licensed by the Washington state board of pharmacy under the provisions of chapter 18.64 RCW.

~~((35))~~ (37) "Pharmacy" means a place where the practice of pharmacy is conducted, properly licensed under the provisions of chapter 18.64 RCW.

~~((36))~~ (38) "Physician's assistant" means a person acting as an extender for a designated physician and under a plan of utilization approved by the board of medical examiners or the board of osteopathic medicine and surgery and is registered under the provisions of the law regulating the practice of physician's assistant in the state of Washington, chapters 18.57A or 18.71A RCW.

~~((37))~~ (39) "Practitioner" means a:

(a) Physician under chapter 18.71 RCW;

(b) An osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW;

(c) A dentist under chapter 18.32 RCW;

(d) A podiatrist under chapter 18.22 RCW;

(e) A certified registered nurse under chapter 18.88 RCW as authorized by the board of nursing;

(f) An osteopathic physician's assistant under chapter 18.57A RCW when authorized by the committee of osteopathic examiners;

(g) A physician's assistant under chapter 18.71A RCW when authorized by the board of medical examiners; or

(h) A pharmacist under chapter 18.64 RCW.

~~((37))~~ (40) "Protective unit" means a separate physical and functional section of a nursing home for the cognitively impaired and offers the cognitively-impaired residents increased space for ambulation and a reduction in anxiety-provoking stimuli.

~~((39))~~ (41) "Resident" means an inpatient.

~~((40))~~ (42) "Residential care unit" means a separate, physical, and functional unit including resident rooms, toilets, bathing facilities, and basic service facilities as identified in WAC 248-14-120 (2)(a).

~~((41))~~ (43) "Respiratory isolation" means a procedure for the prevention of transmission of pathogenic organisms by means of droplets and droplet nuclei coughed, sneezed, or breathed into the environment.

~~((42))~~ (44) "Responsible party" means a legally responsible person to whom the rights of a client have legally devolved.

~~((43))~~ (45) "Supervision" means the process of overseeing performance while having the responsibility and authority to guide or direct and critically evaluate.

~~((44))~~ (46) "Toilet fixture" means a bowl-shaped plumbing fixture fitted with a seat and a device for flushing the bowl with water.

~~((45))~~ (47) "Toilet room" means a room containing at least one toilet fixture.

~~((46))~~ (48) "Unit-dose" means the ordered amount of a drug in a dosage form ready for administration to a particular person.

~~((47))~~ (49) "Unit-dose drug distribution system" means a system of drug dispensing and control characterized by the dispensing of the majority of drugs in unit doses ~~((and))~~. For most drugs, not more than a forty-eight-hour supply of doses is available at the residential care unit at any time.

~~((48))~~ (50) "Usable floor space" excludes areas taken up by passage door swings, closets, wardrobes, portable lockers, and toilet rooms.

(51) "Volunteer" means a person who is a regularly scheduled person not receiving payment for services and having unsupervised access to a nursing home resident.

Reviser's note: RCW 34.05.395 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 error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 2460, filed 1/13/87)

WAC 248-14-080 LICENSURE—DISQUALIFICATION. (1) The department shall consider separately and jointly as applicants each ~~((and every))~~ individual named in an application for a nursing home license ~~((shall be considered separately and jointly as applicants, and))~~. If the department finds any ~~((one be deemed))~~ individual unqualified ~~((by))~~, the department shall deny, suspend, or revoke the license in accordance with the law or these rules, regulations, and standards ~~((the license shall be denied, suspended, or revoked))~~.

(2) The department shall not grant a license to an individual~~((s))~~ who, in the state of Washington or in any other place ~~((other than the state of Washington))~~, ~~((have been))~~ has previously been denied a license to operate a hospital~~((, nursing, maternity,))~~ or ~~((boarding home or other))~~ facility for the care of children, ~~((the))~~ or adults who are developmentally disabled, aged, ill, or infirm~~((, or have been))~~. The department shall not grant a license to an applicant convicted of operating such a facility without a license, or ~~((have))~~ who has had their license ~~((to operate such a facility))~~ revoked~~((, shall not be granted a license))~~.

(3) ~~((Any individual addicted to the use of narcotics or the excessive use of intoxicants and individuals of poor credit reputation shall be disqualified even though the premises are adequate. Individuals convicted of a crime of moral turpitude or a felony may be disqualified by reason of such conviction if such conviction is reasonably related to the competency of the individual to exercise responsibilities of ownership and/or operation of a nursing home and the department determines, after investigation, that such person has not been sufficiently rehabilitated subsequent to such conviction to warrant public trust. License shall also be denied, suspended, or revoked))~~ The department shall disqualify the following individual, even though the premises meet minimum requirements:

(a) Engaging in the illegal use of drugs or the excessive use of alcohol;

(b) With a poor credit history;

(c) Convicted of a felony or a crime against a person if the conviction reasonably relates to the competency of the individual to own or operate a nursing home, and who, the department determines, is not sufficiently rehabilitated to warrant public trust.

(4) The department shall deny, suspend, or revoke a license for failure or refusal to comply with the requirements established by chapter

18.51 RCW or ~~((with these))~~ rules, regulations, and standards ~~((promulgated pursuant thereto))~~ adopted thereunder, ~~((and in addition,))~~ or for any of the following:

(a) Obtaining or attempting to obtain a license by fraudulent means or misrepresentation~~((:));~~

(b) Permitting, aiding, or abetting the commission of any illegal act on the nursing home premises~~((:));~~

(c) Cruelty or indifference to the welfare of the patients~~((:));~~

(d) ~~((Personnel))~~ Maintaining insufficient ~~((in number or unqualified by training, experience, or temperament, properly))~~ numbers of staff to properly care for the ~~((proposed or actual))~~ number and type of ~~((patients:))~~ residents;

(e) Maintaining staff lacking any training, experience, or temperament to care for the type of residents in the facility;

(f) Misappropriation of the property of the patients~~((:));~~ or

~~((ff))~~ (g) Failure or inability to meet financial obligations as they fall due in the normal course of business.

~~((f))~~ (5) The department shall not issue or renew a license if the applicant or licensee allows access to residents by any person employed directly or by contract, or as a volunteer or student who:

(a) Was convicted of a crime against a person as defined under RCW 43.43.830;

(b) Has pending charges for a crime against a person as defined under RCW 43.43.830;

(c) Was convicted of crimes related to financial exploitation of a vulnerable adult as defined under RCW 43.43.830;

(d) Was found by a court in a protection proceeding under chapter 74.34 RCW to have abused or financially exploited a vulnerable adult;

(e) Was found in any final decision issued by a disciplinary board to have sexually or physically abused or exploited any minor or developmentally disabled person or to have abused or financially exploited any vulnerable adult;

(f) Was found in any dependency action under RCW 13.34.030

(2)(b) to have sexually assaulted or exploited any minor or to have physically abused any minor; or

(g) Was found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused or exploited any minor or to have physically abused any minor.

(6) The department shall deny a nursing home license to any applicant ~~((who has))~~ with a history of significant noncompliance with federal or state nursing home requirements.

~~((5))~~ (7) In making a determination to deny a nursing home license, the department shall review the information contained in the application. In addition, other documents ~~((that))~~ the department deems relevant may be reviewed, including survey and complaint investigation findings in each facility ~~((with which))~~ the applicant is or has been affiliated during the past ten years.

~~((6))~~ (8) The department may consider, but is not limited to, the following criteria in conducting a review relating to noncompliance with federal or state regulation:

(a) Whether the ~~((violation or))~~ violations threatened or resulted in significant harm to the health, safety, or welfare of any patient~~((:));~~

(b) Whether a reasonably prudent nursing home operator should have been aware of the conditions ~~((which resulted))~~ resulting in the violation or violations~~((:));~~

(c) Whether the applicant promptly investigated the circumstances surrounding any violation and took steps to correct and prevent recurrences of the ~~((violation or))~~ violations~~((:));~~

(d) The overall frequency of noncompliance as well as the recurrence of violations in the same or similar areas~~((:));~~ or

(e) Inability to attain compliance within a reasonable period of time.

~~((7))~~ (9) All applications for nursing home licensure are subject to review under this chapter. Applications for renewal are not considered applicants under this chapter. The department will not commence review of an incomplete application. The department requires a minimum of sixty days to review a completed application.

~~((8))~~ (10) Failure to provide any authorization the department requires in order to verify information contained in the application or to verify additional information ~~((which))~~ the department deems ~~((is))~~ relevant to the application shall result in denial of the license. If the department deems additional information is necessary to process the application, the applicant ~~((must))~~ shall respond to such a request in a timely fashion.

~~((9))~~ (11) Any applicant denied a license shall be afforded an opportunity for an administrative hearing if a hearing is requested within

twenty days after receipt by the applicant of notice of denial~~((pursuant to))~~ as required under RCW 18.51.065. All hearings shall be conducted in accordance with the Administrative Procedure Act, chapter ~~((34.04))~~ 34.05 RCW.

AMENDATORY SECTION (Amending Order 2427, filed 9/22/86)

WAC 248-14-240 PERSONNEL. ~~((Personnel sufficient))~~ The nursing home shall:

(1) Have personnel available in sufficient numbers and qualifications ~~((shall be available))~~ to meet the requirements of this chapter.

~~((1))~~ ~~((At least annual))~~ (a) Maintain and review written evaluations of work performance ~~((which have been reviewed))~~ with the employee ~~((are maintained))~~ once a year or more often.

~~((2))~~ (b) Ensure staff, including consultants and pool personnel, are appropriately licensed or certified at the time of their assignment to duties.

~~((3))~~ (c) Ensure any employee giving direct resident care or treatment shall be ~~((at least))~~ eighteen years of age or older unless the employee is enrolled in or ~~((has))~~ successfully ~~((completed))~~ completes a bona fide nurse or nurse aide training program. The employee's nurse aide training shall be completed within four months of employment.

~~((4))~~ (d) Ensure no employee currently working shall evidence signs or symptoms of infectious diseases, such as running sores or fever.

~~((5))~~ (e) Ensure each employee shall have ~~((on))~~ at the time of employment a tuberculin skin test by the Mantoux method with PPD, except ~~((that: If))~~, when there is documentation of a Mantoux test administered after the employee's eighteenth birthday or a documented history of adequately treated tuberculosis, no further skin testing is necessary.

~~((6))~~ (i) An employee~~((s))~~ thirty-five years of age or older with a reaction~~((s))~~ of less than ten millimeters induration within forty-eight to seventy-two hours after administration of the antigen shall have a second skin test within one to three weeks after the first test.

~~((7))~~ (ii) An employee~~((s))~~ with a reaction~~((s))~~ of ten or more millimeters induration within forty-eight to seventy-two hours after either test shall have a chest x-ray within thirty days.

~~((8))~~ (iii) Any employee ~~((who believes))~~ believing the tuberculin skin test by the Mantoux method ~~((would present))~~ presents a hazard to ~~((his or her))~~ the employee's health because of conditions peculiar to ~~((his or her))~~ the employee's own physiology may present supporting medical data to this effect to the tuberculosis control program, ~~((health services division;))~~ department of ~~((social and))~~ health ~~((services))~~. The department ~~((with))~~ of health shall decide whether ~~((the))~~ a waiver ~~((should be))~~ is granted to the individual employee and ~~((with))~~ shall notify the employee accordingly. ~~((Any))~~ An employee granted a waiver from the tuberculin skin test shall have an examination for tuberculosis as directed by the state tuberculosis control officer.

~~((9))~~ (iv) The facility shall retain a record of findings ~~((shall be retained by the facility))~~ for the duration of the employee's employment. The employee shall be provided a copy of the tuberculosis screening record.

(2) Except as provided under WAC 248-14-249(2), no nursing home shall employ any person, directly or by contract, or accept as a volunteer or student any person who may have unsupervised access to residents when the person:

(a) Has a pending charge or was convicted of a crime against a person as defined under RCW 43.43.830;

(b) Has a pending charge or was convicted of a crime relating to financial exploitation of a vulnerable adult as defined under RCW 43.43.830;

(c) Was found by a court in a protection proceeding under chapter 74.34 RCW to have abused or financially exploited a vulnerable adult;

(d) Was found in a final decision issued by any disciplinary board to have sexually or physically abused or exploited any minor or developmentally disabled person or to have abused or financially exploited any vulnerable adult;

(e) Was found in any dependency action under RCW 13.34.030 (2)(b) to have sexually assaulted or exploited any minor or to have physically abused any minor; or

(f) Was found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused or exploited any minor or to have physically abused any minor.

Reviser's note: RCW 34.05.395 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 error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 248-14-249 CRIMINAL HISTORY DISCLOSURE AND BACKGROUND INQUIRIES. (1) Except as provided in subsection (2) of this section, a nursing home shall not hire or retain any employee, directly or by contract, or accept any volunteer or student:

(a) With a criminal history as described in RCW 10.97.030;
 (b) Having a protection order issued against them for abuse or financial exploitation of a vulnerable adult as described under chapter 74.34 RCW;

(c) Found in any disciplinary board final decision to have abused or financially exploited any vulnerable adult or to have sexually or physically abused or exploited any minor or developmentally disabled person;

(d) Found in any dependency action under RCW 13.34.030 (2)(b) to have sexually assaulted or exploited any minor or to have physically abused any minor; or

(e) Found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused or exploited any minor or to have physically abused any minor.

(2) A nursing home may conditionally employ a person pending a background inquiry provided the nursing home requests the inquiry within seventy-two hours of the conditional employment.

(3) Before a nursing home employs, directly or by contract, or accepts any person as a volunteer or student, a nursing home shall:

(a) Inform the person the Washington state patrol shall make a background inquiry;

(b) Require the person to sign a disclosure statement;

(c) Require the person to sign a statement authorizing the nursing home and the department to make a background inquiry;

(d) Verbally inform the person of the background inquiry results within seventy-two hours of receipt;

(e) Not employ any person either directly or by contract or accept any volunteer or student whose background inquiry reveals the person committed any of the offenses as specified under WAC 248-14-249 (1)(a), (b), (c), (d), and (e); and

(f) Notify the appropriate licensing or certifying agency of any person resigning or terminated as a result of having a record.

(4) Nursing homes:

(a) Shall require all current direct or contract employees, volunteers, and students to sign disclosure statements;

(b) Shall request a background inquiry of any person employed, directly or by contract, or accepted as a volunteer or student on or after July 23, 1989;

(c) Shall request a background check by the Washington state patrol through the department for any employee, volunteer, or student the licensee believes has a record as specified under WAC 248-14-001(7); and

(d) May request a background inquiry of any person employed, directly or by contract, or accepted as a volunteer or student before July 23, 1989.

(5) The nursing home shall establish procedures ensuring:

(a) All disclosure statements and background inquiry responses are maintained in a confidential and secure manner;

(b) Disclosure statements and background inquiry responses are used for employment purposes only; and

(c) Disclosure statements and background inquiry responses are not disclosed to any person except:

(i) The person about whom the nursing home made the disclosure or background inquiry;

(ii) Authorized state and federal employees; and

(iii) The Washington state patrol auditor.

(d) A record of findings shall be retained by the facility for the duration of employment.

(6) Except as provided in WAC 248-14-249(2), no nursing home shall employ any person, directly or by contract, or accept as a volunteer or student any person who may have unsupervised access to residents if the person:

(a) Has pending charges or was convicted of a crime against a person as defined under RCW 43.43.830;

(b) Has pending charges or was convicted of crimes relating to financial exploitation of a vulnerable adult as defined under RCW 43.43.830;

(c) Was subject to an order of protection under chapter 74.34 RCW for abuse or financial exploitation of a vulnerable adult;

(d) Was found in a final decision issued by a disciplinary board to have sexually or physically abused or exploited any minor or developmentally disabled person or to have abused or financially exploited any vulnerable adult;

(e) Was found in any dependency action under RCW 13.34.030 (2)(b) to have sexually assaulted or exploited any minor or to have physically abused any minor; or

(f) Was found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused or exploited any minor or to have physically abused any minor.

**WSR 90-13-032
 PROPOSED RULES
 ENERGY FACILITY
 SITE EVALUATION COUNCIL**

[Filed June 13, 1990, 4:32 p.m.]

Continuance of WSR 90-09-029.

Title of Rule: WAC 463-06-010 Organization of this title; 463-10-010 Definitions; 463-14-030 Public hearings policy; 463-14-080 EFSEC deliberative process; 463-18-020 Governing procedure; 463-26-120 Initial determination subject to review; 463-26-130 Public information meeting; 463-28-060 Request for preemption failure to justify; 463-38-041 Notice, provisions; 463-38-042 Public hearings; 463-38-063 Appeal; 463-39-130 Regulatory actions; 463-39-150 Variance; 463-43-060 Effect of expedited processing; 463-47-060 Additional timing considerations; 463-50-030 principles governing selection of independent consultants; 463-54-070 Enforcement actions; and 463-58-030 Fees for regular application processing.

Purpose: All rules with exception of WAC 463-54-070 bring Title 463 WAC into conformance with Administrative Procedure Act; WAC 463-54-070 consolidates and clarifies council enforcement actions; and WAC 463-58-030 provide authority to hire application processing staff.

Date of Intended Adoption: July 9, 1990.

June 13, 1990

Bill Fitch

Executive Secretary

**WSR 90-13-033
 PERMANENT RULES
 BUILDING CODE COUNCIL**

[Filed June 13, 1990, 4:37 p.m., effective July 23, 1990]

Date of Adoption: June 8, 1990.

Purpose: To provide a guideline to local governments for permit exemptions to certain construction and alteration activities in buildings classified as R-3 and M-1 occupancies.

Citation of Existing Rules Affected by this Order: Repealing WAC 51-16-090; and amending WAC 51-16-080.

Statutory Authority for Adoption: RCW 19.27.060 (7)(b).

Pursuant to notice filed as WSR 90-07-083 on March 21, 1990.

Effective Date of Rule: July 23, 1990.

June 8, 1990
Marc J. Sullivan
Chair

AMENDATORY SECTION (Amending Order 88-11, filed 12/1/88, effective 7/1/89)

~~WAC 51-16-080 ((IMPLEMENTATION)) PERMIT EXEMPTIONS GUIDELINE. ((The uniform codes adopted by WAC 51-16-030 through 51-16-060 of this chapter shall become effective in all counties and cities of this state on July 1, 1989, unless local amendments have been approved by the state building code council:)) Cities and counties are permitted the option of adopting a one thousand five hundred dollar building permit exemption for certain construction and alteration activities for Group R, Division 3 and Group M, Division 1 occupancies. To adopt the permit exemption guideline, the following section of the 1988 Uniform Building Code shall be amended as follows:~~

~~(1) Section 301 (b) of the Uniform Building Code shall be amended to read as follows:~~

~~(b) Exempted work. A building permit shall not be required for the following:~~

~~1. One-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the projected roof area does not exceed one hundred twenty square feet.~~

~~2. Fences not over six feet high.~~

~~3. Oil derricks.~~

~~4. Movable cases, counters, and partitions not over five feet nine inches high.~~

~~5. Retaining walls which are not over four feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or III-A liquids.~~

~~6. Water tanks supported directly upon grade if the capacity does not exceed five thousand gallons and the ratio of height to diameter or width does not exceed two to one.~~

~~7. Platforms, walks, and driveways not more than thirty inches above grade and not over any basement or story below.~~

~~8. Painting, papering, and similar finish work.~~

~~9. Temporary motion picture, television, and theater stage sets and scenery.~~

~~10. Window awnings supported by an exterior wall of Group R, Division 3, and Group M Occupancies when projecting not more than fifty-four inches.~~

~~11. Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed five thousand gallons.~~

12. Minor construction and alteration activities to Group R, Division 3 and Group M, Division 1 occupancies, as determined by the building official, which the total valuation, as determined in Section 304 (b) or as documented by the applicant to the satisfaction of the building official, does not exceed one thousand five hundred dollars in any twelve-month period: PROVIDED, That the construction and/or alteration activity does not affect any structural components, or reduce existing egress, light, air, and ventilation conditions. This exemption does not include electrical, plumbing, or mechanical activities. The permit exemption shall not otherwise exempt the construction or alteration from the substantive standards of the codes enumerated in RCW 19.27.031, as amended and maintained by the state building code council under RCW 19.27.070.

Unless otherwise exempted, separate plumbing, electrical, and mechanical permits will be required for the above exempted items.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

The adoption of an ordinance or resolution by cities and counties for the purpose to provide for a permit exemption as outlined in this section, shall not be considered a local government residential amendment requiring approval by the state building code council.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 51-16-090 SUBMITTAL OF PROPOSED CITY OR COUNTY AMENDMENTS.

WSR 90-13-034

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 90-52—Filed June 13, 1990, 5:25 p.m.]

Date of Adoption: June 13, 1990.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-24-02000R.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: A harvestable number of chinook salmon are available to commercial troll fishers. Based upon landing information, approximately 800 chinook salmon are available for harvest from the original quota of 26,100. This regulation is adopted at the recommendation of the Pacific Fisheries Management Council, and is consistent with federal regulations.

Effective Date of Rule: 12:01 a.m., June 14, 1990.
June 13, 1990
Joseph R. Blum
Director

NEW SECTION

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

(1) Effective 12:01 AM June 14, 1990, it is lawful to fish for and possess all salmon species other than coho salmon taken from the above waters except for those waters of a conservation zone at the mouth of the Columbia River bounded by a line projected six miles due west from North Head along 46 18'00" north latitude to 124 13'18" west longitude, thence southerly along a line 167 true to 46 11'06" north latitude, 124 11'00" west longitude (the Columbia River Buoy), thence northeasterly along the Red Buoy Line to the tip of the south jetty from which conservation zone no salmon may be taken.

(2) The above open area will close at 11:59 PM June 14, 1990. All fish must be landed, sold, and recorded on a Washington State Fish Receiving Ticket by 11:59 PM, June 16, 1990.

(3) Lawful terminal gear is restricted to single point, single shank barbless hooks.

(4) No chinook salmon less than 28 inches in total length or 21.5 inches head-off length may be retained.

(5) It is unlawful to fish for or possess salmon taken for commercial purposes with any gear other than troll gear in the open fishery area.

(6) It is unlawful to transport through Coastal Salmon Management and Catch Reporting Areas 1, 2, 3, or 4 or land in the State of Washington any salmon taken for commercial purposes contrary to the provisions of Chapter 220-33 WAC or Chapter 220-47 WAC relative to seasons and species provided for in this section.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 AM June 14, 1990:

WAC 220-24-02000R LAWFUL ACTS - TROLL FISHERY (90-48)

WSR 90-13-035

ATTORNEY GENERAL OPINION

Cite as: AGO 1990 No. 6

[June 12, 1990]

COUNTY COMMISSIONERS—COUNTIES—OFFICES AND OFFICERS—DISTRICTS—ELECTIONS

1. In Board of Estimate v. Morris the United States Supreme Court struck down a voting system in which borough presidents, who were voting members of the Board of Estimates, were elected by the voters of each borough and the boroughs varied greatly in population.

2. In San Juan County commissioners reside in commissioner districts that vary in population, however, the primary and general elections are conducted among voters of the county at large, not merely among the voters of the commissioner district. The United States Supreme Court has approved such at large voting systems, even where the candidates were required to reside in districts that varied in population. Board of Estimate v. Morris does not cast doubt on the validity of these decision.

3. The United States Supreme Court has struck down at large voting systems on grounds that they impermissible diluted the electoral strength of racial or other political minorities in the at large district. This is a factual question. At present we are unaware of any facts tending to show this to be the case in San Juan County.

Requested by:

Honorable Frederick C. Canavor, Jr.
Prosecuting Attorney
San Juan County
P.O. Box 760
Friday Harbor, WA 98250

WSR 90-13-036

PERMANENT RULES

DEPARTMENT OF LICENSING

[Order PFT 90-02—Filed June 14, 1990, 10:28 a.m.]

Date of Adoption: May 30, 1990.

Purpose: To require special fuel licensees to file an additional fuel tax report whenever the effective date of a fuel tax rate change does not coincide with the beginning of a licensee's designated reporting period.

Statutory Authority for Adoption: RCW 82.38.260.

Pursuant to notice filed as WSR 90-08-119 on April 4, 1990.

Effective Date of Rule: Thirty-one days after filing.

May 30, 1990

Mary Faulk

Director

NEW SECTION

WAC 308-77-125 TAX RATE CHANGE. Whenever the beginning of a fuel tax rate change does not coincide with the beginning of a licensee's designated reporting period, the department may require the licensee, regardless of the reporting frequency designated, to file a report reflecting the old tax rate covering the period from the licensee's last report to the day before the effective date of tax rate change. Failure to file a report for this period shall be sufficient cause for the revocation of the special fuel user or the special fuel dealer license; provided, that licenses revoked under this section will not be subject to the penalty imposed by RCW

82.38.170(10); provided further, that the revoked license shall not be reissued or a new license issued until the special fuel user or the special fuel dealer has filed the required report and all other conditions for issuing a license have been satisfied. The next report shall be the regular fuel tax report covering the period from the date of the new tax rate to the end to the regular reporting period of the licensee.

WSR 90-13-037
PERMANENT RULES
DEPARTMENT OF LICENSING

[Order PFT 90-03—Filed June 14, 1990, 10:30 a.m.]

Date of Adoption: June 12, 1990.

Purpose: To implement sections 1 and 2, chapter 193, Laws of 1989, and expand methods of furnishing a bond.

Citation of Existing Rules Affected by this Order: WAC 308-72-520, 308-72-540, 308-72-570 and 308-72-690.

Statutory Authority for Adoption: RCW 82.36.435.

Pursuant to notice filed as WSR 90-08-116 on April 4, 1990.

Changes Other than Editing from Proposed to Adopted Version: WAC 308-72-540, delete (4)(b)(i), "an invoice serial number," and renumber the remaining subsections; WAC 308-72-570, delete (1)(a), "an imprinted serial number," and renumber the remaining subsections; and WAC 308-72-570(2), third paragraph, delete "invoice number" and substitute requirement for other language identifying the document.

Effective Date of Rule: Thirty-one days after filing.

June 12, 1990

Mary Faulk

Director

NEW SECTION

WAC 308-72-509 BONDING REQUIREMENTS. The bond may be in the form of a corporate surety bond pursuant to RCW 82.36.060, or in the form of lawful money of the United States in the amount so fixed by the department.

The department may also accept certificates of deposit of lawful money of the United States in any of the following forms:

(1) Automatically renewable certificate(s) of deposit, not exceeding the federally insured amount, issued by a bank doing business in the state of Washington and insured by the Federal Deposit Insurance Corporation, made in the name of the licensee or applicant for the license, payable to or assigned to the Washington state treasurer; or

(2) Certificate(s) of deposit or share account, not exceeding the federally insured amount, issued by a savings and loan association doing business in the state of Washington and insured by the Federal Savings and Loan Insurance Corporation. Evidence of the insured account, in the form of either a certificate of deposit or

passbook, must be filed with the department along with a properly executed assignment form whereby the fund on deposit is assigned to the Washington state treasurer.

(3) Certificate(s) of deposit or share account, issued by a credit union doing business in the state of Washington and insured by the Washington Credit Union Share Guaranty Association, not exceeding the amount insured by the guaranty association. Evidence of the insured account, in the form of either a certificate of deposit or passbook, must be filed with the department along with a properly executed assignment form whereby the fund on deposit is assigned to the Washington state treasurer.

The certificate and/or the assignment forms shall contain the provision that interest earned shall be payable to the depositor, and that the assignment may only be cancelled upon written authorization of the director of licensing or the director's designee.

AMENDATORY SECTION (Amending Order 474-DOL, filed 12/30/77)

WAC 308-72-520 REPORTS. Every licensed distributor and every person licensed as "other than a distributor" shall on or before the twenty-fifth day of each month, file:

(1) A signed statement of the gallons of motor vehicle fuel sold, distributed, and used; the gallons sold or distributed which are exempt or deductible in the computation of the tax; the net taxable gallons and the amount due the state during the preceding calendar month. A person licensed as "other than a distributor" shall compute the tax on the gallonage otherwise taxable. A remittance to cover the amount of excise tax due shall accompany the report.

(2) A summary of all motor vehicle fuel transactions resulting in sales, distribution and use or in an increase or decrease of stock in licensed bulk storage plants in this state each month.

(3) Such schedules as are necessary to completely explain and support the entries on the statement and summary. ~~((Machine tabulated data))~~ The schedules shall be the Uniform Motor Fuel Tax Multiple Schedules and such other schedules the department may require. Computer generated statements, summaries, and schedules will be accepted if prepared in the same format ((as required for manually prepared schedules. The Motor Vehicle Fuel Report Procedures will serve as a guide in preparing the supporting schedules and other documents)) identical to the forms furnished by the department.

(4) If the twenty-fifth day of the month falls on a Saturday, Sunday, or on a federal holiday for which the U.S. Post Office is closed, the report and tax will be filed or paid on or before the first succeeding day that is not a Saturday, Sunday, or holiday for which the U.S. Post Office is closed, without penalty or loss of rights of any kind. RCW 82.36.050 of the Washington law is explicit regarding the timely filing or receiving of the motor vehicle fuel tax report, tax payment and other data.

AMENDATORY SECTION (Amending Order PFT 88-003, filed 3/22/88)

WAC 308-72-540 TAX EXEMPT TRANSACTIONS. (1) Exports. Exemption from the motor vehicle fuel tax may be claimed when a licensed distributor delivers motor vehicle fuel:

(a) To a customer at a point outside the state by means of equipment owned and operated or completely controlled by the licensed distributor.

(b) To a common or contract "carrier" for transportation to a destination outside the state under a bill of lading or a shipping contract that definitely establishes that the Washington licensed distributor claiming the export actually and, in fact, retains title to and control over said fuel until actual delivery to its destination out of the state of Washington.

(c) To another Washington licensed distributor at a destination outside the state. The delivering distributor shall claim exemption by reason of export and shall report such transactions in the same manner as an export to any other customer.

(d) To another Washington licensed distributor at a destination outside this state following a receipt from another licensed distributor in this state. The licensed distributor receiving the fuel in this state shall be deemed the exporter.

(e) ~~((To a buyer in an individual quantity of 500 gallons or less for export by the buyer provided that the licensed distributor is also licensed in and agrees to pay the applicable fuel tax to the state, territory or country of destination.~~

(f)) Into the transportation equipment of a buyer or a common or contract carrier employed by the buyer if the buyer transports the fuel to a location in a foreign nation.

(2) United States armed forces and National Guard. Exemption from the motor vehicle fuel tax may be claimed when a licensed distributor delivers motor vehicle fuel:

(a) To the United States armed forces or National Guard under a government bill of lading for the express purpose of exportation from the state by the armed forces or National Guard.

(b) Into the fuel tanks of ships operated by the United States armed forces or National Guard and bearing armed forces or National Guard identification names or numbers.

(c) Into the storage facilities of the United States armed forces or National Guard maintained exclusively for the purpose of fueling ships.

(d) Within the state in accordance with a credit or courtesy card issued to the United States armed forces or National Guard by a licensed distributor provided that a delivery is made into the fuel tanks of ships operated by the United States armed forces or National Guard.

(e) No exemptions shall be granted for motor vehicle fuel sold to contractors acting as agents of the United States armed forces or National Guard for use in the performance of contracts with the United States armed forces or National Guard.

(3) Sales or distributions to other licensed distributors. Exemption from the motor vehicle fuel tax may be claimed when a licensed distributor delivers motor vehicle fuel to another Washington licensed distributor in this state except no sale or distribution of motor vehicle fuel from one licensed distributor to another licensed distributor may be made free of motor vehicle fuel tax where the sale or distribution is a withdrawal of motor vehicle fuel for delivery to a retail service station or to unlicensed bulk storage. No exemption from motor vehicle fuel tax may be claimed where a sale or distribution is a withdrawal of motor vehicle fuel for delivery to a retail service station or to unlicensed bulk storage.

(4) Sales for immediate export out of the state by purchaser.

(a) Exemption from the motor vehicle fuel tax may be claimed when a licensed distributor sells motor vehicle fuel in this state to a purchaser other than another licensed distributor, and the fuel is delivered into the transportation equipment of the purchaser or a common or contract carrier employed by the purchaser, and the purchaser transports the fuel and unloads it at a location outside the state.

(b) The selling distributor must issue to the purchaser an invoice which shall contain at least the following details:

(i) Name and address of seller;

(ii) Name and address of purchaser;

(iii) The date of delivery (month, day, and year);

(iv) The location of the point of shipment, in words;

(v) The place of delivery, in words, if different from shipping point;

(vi) Purchaser's method of transporting fuel (either customer equipment, common carrier, or pipeline, if by common carrier, common carrier's name);

(vii) State or foreign jurisdiction of destination;

(viii) Name of product sold;

(ix) The quantity, in gallons, of product sold;

(x) The price per gallon and total amount charged;
and

(xi) The statement: "Ex Washington State Fuel Tax."

(c) The original copy of the invoice must be furnished the purchaser; a copy of the invoice must be kept by the selling distributor as required by RCW 82.36.160 and WAC 307-72-560.

(d) These sales shall be supported by Schedule 10, Uniform Motor Vehicle Fuel Tax Multiple Schedule of Disbursements (Form FT 441-841), a separate schedule for each state of destination. The department shall furnish the government agency of the state or foreign jurisdiction of destination a copy of this Schedule 10 to give information on the movement of untaxed fuel across state lines.

NEW SECTION

WAC 308-72-542 TAX EXEMPT SALES TO QUALIFIED PERSONNEL OF FOREIGN GOVERNMENTS. (1) Tax exempt sales may be made by a licensed motor vehicle fuel distributor to qualified foreign diplomatic and consular missions and their qualified personnel by means of tax exempt credit card accounts.

The Office of Foreign Missions, United States Department of State, will determine who are qualified under existing federal treaties or agreements with foreign governments.

(2) Motor vehicle fuel purchased by cash is not tax exempt.

(3) The tax exempt credit card accounts may be obtained by foreign government personnel from oil companies through the Office of Foreign Missions of the United States Department of State, 3005 Massachusetts Avenue N.W., Washington, D.C. 20008, Attention: Gasoline Tax Exemption Program.

(4) Distributors issuing credit cards for the purchase of motor vehicle fuel, shall not accept credit card applications for diplomatic motor vehicle fuel tax exemption, unless the application is accompanied by Form DSP-99A, issued by the Office of Foreign Missions, United States Department of State, and approved by that office.

(5) Such sales shall be reported monthly under "Sales to Qualified Foreign Government Personnel" and supported by an accompanying schedule showing the month of sale, the name of the foreign government personnel, and the quantity in gallons of motor vehicle fuel sold.

AMENDATORY SECTION (Amending Order 107MV, filed 9/10/71)

WAC 308-72-570 INVOICES. (1) Every licensed distributor and every broker shall issue an invoice at the time of each sale, distribution or use. An invoice is defined as: Any document evidencing the transfer of title to motor vehicle fuel and which must include:

- ~~((a))~~ ~~((An imprinted serial number;~~
- ~~((b))~~ The ~~((imprinted))~~ name of the distributor or broker;
- ~~((c))~~ ~~((b))~~ The name and address of the purchaser;
- ~~((d))~~ ~~((c))~~ The date of delivery; (month, day and year)
- ~~((e))~~ ~~((d))~~ The location of the point of shipment, in words;
- ~~((f))~~ ~~((e))~~ The place of delivery, in words, if different from shipping point;
- ~~((g))~~ ~~((f))~~ Customers truck or common carrier when delivered thereto;
- ~~((h))~~ ~~((g))~~ Name of product sold;
- ~~((i))~~ ~~((h))~~ The quantity, in gallons, of product sold;
- ~~((j))~~ ~~((i))~~ The price per gallon and total amount charged;
- ~~((k))~~ ~~((j))~~ The statement "Ex Washington motor vehicle fuel tax" if exemption is claimed; and
- ~~((l))~~ ~~((k))~~ In the case of border or interstate sales where place of delivery may be different than purchaser's address, indicate, "state" where delivered, i.e., Washington delivery, Idaho delivery, Oregon delivery.

(2) Returns. When motor vehicle fuel is physically returned for credit from a customer other than a dealer (service station) the licensed distributor may claim credit for the tax if the original invoice is obtained from the customer and retained by the licensed distributor. When the number of gallons returned is less than the quantity

sold and when the customer desires to file claim for refund of tax on the unreturned portion, the licensed distributor shall obtain the refund copy of the delivery invoice and retain it in the tax files. In such cases, a new invoice may be issued for the unreturned portion, making reference to the original date of delivery and invoice number. If the licensed distributor is unable to obtain the customer's original invoice when motor vehicle fuel is physically returned, the licensed distributor receiving the fuel may obtain permission from the director to claim credit for the tax without obtaining the original invoice after furnishing the name and address of the customer, name or location of the licensed distributor's station making the sale, date and number of the delivery invoice, gallons delivered and gallons returned.

An invoice used to record a returned sale or billing adjustment resulting in a credit, must be clearly identified as a credit invoice by means other than circling of figures.

When circumstances require an invoice prepared at the time of delivery to be replaced by another, the new document must include all of the pertinent information shown on the first document including the ~~((invoice number and))~~ date of transaction and any unique transaction codes or numbers identifying the first document.

(3) Own use, taxable. Fuel used in motor vehicles or for other taxable purposes by a licensed distributor or his agent shall be supported by an invoice or usage report covering the total fuel used at a particular plant during the month. If motor vehicle fuel is acquired from another licensed distributor or a dealer, the invoice shall be retained in the licensed distributor's files and the purchase noted on the usage report.

(4) Own use, tax refundable. If motor vehicle fuel is used for a purpose subject to tax refund, the licensed distributor may claim credit for such use on the statement. In such case, the supporting invoices or usage report shall clearly indicate the use as well as the equipment in which used.

AMENDATORY SECTION (Amending Order 107MV, filed 9/10/71)

WAC 308-72-690 SPECIAL RULES AND REQUIREMENTS FOR FUEL TAX REFUNDS. (1) U.S. government. Tax refund shall be allowed for fuel used off the public highways for official use in a motor vehicle owned by the United States. When fuel is sold to agencies of the United States, including taxable sales to the armed forces, and when the original invoice must be forwarded to the federal service agencies to support payment for the fuel, the seller, the federal agency and the state by mutual arrangement shall designate a copy as the only copy to be used in support of a claim for refund of the tax. The invoice so designated shall be deemed the original invoice.

(2) ~~((Foreign governments. Employees of a foreign government, including foreign diplomatic and consular offices, shall receive a refund of the tax paid on the gallons of fuel used. The refund shall be allowed only if such foreign government grants an equivalent exemption to employees of the United States performing similar~~

~~services in such country. No refund will be allowed unless and until the claimant complies with the provisions of RCW 82.36.310 and 82.36.330.~~

~~(3))~~ Marine users. Marine users, excluding marine dealers, need only to submit those fuel receipts on which the tax is refundable.

~~((4))~~ (3) Urban transportation systems. A schedule of vehicle operations of an urban passenger transportation system shall supplement the claim for refund.

~~((5))~~ (4) Snowmobiles and all terrain vehicles. Motor vehicle fuel used and purchased for providing the motive power for snowmobiles and for all terrain vehicles (ATV), although considered a nonhighway use of fuel, shall not be claimed for refund of the motor vehicle fuel tax paid thereon.

~~((6))~~ (5) No refund shall be made and should not be claimed for motor vehicle fuel used in a motor vehicle required to be registered and licensed notwithstanding that such motor vehicle occasionally may be operated over private roads or property which would otherwise be subject to refund.

WSR 90-13-038

PERMANENT RULES

DEPARTMENT OF LICENSING

[Order PFT 90-04—Filed June 14, 1990, 10:32 a.m.]

Date of Adoption: June 12, 1990.

Purpose: To implement section 3, chapter 193, Laws of 1989.

Citation of Existing Rules Affected by this Order: Amending WAC 308-77-034, 308-77-040 and 308-77-120.

Statutory Authority for Adoption: RCW 82.38.260.

Pursuant to notice filed as WSR 90-08-117 on April 4, 1990.

Changes Other than Editing from Proposed to Adopted Version: Amending WAC 308-77-165(1), "an invoice serial number," is deleted and the remaining subsections are renumbered.

Effective Date of Rule: Thirty-one days after filing.

June 12, 1990

Mary Faulk

Director

AMENDATORY SECTION (Amending Order PFT 89-02, filed 1/6/89)

WAC 308-77-034 SPECIAL FUEL USER'S LICENSE. A special fuel user's license must be obtained by any person wishing to purchase special fuel without payment of the special fuel tax at the time of purchase. It must also be obtained by any person operating a diesel vehicle with a ~~((registered))~~ gross vehicle weight of over twelve thousand pounds into the state of Washington from another state or province. This includes vehicles bearing Washington license plates. Persons using special fuel for heating purposes only are allowed to purchase special fuel without payment of the special fuel tax without obtaining a special fuel license.

AMENDATORY SECTION (Amending Order PFT 89-02, filed 1/6/89)

WAC 308-77-040 ISSUANCE OF LICENSE. A special fuel supplier or dealer who wishes to conduct separate businesses at different locations will be issued a license for each business upon request and filing an application for a license and a bond (if required) for each. The license shall be displayed or kept available for inspection at the place of each business where fuel is sold and delivered to users.

A special fuel supplier or dealer having more than one place of business holding a single license shall reproduce the license and keep a photocopy on display at each additional place of business, each place of storage from which special fuel is sold or delivered, and in each motor vehicle used to transport special fuel owned by him for sale, delivery or use, and in addition, must identify by location and capacity all bulk storage plants of #1 and #2 distillates capable of being used as vehicle fuel as required by the department.

A special fuel user who wishes to conduct separate businesses at different locations or to operate two or more separate fleets of motor vehicles will be issued a license for each separate business or fleet upon request and filing an application for a license and a bond (if required) for each location or fleet. The license shall be displayed or be kept available for inspection at the owner's principal place of business and a reproduced copy thereof shall be carried in each motor vehicle entering this state from another state or province. A special fuel tax trip permit may be purchased by a user entering this state in lieu of a special fuel license. The user must be the registered owner and/or lessee of the vehicle, or a dealer of motor vehicles. Operators of vehicles with a ~~((registered))~~ gross weight of more than twelve thousand pounds will require a special fuel license or a special fuel tax trip permit to enter this state.

AMENDATORY SECTION (Amending Order 548 DOL, filed 8/1/79)

WAC 308-77-120 TAX REPORTS. Each special fuel dealer and special fuel user is required to file a tax report for each month (or each reporting period if required by the department to make a return and payment of tax for other than monthly periods) on forms prescribed and furnished by the department. Report forms generated by computers and submitted in lieu of the forms furnished by the department are acceptable provided the format is the same as that prescribed by the department. A report shall be filed with the department for each calendar month (or reporting period) even though no special fuel was sold or used ~~((during))~~ or no tax is due for the month (or reporting period). Reports are due on the twenty-fifth day of the month following the end of the reporting period. The postmark date shall be accepted as the day of receipt. Tax remittances shall be made payable to the state treasurer.

If tax reporting forms are not available, a special fuel dealer or user may make a written informal report to the department setting forth the name, address, license number, month or reporting period and the number of

gallons of fuel sold or used on which the tax is due. This report with remittance will be accepted in lieu of a report on the prescribed form.

Any special fuel user whose vehicle is operated within and without the state and any special fuel user whose vehicle is operated regularly on and off the public highways exclusively within the state shall report his miles traveled and fuel purchases with his special fuel tax report.

NEW SECTION

WAC 308-77-165 INVOICES FOR EXPORT SALES. A sale is considered for export under RCW 82.38.030(2) when a licensed special fuel dealer sells special fuel in this state to a purchaser who is not a licensed special fuel user or special fuel dealer, and the fuel is delivered into the transportation equipment of the purchaser or a common or contract carrier employed by the purchaser, and the purchaser transports the fuel and unloads it at a location outside the state.

The selling special fuel dealer must issue to the purchaser an invoice which shall contain at least the following details:

- (1) Name and address of seller;
- (2) Name and address of purchaser;
- (3) The date of delivery (month, day, and year);
- (4) The location of the point of shipment, in words;
- (5) The place of delivery, in words, if different from shipping point;
- (6) Purchaser's method of transporting fuel (either customer equipment, common carrier, or pipeline, if by common carrier, common carrier's name);
- (7) State or foreign jurisdiction of destination;
- (8) Name of product sold;
- (9) The quantity, in gallons, of product sold;
- (10) The price per gallon and total amount charged; and
- (11) The statement: "Ex Washington State Fuel Tax."

The original copy of the invoice must be furnished the purchaser and a copy of the invoice must be kept by the selling special fuel dealer.

These sales shall be reported as "export sales, exported by purchaser" and supported by Schedule 10, Uniform Motor Vehicle Fuel Tax Multiple Schedule of Disbursements (Form FT 441-841), a separate schedule for each state of destination. This Schedule 10 should be submitted with the tax report. The department shall furnish the government agency of the state or foreign jurisdiction of destination a copy of this Schedule 10 to give information on the movement of untaxed fuel across state lines.

WSR 90-13-039

PERMANENT RULES

DEPARTMENT OF LICENSING

[Order PFT 90-05—Filed June 14, 1990, 10:50 a.m.]

Date of Adoption: May 30, 1990.

Purpose: To implement section 4, chapter 193, Laws of 1989.

Citation of Existing Rules Affected by this Order: WAC 308-78-010, 308-78-030, 308-78-040 and 308-78-070.

Statutory Authority for Adoption: RCW 82.42.040.

Pursuant to notice filed as WSR 90-08-118 on April 4, 1990.

Changes Other than Editing from Proposed to Adopted Version: WAC 308-78-040 (7)(a), "an invoice serial number," is deleted; WAC 308-78-070 (2)(a), "an imprinted invoice serial number," is deleted; and WAC 308-78-070(3) is changed to include the actual requirements themselves rather than incorporating the requirements by reference to other subsections of the rule.

Effective Date of Rule: Thirty-one days after filing.

May 30, 1990

Mary Faulk

Director

AMENDATORY SECTION (Amending Order TL-RG-23, filed 12/31/85)

WAC 308-78-010 DEFINITIONS. (1) "Aircraft fuel" includes any combustible gas or liquid, which is normally defined as motor vehicle fuel under chapter 82.36 RCW or a special fuel under chapter 82.38 RCW, when it is used to propel an aircraft.

(2) "User" means any person other than a distributor who is licensed to acquire aircraft fuel without payment of the aircraft fuel tax at time of acquisition.

(3) "Local service commuter" means an air taxi operator who operates at least five round trips per week between two or more points; publishes flight schedules which specify the times, days of the week, and points between which it operates; and whose aircraft has ((~~at~~)) a maximum capacity of sixty passengers or eighteen thousand pounds of useful load.

(4) "Operation for testing and experimental purposes" shall include only those flights conducted under either an experimental, research and development, or special airworthiness certificate issued by the FAA or other documented experimental or testing flights including the flight of other aircraft used in the test or experimental flight.

(5) "Private, nonstate funded airfield" means an airport not eligible to receive state funding under chapter 47.68 RCW.

AMENDATORY SECTION (Amending Order MV 696, filed 10/6/82)

WAC 308-78-030 REQUIRED REPORTS. (1) Every licensed distributor and user of aircraft fuel shall submit to the department of licensing, on or before the 25th day of each month, on forms furnished by the department:

(a) A signed statement showing the total number of gallons of aircraft fuel acquired, sold, delivered, and used during the preceding calendar month;

(b) A report of the number of gallons of aircraft fuel resulting in an increase or decrease of stock in bulk and/or mobile storage facilities;

(c) Such other data as necessary to support the various entries on the reports. The format of the Uniform Motor Fuel Tax Multiple Schedules shall be used for the supporting data unless a different format is specifically required by the department.

(2) A report shall be rendered each month regardless of whether fuel has been received or dispensed during the immediately preceding calendar month. The department may permit a user whose sole use of aircraft fuel is for tax exempt purposes to submit one annual report in lieu of monthly reports.

(3) ~~((In addition to the))~~ Reports required by subsection (1) of this section ~~(, every licensed distributor shall submit a report for each March and September showing the total monthly sales receipts, less state and federal taxes collected, from all sales of aviation fuel to licensed users and unlicensed purchasers. These reports shall be due by the 25th of April and October respectively))~~ may be submitted on computer-generated forms in lieu of the forms furnished by the department provided that the format is identical to the report forms preprinted by the department.

AMENDATORY SECTION (Amending Order PFT 85-001, filed 1/31/85)

WAC 308-78-040 TAX EXEMPT TRANSACTIONS. (See WAC 308-78-080—Refunds) A distributor may sell aircraft fuel without collecting aircraft fuel tax when delivery is made by the distributor:

- (1) To a buyer at a point outside the state; or
- (2) To a common or contract carrier under a bill of lading naming the distributor as consignor to the buyer outside the state; or
- (3) To United States or foreign government agencies; or
- (4) To aircraft fuel users licensed by the department; or
- (5) Directly into the aircraft fuel tanks of equipment operated by air carriers, supplemental air carriers, and foreign flag carriers operating under part 121 of the Federal Aviation Regulations, and local service commuters; or
- (6) To another licensed distributor; or
- (7) To a person who purchases and exports the fuel under the provisions of RCW 82.42.030. The fuel is considered sold for export under the provisions of RCW 82.42.030 if the fuel is delivered in the state into the transportation equipment of the purchaser or a common or contract carrier employed by the purchaser, and the purchaser transports the fuel and unloads it at a location outside the state. The selling distributor must issue to the purchaser an invoice which shall contain at least the following details:
 - (a) Name and address of seller;
 - (b) Name and address of purchaser;
 - (c) The date of delivery (month, day, and year);
 - (d) The location of the point of shipment, in words;
 - (e) The place of delivery, in words, if different from shipping point;
 - (f) Purchaser's method of transporting fuel (either customer equipment, common carrier, or pipeline, if by common carrier, common carrier's name);

- (g) State or foreign jurisdiction of destination;
- (h) Name of product sold;
- (i) The quantity, in gallons, of product sold;
- (j) The price per gallon and total amount charged;

and

- (k) The statement: "Ex Washington State Fuel Tax." The original copy of the invoice must be furnished the purchaser; a copy of the invoice must be kept by the selling distributor as required by RCW 82.42.040 and WAC 307-78-070.

These sales shall be supported by Schedule 10, Uniform Motor Vehicle Fuel Tax Multiple Schedule of Disbursements (Form FT 441-841), a separate schedule for each state of destination. The department shall furnish the government agency of the state or foreign jurisdiction of destination a copy of this Schedule 10 to give information on the movement of untaxed fuel across state lines.

AMENDATORY SECTION (Amending Order PFT 85-001, filed 1/31/85)

WAC 308-78-070 RECORDS. (1) Stock records. Every distributor and user shall maintain a complete stock summary of the gallons of aircraft fuel handled each month which reflects inventories, receipts, sales, use, transfers, loss or gain, and other distribution. The stock summary shall be supported by:

- (a) Physical inventories of bulk storage facilities and mobile storage facilities taken at the close of each calendar month;
 - (b) A record of fuel receipts together with invoices, bills of lading, transfer documents, and other documents relative to the acquisition of fuel;
 - (c) A record of fuel disbursements supported by sales invoices and other documents relative to the disbursements of fuel.
- (2) Invoices. An original invoice shall be issued at the time of each sale, or delivery, and shall show:
- (a) ~~((An imprinted serial number, (b)))~~ The ~~((imprinted))~~ name of the distributor;
 - ~~((c))~~ (b) The date of delivery;
 - ~~((d))~~ (c) The name and address of the purchaser (address not required on credit card deliveries);
 - ~~((e))~~ (d) The location of the storage facility from which the fuel was withdrawn;
 - ~~((f))~~ (e) The type or grade of fuel;
 - ~~((g))~~ (f) The number of gallons sold or delivered;
 - ~~((h))~~ (g) The price per gallon and the total amount charged;
 - ~~((i))~~ (h) The statement: "Ex Washington Aircraft Fuel Tax" for tax exempt sales. The distributor or user license number must be shown for all deliveries other than those made directly into the aircraft fuel tanks of unlicensed exempt carriers.
- (3) Own use. Every distributor and user shall maintain a withdrawal record covering ~~((this))~~ their own total usage during the month ~~((, which contains the same information concerning each withdrawal of aircraft fuel for own use as required in subsections (2)(c), (e), (f), and (g)))~~. The withdrawal record shall contain the date of withdrawal, the location of the storage facility from

which the fuel was withdrawn, the type or grade of fuel, and the number of gallons withdrawn.

(4) Each person claiming an exemption from the aircraft fuel tax shall keep records in a form convenient to the operator, of each flight or series of flights for which tax exempt use is claimed. Such records shall include:

(a) Flight or block time of each flight or series of flights;

(b) Type of aircraft;

(c) Purpose of each flight or series of flights;

(d) Dates;

(e) Gallons consumed for each flight or series of flights.

(5) Maintenance and audit of records. Every distributor and user shall maintain and keep for a period of not less than three years in their original form such records as the department may require. The department may make such examinations of the records, stocks, facilities, equipment, and aircraft of distributors and users as necessary in carrying out the provisions of chapter 10, Laws of 1967 ex. sess., as amended. If such examination or investigations disclose that any reports filed with the department have shown incorrectly the gallonage of aircraft fuel or the tax accruing thereon, the department may make such changes in subsequent reports and payments as necessary to correct the errors disclosed.

WSR 90-13-040

WITHDRAWAL OF PROPOSED RULES BUILDING CODE COUNCIL

[Filed June 14, 1990, 12:04 p.m.]

Please be notified that the Washington State Building Code Council has withdrawn proposed WSR 90-05-064, as continued by WSR 90-11-020. The proposed rule would have amended Washington State Energy Code requirements for solid fuel burning appliances and is considered unnecessary at this time.

If you have any questions or comments on the council's actions, please contact Linda Ramsey at (206) 586-3423.

Marc Sullivan
Chair

WSR 90-13-041

PERMANENT RULES INSURANCE COMMISSIONER

[Order No. R 90-5—Filed June 14, 1990, 1:40 p.m.]

Date of Adoption: June 14, 1990.

Purpose: This proposal is intended to promote compliance with the filing requirements contained in chapter 48.19 RCW. The rules clarify the requirements of RCW 48.19.040(5) by defining terms and establishing procedures to be followed by insurers and rating organizations; permit rating organizations to make filings of prospective loss costs and establish guidelines for their use by insurers; repeal subsections of WAC 284-24-060

permitting flex-rating; permit the use of schedule rating by insurers writing commercial fidelity and commercial crime insurance; and correct editorial and minor technical errors in the existing rule.

Citation of Existing Rules Affected by this Order: Amending WAC 284-24-015, 284-24-060 and 284-24-100.

Statutory Authority for Adoption: RCW 48.02.060, 48.19.080 and 48.19.370.

Pursuant to notice filed as WSR 90-10-056 on May 1, 1990.

Effective Date of Rule: Thirty-one days after filing.

June 14, 1990

Dick Marquardt
Insurance Commissioner

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

WAC 284-24-015 STATISTICAL PLANS AND DESIGNATION OF STATISTICAL AGENTS. Pursuant to the provisions of RCW 48.19.370, the insurance commissioner has adopted the following statistical plans for the recording and reporting of loss and expense experience, and hereby designates the particular organizations, or their successors, as statistical agents to assist the commissioner in the gathering and compilation of experience for the classes of business stated.

(1) The statistical plans of the Insurance Services Office, Inc. with respect to the following kinds of insurance:

- (a) Fire and allied lines,
- (b) Automobile physical damage,
- (c) Automobile liability,
- (d) General liability,
- (e) Burglary,
- (f) Glass,
- (g) Boiler and machinery,
- (h) Inland marine,
- (i) Homeowners, comprehensive dwelling and dwelling policy program,

- (j) Commercial multiperil,
- (k) Businessowners, and
- (l) ((~~Medical~~)) Professional liability.

(2) The statistical plans of the National Association of Independent Insurers with respect to:

- (a) Burglary,
- (b) Businessowners,
- (c) Crop hail,
- (d) Farmowners,
- (e) Fidelity and surety,
- (f) Fire and allied lines,
- (g) General liability,
- (h) Glass,
- (i) Inland marine,
- (j) Malpractice and professional liability,
- (k) Personal lines (homeowners and dwelling fire),
- (l) ((~~Special~~)) Commercial multiperil,
- (m) Automobile liability, and
- (n) Automobile physical damage.

(3) The statistical plans of the American Association of Insurance Services with respect to:

- (a) Homeowners,

- (b) Farmowners,
- (c) Mobile homeowners,
- (d) Inland marine,
- (e) Farm fire,
- (f) Dwelling fire,
- (g) Commercial fire,
- (h) General liability,
- (i) Burglary,
- (j) Glass,
- (k) ~~((Special))~~ Commercial multiperil,
- (l) Manufacturers output, and
- (m) Businessowners.

(4) The statistical plan of the Surety Association of America with respect to fidelity, surety and forgery.

(5) The statistical plan of the ~~((Crop-Hail Insurance Actuarial Association))~~ National Crop Insurance Services with respect to hail insurance on growing crops and windstorm (when accompanied by hail) insurance on growing crops.

(6) The statistical plan of the Factory Mutual Service Bureau with respect to property insurance.

(7) The statistical plan of the Mill and Elevator Rating Bureau with respect to property insurance.

(8) The statistical plan of the Nuclear Insurance Rating Bureau with respect to nuclear physical damage insurance.

Experience filed by individual carriers is to be kept confidential by these statistical agents and only the consolidated experience will be available as public information.

NEW SECTION

WAC 284-24-055 FIFTEEN-MONTH REFILING REQUIREMENT. (1) RCW 48.19.040(5) requires that revised general liability, professional liability, and commercial automobile rates or information supporting existing rates be received by the commissioner within fifteen months of the approved effective date of an insurer's or rating organization's last prior filing of rates for the same coverage. This requirement may be satisfied in the following ways:

(a) An insurer that is not a member or subscriber of a rating organization or who elects not to use the filed rates of a rating organization must submit revised rates or supporting information showing that previously filed rates meet the requirements of RCW 48.19.020.

(b) An insurer that is a member or subscriber of a rating organization and has elected to base its rates on the rating organization's filed prospective loss costs must file to:

(i) Adopt the prospective loss cost filing made by the rating organization; and

(ii) Submit the information required in RCW 48.19.040 (2)(b) and (c) supporting its existing loss cost adjustment or a revised loss cost adjustment.

(c) An insurer that is a member or subscriber of a rating organization filing rates and has elected to use those rates need not file unless it deviates from the rating organization's rates. If it deviates, it must make a filing that contains the information required by RCW 48.19.040(2).

(d) A rating organization filing prospective loss costs must submit a filing of revised prospective loss costs or supporting information showing that previously filed loss costs remain valid.

(e) A rating organization filing rates must submit revised rates or supporting information showing that previously filed rates meet the requirements of RCW 48.19.020.

(2) For rate filings approved on or before September 1, 1989, the fifteen-month interval began on September 1, 1989. Thus an update to every filing subject to RCW 48.19.040(5) must be received by the commissioner on or before December 1, 1990.

(3) RCW 48.19.040(5) applies to filings of composite rates or indivisible premiums for which at least fifty percent of the expected losses arise from general liability, professional liability, and commercial automobile exposures.

(4) For purposes of this section, the following definitions apply:

(a) "General liability insurance" means insurance against loss due to claims against the insured for damages arising from:

(i) The insured's business premises or operations;

(ii) Business obligations contractually assumed by the insured;

(iii) The handling or use of, or any condition in, products manufactured, handled, or distributed by the insured;

(iv) Actions of the insured's directors and officers; and

(v) Business errors or omissions by the insured.

(b) "Professional liability insurance" means insurance against loss due to claims against the insured for damages arising from the insured's professional acts.

(c) "Commercial automobile insurance" means insurance against loss arising from the ownership or use of a motor vehicle by a business.

(d) "Coverage" means any combination of line of business and market segment for which an insurer or rating organization makes a separate rate filing.

AMENDATORY SECTION (Amending Order R 86-7, filed 11/26/86)

WAC 284-24-060 MODIFICATION OF FILING REQUIREMENTS. (1) Pursuant to RCW 48.19.080, the commissioner rules and hereby orders that the rate filing requirements set forth in chapter 48.19 RCW are modified so that:

(a) No filings with respect to rates pertaining to surplus line coverages placed in this state pursuant to chapter 48.15 RCW need be made, hereby confirming the longstanding practice in this state; and

(b) ~~((An insurer, having made its rates for commercial insurance in full compliance with the requirements of such chapter, may use its rates immediately upon filing with the commissioner, provided the change in rates as the result of the filing neither exceeds ten percent for any single policy nor results in a change exceeding ten percent when all filings applying to any single policy are combined for the preceding twelve months.))~~ Rating organizations may make reference filings of prospective loss costs. Such filings shall contain the statistical data

and supporting information for all calculations and assumptions underlying the prospective loss costs, but need not provide the information required by RCW 48.19.040 (2)(b) and (c). Filings of prospective loss costs must be approved by the commissioner prior to use by any insurer as a reference document. A member or subscribing insurer must file a loss cost adjustment and obtain the commissioner's approval prior to use of rates based on prospective loss costs.

(c) With respect to coverages not subject to RCW 48.19.040(5), a member or subscribing insurer of a rating organization may use rates based on prospective loss costs filed by such an organization and approved by the commissioner as a reference document without complying with the requirements of RCW 48.19.040 if:

(i) The insurer has an approved loss cost adjustment on file with the commissioner and proposes no changes to it; and

(ii) The insurer will begin using the prospective loss costs on the date proposed by the rating organization and approved by the commissioner.

(d) The requirements of RCW 48.19.040(5) are waived:

(i) With respect to filings of supplementary rating information;

(ii) With respect to filings of rates for umbrella and excess liability policies; and

(iii) With respect to filings of rates or prospective loss costs for minor optional or miscellaneous coverages. For any minor optional or miscellaneous coverage not listed specifically in subsection (2)(g) of this section, the requirements of RCW 48.19.040(5) may be waived by the commissioner upon the prior written request of the insurer or rating organization making the filing.

(2) For purposes of this section, the following definitions apply:

(a) ("Commercial insurance" means insurance for business or nonprofit interests which is not for personal, family, or household purposes.

(b) "Filing" means the submission of rates or rating plans to be used by an insurer when issuing policies. A filing, as used in this section, must include:

(i) Supporting actuarial data in sufficient detail to justify any rate level changes and statistically demonstrate the differences and/or correlations relevant to rating plan definitions and rate differentials; and

(ii) An exhibit comparing the proposed rates to the previous rates stated in percentages. This exhibit must show the date the preceding rates were submitted to the commissioner.) "Rating organization" means an organization licensed pursuant to RCW 48.19.180.

(b) "Member or subscribing insurer" means an insurer that has granted filing authority to a rating organization pursuant to RCW 48.19.050.

(c) ("Rate" means a monetary amount applied to the units of exposure. It includes:

(i) Classification, which means the individual rating group in which a particular risk is placed for underwriting purposes; and

(ii) Relativities, increased limit factors, territory assignments, or any other rating factors applied to a base

rate when calculating a premium. With respect to package policies, the insurer need only consider the package modification factors.) "Prospective loss cost" means that portion of a rate that provides only for losses and loss adjustment expense and does not include provisions for expenses (other than loss adjustment expenses) or profit, and is based on historical aggregate losses and loss adjustment expenses adjusted through development to their ultimate value and projected through trending to a future point in time.

(d) "Loss cost adjustment" means a factor by which prospective loss costs are multiplied to obtain final rates. It takes into account:

(i) Operating expenses;

(ii) Underwriting profit (or loss) and contingencies;

(iii) Investment income;

(iv) Dividends, savings, or unabsorbed premium deposits allowed or returned to policyholders, members, or subscribers;

(v) Variations in loss experience unique to the insurer making the filing;

(vi) The effect of the timing difference on the prospective loss costs in those instances in which an insurer elects to begin using prospective loss costs on a date other than that proposed by the rating organization and approved by the commissioner; and

(vii) Other relevant factors, if any.

(e) "Rate" means the cost of insurance per exposure unit, whether expressed as a single number or separately as prospective loss cost and loss cost adjustment, prior to any application of individual risk variations as permitted by WAC 284-24-100, and does not include minimum premiums or supplementary rating information.

(f) "Supplementary rating information" means any manual or plan of policy writing rules, rating rules, classification system, territory codes and descriptions, rating plans, and any other similar information needed to determine the applicable premium for an insured. It includes factors and relativities, such as increased limits factors, package modification factors, classification relativities, and deductible relativities.

(g) "Minor optional and miscellaneous coverages" include but are not limited to:

(i) Towing and labor coverage.

(ii) Auto dealers pickup or delivery coverage.

(iii) Auto dealers false pretense coverage.

(iv) Antique auto physical damage coverage.

(v) Golfmobile coverage.

(vi) Drive other car coverage.

(vii) Nonownership liability coverage.

(viii) Hired auto coverage.

(ix) Rental reimbursement coverage.

(x) Sound receiving and transmitting equipment coverage.

(xi) Tapes and records coverage.

(xii) Additional interests coverage.

(xiii) Owners and contractors protective coverage.

(xiv) Principals protective coverage.

(xv) Railroad protective coverage.

(xvi) Elevator or escalator inspection charge.

AMENDATORY SECTION (Amending Order R 85-4, filed 11/14/85)

WAC 284-24-100 STANDARDS FOR SCHEDULE RATING PLANS, NONCOMPLYING FILINGS INEFFECTIVE. Pursuant to RCW 48.19.120, and to effectuate the provisions of RCW 48.19.030, the commissioner finds that existing schedule rating plans permit excessive credits or debits, commonly resulting in discrimination against insureds or inadequate premiums, and, for that reason, fail to meet the requirements of chapter 48.19 RCW. Therefore, no filing of a schedule rating plan shall be effective or accepted after January 1, 1986, unless it meets the following standards:

(1) A plan shall apply only to those classes of insurance (monoline or packaged) commonly known as commercial vehicle, commercial general casualty, commercial inland marine, commercial fidelity, commercial crime, and commercial property.

(2) A plan shall provide for no more than a twenty-five percent credit (reduction) or debit (charge), excluding any expense adjustment permitted by a lawfully filed and approved expense adjustment plan.

(3) A plan must provide for an objective analysis by the insurer of the risk and be based on specific factual information supporting the rating. Items such as the following may be considered:

(a) Management capacity for loss control and risk improvement, including financial and operating performance.

(b) Condition and upkeep of premises and equipment.

(c) Location of risk and suitability of occupancy.

(d) Quality of fire and police protection.

(e) Employee training, selection, supervision, or similar elements.

(f) Type of equipment.

(g) Safety programming.

(h) Construction features and maintenance.

(i) Classification variances, including differences from average hazards.

(4) A plan must provide that when a risk is rated below average (debited), an insured or applicant, upon timely request, will be advised by the insurer of the factors which resulted in the adverse rating so that the insured or applicant will be fairly apprised of any corrective action that might be appropriate with respect to the insurance risk.

(5) A plan shall be administered equitably and applied fairly to every eligible risk which an insurer elects to insure. Records supporting the development of individual risk modifications shall be retained by the insurer for a minimum of three years or until the conclusion of the next regular examination conducted by the insurance department of its domicile, whichever is later, and made available at all reasonable times for the commissioner's examination. Such records must include copies of all documentation used in making each particular determination, even though a credit or debit may not result.

WSR 90-13-042
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed June 14, 1990, 2:05 p.m.]

Continuance of WSR 90-09-054.

Title of Rule: Chapter 388-24 WAC, Aid to families with dependent children—Eligibility.

Name of Proponent: Department of Social and Health Services, governmental.

Date of Intended Adoption: July 17, 1990.

June 14, 1990

Leslie F. James, Director
 Administrative Services

WSR 90-13-043
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed June 14, 1990, 2:10 p.m.]

Continuance of WSR 90-09-079.

Title of Rule: WAC 388-24-050 Aid to families with dependent children—Assistance unit.

Name of Proponent: Department of Social and Health Services, governmental.

Date of Intended Adoption: July 17, 1990.

June 14, 1990

Leslie F. James, Director
 Administrative Services

WSR 90-13-044
PERMANENT RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)

[Order 443—Filed June 15, 1990, 8:29 a.m.]

Date of Adoption: April 20, 1990.

Purpose: To establish firearm restriction areas and 1990 deer hunting seasons.

Statutory Authority for Adoption: RCW 77.12.040 and 77.04.055.

Pursuant to notice filed as WSR 90-06-093 on March 7, 1990.

Changes Other than Editing from Proposed to Adopted Version: The adopted version of WAC 232-28-219 differs from the proposed version filed with the Code Reviser in the following specifics: The title of the WAC was changed to include 1991 because one deer season extends into 1991; a new firearm restriction area in the Buckley-Enumclaw area was adopted because of public safety concerns of residents of the area. The restriction prohibits high powered rifles and muzzle loaders. The Whatcom County restriction includes Point Roberts; the Wildlife Commission limited the 3-point restriction in

GMUs 127-185 to mule deer only; the Wildlife Commission deleted the following restrictions: "It is unlawful to hunt wild animals in GMUs 105-124 from November 12-18, 1990, without valid licenses and unaltered, unnotched tags for hunting deer on the hunters person." and "Restriction: It is unlawful to hunt wild animals during the modern firearm late buck season unless current, valid licenses and unaltered, unnotched tags for hunting deer are on the hunters person."; the requirement of "a valid archery deer tag in possession" was deleted from archery and muzzleloader hunters hunting for grouse, raccoon, bobcat and rabbits; the late archery hunts in GMUs 584 and 588 were changed to antlerless or 2-point minimum instead of antlerless and 2-point minimum; the Wildlife Commission selected additional units for the extended archery deer season. In making this change, the following GMUs were deleted from the November 21-December 9 period: GMUs 405, 440, 442, 448, 454, 484, 505, 506, 564, 568, 624, 627, 660, 663, 667 and 672. The extended late archery hunt of November 21-December 31 was adopted for the following GMUs: 405, 410, 440, 442, 448, 454, 484, 505, 506, 564, 568, 603, 612, 624, 627, 642, 660, 663, 667 and 672. Deer of either sex are legal; and firearms permitted in GMU 625 (Indian Island) were liberalized to include shotgun and muzzleloader.

Effective Date of Rule: Thirty-one days after filing.
 June 9, 1990
 John C. McGlenn
 Chairman

[NEW SECTION]

WAC 232-28-219 FIREARM RESTRICTION AREAS AND 1990-1991 DEER HUNTING SEASONS

HUNTING FIREARM RESTRICTION AREAS

In firearm restriction areas, centerfire and rimfire rifles are not legal for hunting during any time of the year. Hunters may hunt only during the season allowed by their tag. Archery tag holders may hunt during archery seasons with archery equipment. Muzzleloaders may hunt during muzzleloader seasons with muzzleloader equipment. Modern firearm tag holders may hunt during modern firearm seasons with bows and arrows, muzzleloader or shotguns firing slugs or legal buckshot. Shotguns are not legal for hunting elk.

Note: Other firearm restrictions may be imposed by local ordinances not known to the Department of Wildlife and for specific elk seasons.

County	Area
Clallam	That portion of GMU 624 (Coyle) located within Clallam County
Clark	GMU 564 (Battleground)
Cowlitz	GMU 554 (Yale) GMU 504 (Stella)
Franklin, Grant, Adams	All of GMU 281 (Ringold) and Wahluke Slope Wildlife Area (portion of GMU 278 - Wahluke)
Island	Camano and Whidbey Islands

County	Area
Jefferson	Indian and Marrowstone Islands
King	The area west of Highway 203 (Monroe-Fall City-Preston) to Interstate 90 (I-90), I-90 to Highway 18, Highway 18 to Interstate 5 (I-5), I-5 to the Pierce-King County line; Vashon and Maury Islands
King	The following portion of GMU 484 (Puyallup): Beginning at the intersection of State Highway 410 and the southeast Mud Mountain Dam Road near the King/Pierce County Line north of Buckley; then east along the southeast Mud Mountain Road to 284th Avenue southeast; then north along 284th Avenue south-east to State Highway 410; then west along Highway 410 to the point of the beginning. (This restriction includes high power rifles and muzzleloaders.)
Kitsap	East of State Highway 16 originating at the Tacoma Narrows Bridge to Gorst, and east of Highway 3 to North Lake Way, north of North Lake Way and the Bremerton-Seabeck Highway to Big Beef Creek bridge; all of Bainbridge Island, and Bangor Military Reservation
Kittitas	GMU 334 (Ellensburg) Closed to high power rifles during deer and elk seasons.
Mason	GMU 633 (Mason Lake) south of Hammersley Inlet; and all of Hartstene Island
Pacific	GMU 684 (Long Beach) west of Sand Ridge Road
Pierce	GMU 480
Snohomish	West of Highway 9
Skagit	Guemes Island and March Point north of State Highway 20
Thurston	GMU 666 (Deschutes) north of U.S. Highway 101 and Interstate 5 between Oyster Bay and the mouth of the Nisqually River
Whatcom	Area west of I-5 and north of Bellingham city limits including Point Roberts.

Hunters PLEASE obtain permission of the owner before hunting on private property.

DEER

General Information

Bag Limit: One (1) deer per hunter during the 1990 hunting season.

Hunting Method: Hunters must select one of the hunting methods (modern firearm, archery, or muzzleloader).

Buck Deer Seasons: Open only to the taking of male deer with visible antlers (buck fawns illegal).

Definition: Visible antler is a horn-like growth projecting above the hairline.

Branched Antler Restriction GMUs: APPLIES TO ALL HUNTERS DURING ANY OPEN SEASON! Buck deer taken in these GMUs must meet minimum antler point requirements. Minimum antler point requirements are antler points on one side only. (Only one antler has to meet the antler point requirement.) Antler points include eye guards but all antler points must be at least one inch long. The following GMUs have 2 or 3 point minimum requirements on buck deer taken.

2 Point GMUs: 433, 478, 558, 574, 576, 584, 586, 588, 636, 681, and GMU 485 (by permit only).

3 Point GMUs: 103, 203, 231, 306, 450, and 455.

3 Point Restriction for Mule Deer in the following GMUs: 127, 130, 133, 136, 139, 142, 145, 148, 151, 154, 160, 161, 163, 166, 169, 172, 175, 178, 181, 184, and 185.

Modern Firearm Deer Seasons

License Required: Hunting license for the current calendar year.

Tag Required: Deer hunter must have a current, valid, unaltered, unnotched modern firearm deer tag on his/her person.

Hunting Method: Modern firearm deer tag hunters may use rifle, handgun, shotgun, bow or muzzleloader, but only during modern firearm seasons. Archery and muzzleloader equipment must meet regulations on pages 5 and 6.

Season Overlap: Early archery deer and early muzzleloader deer hunters hunt in common with modern firearm hunters in the high buck hunt (GMUs 203, 301, 302, 450, 455, and Deer Areas 010 and 060). Modern firearm deer permit holders in GMUs 100, 103, 105, 108, 111, 118, 121, and 124 overlap part of the early archery deer hunt. Deer hunts in GMUs 564 and 625 are open to all hunters but firearm restrictions apply. Modern firearm deer permit hunters in GMU 119 overlaps the early muzzleloader deer hunt.

High Buck Hunt

Tag Required: Deer hunter must have a current, valid, unaltered, unnotched modern firearm deer tag on his/her person.

GMUs	Dates	Legal Deer
203, 301, 302, 450,	Sept. 15-25	3-Pt. Min.
Deer Area 010, 040, 060	Sept. 15-25	3-Pt. Min.

General Buck Season

Tag Required: Deer hunter must have a current, valid, unaltered, unnotched modern firearm deer tag on his/her person.

GMUs	Dates	Legal Deer
Northeastern 100, 103	Oct. 13-28	Buck Only**
105-124	Oct. 13-Nov. 18	Buck Only
Southeastern 127-185***	Oct. 13-21	3-Pt. Min.
Okanogan 200-242	Oct. 13-28	Buck Only**
Columbia Basin 248-284	Oct. 13-21	Buck Only
Chelan 300-316	Oct. 13-Nov. 9	Buck Only**
Colockum and Central 328-334***	Oct. 13-20	Buck Only
335-370	Oct. 13-30	Buck Only
Western Washington 400-572***	Oct. 13-28	Buck Only**
574, 576	Oct. 13-Nov. 11	Buck Only**
580	Oct. 13-28	Buck Only
584, 586, 588	Oct. 13-Nov. 11	2-Pt. Min.
600-684	Oct. 13-28	Buck Only**

**Branched antler restrictions in some GMUs. See Branched Antler Restrictions in previous column.

***Permit only in GMU 485; Closed in GMU 157 & 522. Closed to high power rifles in GMUs 334, 504, 554, and 564.

Late Buck Season

Tag Required: Deer hunter must have a current, valid, unaltered, unnotched modern firearm deer tag on his/her person.

GMUs	Dates	Legal Deer
All 400*, 500*, & 600	Nov. 15-18	Buck Only**

*Except closed in: GMUs 480, 485, 522, 574, 576, 580, 584, 586, and 588.

**Branched antler restrictions in some GMUs. See Branched Antler Restrictions in previous column.

Archery Deer Seasons

License Required: Hunting license.

Tag Required: Deer hunter must have a current valid, unaltered, unnotched archery deer tag on his/her person.

Special Notes: Archery tag holders can only hunt with archery equipment during archery seasons. In addition, grouse, raccoon, bobcat and rabbits may be taken during archery deer seasons with archery equipment. Archers may not kill bobcat or raccoon with use of hounds during early archery deer seasons.

Season Overlap: Early archery deer seasons overlap the modern firearm high buck hunt in GMUs 203, 301, 302, 450 455 and Deer Areas 010 and 060. Early archery deer seasons also overlap modern firearm, permit hunts in GMUs 100, 103, 105, 108, 111, 118, 121, and 124. Modern firearm permit hunts for 3-point and larger bull elk overlap with early archery deer seasons in GMUs 514, 516, 560, 602 and 638. Early archery deer seasons overlap the muzzleloader damage control elk hunt in ML Area 910 (Cle Elum). Late archery deer seasons

overlap the late muzzleloader elk hunt in GMU 484 (Puyallup). Deer hunts in GMUs 564 and 625 are open to all hunters but firearm restrictions apply. In addition, grouse and bear seasons may be open concurrent with archery seasons.

Branched Antler GMUs: If GMU is under a Branched Antler Restriction, the hunter may take an antlerless deer or branched antler buck meeting minimum antler requirement.

Early Archery

GMUs	Dates	Legal Deer*
100-118*, 121-154*, 160-169*, 175-206*, 215-239*, 248-301, 306-308, 316-340, 352-356, 364, 370, 405-478, 490, 504, 505, 510, 512, 514, 516, 520, 524, 530, 550, 554-560, 568-588, 601, 602, 607, 615, 618, 621, 627-633, 638, 639, 642-663, 667-669, 678, 681	Sept. 15-Oct. 12	Either Sex*
119, 172, 242, 302, 304, 360, 448, 484, 564, 603, 612, 624, 636, 666, 672, 684	Sept. 15-28	Either Sex
501, 506	Sept. 15-Oct. 5	Either Sex
480	Oct. 1-12	Either Sex
Bow Area 802	Sept. 15-Oct. 12	Either Sex

*Branched antler restrictions in GMUs 103, 203, 231, 301, 302, 306, 433, 450, 478, 558, 574, 576, 584, 586, 588, 636 and 681 3-point restriction for mule deer in GMUs 127-185.

Late Archery

GMUs	Dates	Legal Deer
103	Nov. 14-Dec. 9	Whitetail Only-Antlerless or 3-Pt. Min.
118, 121, 124	Nov. 21-Dec. 9	Whitetail Only; Either Sex
127, 166, 178	Nov. 21-Dec. 9	Whitetail-Antlerless or 3-Pt. Min. Mule Deer-Antlerless Only
209, 215, 233, 242, 272	Nov. 21-Dec. 2	Whitetail-Either Sex Mule Deer-Antlerless Only
300, 304, 316, 346, 352, 364	Nov. 21-Dec. 2	Either Sex
584, 588	Nov. 21-Dec. 2	Antlerless or 2-Pt. Min.
418, 426, 433, 450, 460, 466, 480, 510, 512, 514, 516, 520, 524, 530, 556, 558, 560, 572, 601, 607, 615, 618, 636, 638, 639, 645, 648, 666, 669, 678, 681	Nov. 21-Dec. 9	Either Sex*

*Antlerless and 2-pt. Buck Min. in GMUs 433, 636 and 681.

Extended Late Archery

GMUs	Dates	Legal Deer
405, 410, 440, 442, 448, 454, 484, 505, 506, 564, 568, 603, 612, 624, 627, 642, 660, 663, 667, 672	Nov. 21-Dec 31	Either Sex
802	Nov. 21-Dec. 9	Either Sex
806, 807	Nov. 21-Dec. 2	Either Sex
820	Dec. 22-Jan. 6, 1991	Either Sex

Muzzleloader Deer Seasons

Tag Required: Deer hunter must have a current, valid, unaltered, unnotched muzzleloader deer tag on his/her person.

Hunting Method: Muzzleloader meeting requirements. (See muzzleloader regulations on page 5 and 6.)

Special Notes: Muzzleloader tag holders can only hunt during muzzleloader seasons and must hunt with muzzleloader equipment. In addition, muzzleloaders can hunt grouse, raccoon, bobcat, and rabbits during any muzzleloader deer season with a muzzleloader. Muzzleloaders may not kill bobcat or raccoon with use of hounds during early muzzleloader deer seasons. Muzzleloader deer tag holders may apply for all either sex, antlerless only, and branched antler deer special hunting permits.

Season Overlap: Modern firearm deer hunters hunt in common with muzzleloader and archery deer hunters in the high buck hunt (GMUs 203, 301, 302, 450, and Deer Areas 010, 040 and 060). The early muzzleloader deer hunt in GMU 119 overlaps the modern firearm permit season.

High Buck Hunt

GMUs	Dates	Legal Deer
203, 301, 302, 450	Sept. 15-25	3-Pt. Min.
Deer Area 010, 040, 060	Sept. 15-25	3-Pt. Min.
Early Muzzleloader		
GMUs	Dates	Legal Deer
119, 209, 242	Sept. 29-Oct. 12	Either Sex
302, 304, 360, 368	Sept. 29-Oct. 12	Either Sex
564, 666	Sept. 29-Oct. 12	Either Sex
506	Oct. 6-12	Buck Only
484, 603, 612, 624, 672	Sept. 29-Oct. 12	Buck Only

Late Muzzleloader

GMUs	Dates	Legal Deer
113	Nov. 21-Dec. 2	Whitetail Only- Either Sex
181	Nov. 21-Dec. 2	Whitetail-Antlerless or 3-Pt. Min.; Mule Deer-Antlerless Only
304	Nov. 10-18	Buck Only
410	Nov. 21-Dec. 9	Either Sex
478	Nov. 21-Dec. 9	Antlerless or 2-Pt. Min.
501, 504, 550	Nov. 21-Dec. 9	Either Sex
580	Nov. 21-Dec. 9	Buck Only
576, 586	Nov. 21-Dec. 9	2-Pt. Buck Min.
602, 633 651, 684	Nov. 21-Dec. 9	Either Sex
Muzzleloader Area 925	Nov. 15-Dec. 15	Antlerless Only

FIREARM RESTRICTED DEER HUNTS OPEN TO ALL DEER HUNTERS

License Required: Deer Hunting license.

Tag Required: Deer hunter must have a current, valid, unaltered, unnotched modern firearm, archery or muzzleloader deer tag on his/her person.

Hunting Method: Must use weapon in compliance with tag. Firearm Restrictions Apply in some GMUs.

Either Sex Deer

GMUs	Weapon Permitted	Dates	Legal Deer
281	Archery, Shotgun	Oct. 13-21	Either Sex
410	Archery, Shotgun, Muzzleloader	Oct. 20-28	Either Sex
480	Archery, Shotgun, Muzzleloading Shotgun	Oct. 20-28	Either Sex
564	Archery, Shotgun, Muzzleloader	Oct. 20-28 Nov. 16-Dec. 9	Either Sex

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

**WSR 90-13-045
PERMANENT RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)**

[Order 444—Filed June 15, 1990, 8:32 a.m.]

Date of Adoption: April 20, 1990.

Purpose: To establish 1990-91 elk hunting seasons.

Statutory Authority for Adoption: RCW 77.12.020 and 77.04.055.

Pursuant to notice filed as WSR 90-06-094 on March 7, 1990.

Changes Other than Editing from Proposed to Adopted Version: The adopted version of WAC 232-28-220 differs from the proposed version filed with the Code

Reviser in following specifics: The Wildlife Commission deleted the following restriction from the WAC: "It is unlawful to hunt wild animals during a modern firearm elk season unless a valid tag for hunting elk is in possession. If deer and elk seasons are open concurrently, the proper tags and licenses for either are sufficient."; GMU 335 (Teaway) was deleted from the early archery elk seasons (October 6-12) in the Colockum tag area; GMU 490 (Cedar River) was deleted as a permit only area in the western Washington tag area; the Wildlife Commission deleted the requirement that archery and muzzleloader elk hunters have a valid elk tag to hunt for grouse, raccoon, bobcat and rabbits; the Wildlife Commission liberalized the late archery elk seasons by allowing all archery elk tag holders to hunt in any late archery unit in late seasons; the legal elk for GMU 484 (Puyallup) during the late muzzleloader season was changed from antlerless and 3-Pt. Bull minimum to either sex; the dates for the elk hunt in GMUs 100, 103, 105, 108 and 121 were changed from October 31-November 11 to November 3-11; and the either sex elk hunt in Elk Area 001 (Trinidad) was deleted.

Effective Date of Rule: Thirty-one days after filing.

June 9, 1990

John C. McGlenn
Chairman

[NEW SECTION]

WAC 232-28-220 1990-91 ELK HUNTING SEASONS

ELK SEASONS

General Information

Bag Limit: One (1) elk per hunter during the 1990 hunting season.

Hunting Method: Elk hunters must select one of the hunting methods (modern firearm, archery, or muzzleloader).

Tag Required: Elk hunters must choose one of the four elk areas (Blue Mountains, Yakima, Colockum or Western Washington) to hunt in and buy the appropriate tag for that area. Elk Tag Areas are shown on map to the right.

Bull Elk Seasons: Open only to the taking of male elk with visible antlers (bull calves are illegal).

Definitions: Visible Antler is defined as a horn-like growth projecting above the hairline. Antler restrictions apply to all hunters during any open season.

Spike Bull Restriction GMUs: Bull elk taken in these GMUs must have at least one antler that is a spike above the ears.

Spike Only GMUs: 145-185.

Branched Antler Restriction GMUs: Bull elk taken in these GMUs must meet minimum antler point requirements. Minimum antler point requirements are antler points on one side only. Antler points include eye guards but all antler points must be at least one inch long. The

following GMUs have 3 point minimum requirements on bull elk taken.

3 Point GMUs: 157, 418, 460, 466, 472, 478, 485, 490, 506, 524, 530, 556, 558, 572, 601, 602, 607, 621, 636, 638, 639, and 681.

Special Permits: Only modern firearm late season elk tag holders along with muzzleloader tag holders may apply to be drawn in special elk permit seasons. Hunters drawn for a Special Permit may hunt only with a weapon in compliance with their tag. See page 15 for Special Permit Season explanation. Elk hunters in the Colockum please see SPECIAL CLOSURE NOTICE 7 and 8 on page 21.

Modern Firearm Elk Seasons

Modern firearm elk hunters have early and late hunts in all elk areas. Those who choose the early tag have the first opportunity to hunt bulls, but only those who choose the late tag are able to apply for special elk permits listed on pages 17 and 18.

License Required: Hunting license for the current calendar year.

Tag Required: Elk hunter must have a current, valid, unaltered, unnotched modern firearm elk tag as listed below on his/her person.

Hunting Method: May use rifle, bow or muzzleloader, but only during modern firearm seasons. Hunters selecting the late modern firearm elk tag may apply for special hunt permit seasons outlined on page 15 if eligible.

General Bull Elk Seasons

Legal Elk: Male elk with visible antlers are legal throughout the state except in GMUs 145-185 only spike bulls are legal and in branched-antler areas Branched Antler Restrictions apply. See Branched Antler GMUs listed above and definitions of branched and spike bull elk.

Blue Mountains - Open Area; 100 series GMUs; GMU 157 limited to permit hunters only. GMUs 145-185 are spike bull only.

BE - Blue Mountain Early Elk Tag - Oct. 31-Nov. 11

BL - Blue Mountain Late Elk Tag - Nov. 3-11

Colockum - Open Area: GMUs 300, 301, (the Chelan County portion of 302), 304, 306, 308, 314, 316, 328, 329, 330 (Permit Hunters Only in GMU 330), and the portion of GMU 334 north of I-90 (modern firearm restrictions in 334).

CE - Colockum Early Elk Tag - Oct. 24-Nov. 2

CL - Colockum Late Elk Tag - Oct. 27-Nov. 2

Yakima - Open Area: The Kittitas County portion of GMU 302, GMUs 335, 336, 340, 342, 346, 352, 356, 360, 364, 366, 368, 370, and that portion of GMU 334 south of I-90 (modern firearm restrictions in 334).

YE - Yakima Early Elk Tag - Nov. 5-13

YL - Yakima Late Elk Tag - Nov. 8-13

Western Washington - Open Area: All 400, 500 and 600 GMUs except closed in 522 and 554. Permit only in GMUs 485, 524, 556 and 602.

WE - Western Washington Early Elk Tag - Oct. 31-Nov. 11

WL - Western Washington Late Elk Tag - Nov. 3-11

Archery Elk Seasons

License Required: Hunting license for the current calendar year.

Tag Required: Elk hunter must have a current, valid, unaltered, unnotched archery elk tag on his/her person.

Hunting Method: Bow and arrow meeting requirements.

Special Notes: Archery tag holders can only hunt during archery seasons. Grouse, raccoon, bobcat and rabbits may be taken during archery elk seasons with archery equipment. Archers may not kill bobcat or raccoon with use of hounds during early archery elk seasons.

Season Overlap: In addition to grouse and bear, archery elk seasons overlap modern firearm deer permit hunts in GMUs 100, 103, 105, 108, 111, 118, 121 and 124. Early archery elk seasons overlap modern firearm permit hunts for 3-point or larger bull elk in GMUs 514, 516, 560, and 638. Early archery elk seasons overlap the muzzleloader damage control hunt in ML 910 (part of GMUs 335, 336). Early archery elk seasons overlap the permit hunt for Reecer Elk Area in GMU 328. Late archery elk seasons overlap the late muzzleloader elk hunt in GMU 484 and ML 910 (part of GMUs 335, 336). The late archery elk season in GMU 328 overlaps with the modern firearm permit hunt in the Caribou Elk Area in GMU 328.

Branched Antler GMUs: Antler restrictions apply in some GMUs. See Branched Antler Restriction GMUs. During either sex seasons in branched antler GMUs, hunters may take antlerless elk or branched antler bull meeting minimum antler requirements.

Early Archery Elk Seasons

Tag Required: Elk hunter must have a current, valid, unaltered, unnotched archery elk tag on his/her person for the area hunted: Blue Mountain (BA), Colockum (CA), Yakima (YA), or Western Washington (WA).

GMUs	Elk Tag	Dates	Legal Elk
100-118, 121-142	BA	Sept. 29-Oct. 12	Either Sex
145-154, 160-169, 175-185	BA	Sept. 29-Oct. 12	Antlerless or Spike Only
300, 306-308, 316-334**	CA	Oct. 6-12	Either Sex
334***, 335, 336-340, 352-356, 364, 370	YA	Sept. 29-Oct. 12	Either Sex

GMUs	Elk Tag	Dates	Legal Elk
405-466, 478, 490, 504, 505, 510, 512, 514, 516, 520, 530, 550, 554, 558, 560, 568, 572, 574, 576, 580, 586, 588-601, 607, 615, 618, 638-663, 667, 669, 678, 681	WA	Sept. 29-Oct. 12	Either Sex*
484	WA	Sept. 29-Oct. 5	Either Sex*
472, 621	WA	Sept. 29-Oct. 12	3-Pt. Bull Min.
Bow Area 802	WA	Sept. 29-Oct. 12	Either Sex

*Antlerless and 3-point bull minimum in GMU 418, 460, 466, 478, 490, 530, 558, 572, 601, 607, 621, 638, 639 and 681.

**That part of GMU 334 north of I-90.

***That part of GMU 334 south of I-90.

Late Archery Elk Seasons

Tag Required: Elk hunter must have a current, valid, unaltered, unnotched archery elk tag on his/her person for any area.

GMUs	Dates	Legal Elk
118	Nov. 21-Dec. 9	Either Sex
166	Nov. 21-Dec. 9	Antlerless Only
328**	Nov. 21-Dec. 2	Either Sex
336, 346, 352	Nov. 21-Dec. 2	Either Sex
405, 433, 454, 484, 505, 520, 564, 588, 603, 612, 615, 648, 672	Nov. 21-Dec. 9	Either Sex
506, 530, 636, 638, 681*	Nov. 21-Dec. 9	Antlerless or 3-Pt. Bull Min.

*(Except closed between U.S. Highway 101 and the Columbia River from Astoria-Megler toll bridge to the Wallacut River.)

**Portion of GMU 328 in the Caribou and Reecer Areas will overlap with modern firearm permit hunt.

Bow Areas	Dates	Legal Elk
802	Nov. 21-Dec. 9	Either Sex
806, 807	Nov. 21-Dec. 2	Either Sex
808	Feb. 1-7, 1991	Either Sex
831	Nov. 21-Dec. 9	Antlerless or 3-Pt. Bull Min.

Muzzleloader Elk Seasons

License Required: Hunting license for the current calendar year.

Tag Required: Elk hunter must have a current, valid, unaltered, unnotched muzzleloader elk tag as listed below on his/her person.

Hunting Method: Muzzleloader meeting requirements. (See muzzleloader regulations on page 5 and 6.)

Special Notes: Hunters selecting the muzzleloader elk tag may apply for special hunt permit seasons outlined on page 15, if eligible. In addition, grouse, raccoon,

bobcat and rabbit may be taken during muzzleloader seasons with a muzzleloader. Muzzleloaders may not kill bobcat or raccoon with use of hounds during early muzzleloader seasons.

Season Overlap: Early and late archery seasons overlap the muzzleloader damage control hunt in Area 910 (Cle Elum) (part of GMUs 335, 336). Late archery seasons overlap the late muzzleloader elk hunt in GMU 484.

Muzzleloader Early Elk Seasons

Tag Required: Elk hunter must have a current, valid, unaltered, unnotched muzzleloader elk tag as designated below on his/her person. (Blue Mountain (BM), Colockum (CM), Yakima (YM), and Western Washington (WM))

GMUs	Elk Tag	Dates	Legal Elk
172	BM	Oct. 6-12	Spike Bull Only
302	CM, YM	Oct. 6-12	Bull Only
314*	CM	Oct. 6-12	Bull Only
368	YM	Oct. 6-12	Bull Only
603, 612	WM	Oct. 6-12	Bull Only
506, 636	WM	Oct. 6-12	3-Pt. Bull Min.
484, 501, 564, 684	WM	Oct. 6-12	Either Sex
Muzzleloader Area 910	YM, CM	Sept. 15-Oct. 12	Either Sex

*(Closed east of Ingersol Road)

Muzzleloader Late Elk Seasons

Tag Required: Elk hunter must have a current, valid, unaltered, unnotched muzzleloader elk tag as designated below on his/her person.

GMUs	Elk Tag	Dates	Legal Elk
184	BM	Nov. 21-Dec. 9	Antlerless Only
484	WM	Nov. 21-Dec. 9	Either Sex
501-568, 574, 576	WM	Nov. 21-Dec. 9	Either Sex
504, 550	WM	Nov. 21-Dec. 9	Bull Only
580, 586	WM	Nov. 21-Dec. 2	Either Sex
601	WM	Nov. 21-Dec. 9	3-Pt. Bull Min.
684	WM	Nov. 21-Dec. 9	Either Sex
Elk Areas 003	CM	Dec. 8-23	Antlerless Only
Muzzleloader Areas 908	WM	Jan. 1-31, 1991	Either Sex
910	YM, CM	Nov. 17-Dec. 2	Either Sex
921	WM	Nov. 21-Dec. 9	Either Sex
944	YM	Nov. 17-20	Either Sex

Elk Hunts Open To Identified Tag Holders.

Tag Required: Proper elk tags are listed with each GMU below.

Hunting Method: Hunters must use method listed on their tag, except in Firearm Restriction Areas, where

some types of weapons are banned from use. See elk tag required, dates and legal elk in table below.

Antlerless or Either Sex Elk Hunts

GMUs	Elk Tag	Dates	Legal Elk
100, 103, 105, 108, 121	BE, BL	Nov. 3-11	Either Sex
178	BE, BL	Nov. 10-11	Antlerless or Spike Bull Only
200-284	Any Elk Tag	Oct. 24-Nov. 15	Either Sex
370	CM, YE, YL, YM	Nov. 1-30	Either Sex
501, 505	WE, WL, WM	Oct. 31-Nov. 11	Either Sex
564*	WA, WM, WE, WL	Oct. 31-Nov. 11	Either Sex
568, 574, 576, 586, 588	WE, WL	Oct. 31-Nov. 11	Either Sex
Elk Areas 004	CE, CL, CM, YM	Dec. 8-23	Antlerless Only

*Archery or Muzzleloader Equipment Only. Modern Firearm elk tag holders may hunt but must use archery or muzzleloader equipment.

Teeth Submittal

Special permit hunters may be asked to submit incisor teeth from deer or elk for age determination. Unlike past years, however, only some permit hunters sent a special request are asked to submit incisor teeth from their harvested animal. General tag holders are not asked to submit incisor teeth of deer or elk.

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

**WSR 90-13-046
PERMANENT RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)**

[Order 445—Filed June 15, 1990, 8:34 a.m.]

Date of Adoption: April 20, 1990.

Purpose: To establish 1990-91 special permit seasons for hunting deer and elk.

Statutory Authority for Adoption: RCW 77.12.040 and 77.04.055.

Pursuant to notice filed as WSR 90-06-095 on March 7, 1990.

Changes Other than Editing from Proposed to Adopted Version: The adopted version of WAC 232-28-221 differs from the proposed version filed with the Code Reviser in the following specifics: The sections titled deer special permit and elk special permit were changed to special deer permit and special elk permit; the proposed permit only hunt in GMU 490 was withdrawn and archers may not apply for special elk permits in GMU 490; deer permits in Hunt 1028 (Couse B) were changed from whitetail, either sex to whitetail, antlerless only;

deer permits in Hunt 1029 (Blue Mountain Foothills) were changed from whitetail, either sex to whitetail, antlerless or 3-Pt. minimum; deer permits in Hunt 1035 (Pogue) were reduced from 500 to 400; the dates for deer permits in Hunt 1062 (Champion South) were changed from December 7-11 to December 8, 9 and 15, 16; the following deer permit season was added: Area - Minot Peak; 76 permits; October 22-28; either sex; GMU 660 (Minot Peak); Restrictions in Hunt 1090 (Blue Creek) were changed from whitetail, either sex to whitetail, antlerless or 3-Pt. minimum; the following muzzleloader deer hunt was added: Area - Scotch Creek; 100 permits; September 1-14; antlerless only; part of GMU 233 (Pogue). *Special deer damage control hunt on ranches in GMU 233 (Pogue). Please send application for this hunt to Washington Department of Wildlife, 1540 Alder Street N.W., Ephrata, WA 98823. Permit hunters will be provided a map of the area; the following sentence was deleted from special elk hunting seasons, "It is unlawful to hunt wild animals during a special elk permit season unless tags for hunting elk are in possession."; the permit level in Hunt 2003 (Mica Peak/Cheney) was increased from 30 to 60; the permit level in Hunt 2006 (Touchet) and 2007 (Eckler) was reduced from 150 to 50 in each hunt; all elk permits were deleted in Hunt 2009 (Tucannon) and 2010 (Wenaha); all elk permits were deleted in Hunt 2044 (Cedar River Bull) and Hunt 2045 (Cedar River Cow); and all elk permits were deleted in Hunt 2057 (East Valley).

Effective Date of Rule: Thirty-one days after filing.

June 9, 1990

John C. McGlenn
Chairman

[NEW SECTION]

WAC 232-28-221 1990-91 SPECIAL DEER AND ELK PERMIT SEASONS

NOTE: Hunt Numbers and GMU numbers are not the same.

The Wildlife Commission establishes Special Permit Seasons for deer and elk.

A permit gives a hunter additional opportunity but it does not give him/her an extra deer or elk.

To apply for Special Deer Permit: You must have a valid 1990 Washington hunting license and a modern firearm or muzzleloader deer tag. You may submit one (only one) special deer permit application for 1990.

To apply for Special Elk Permit: You must have a valid 1990 Washington hunting license and a valid late modern firearm or muzzleloader elk tag. You may submit one (only one) special permit application for elk. You may not submit an elk permit application if you were drawn for any elk permit during 1988 or 1989. Permit hunters may hunt only with a weapon in compliance with their tag.

Where to get application: Applications for special hunting season deer or elk permits may be bought at all game license dealerships.

Application Deadline: To qualify for the drawing all applications must be postmarked no later than August 2, 1990 or received no later than 5:00 p.m. on August 2, 1990 at the Department of Wildlife headquarters in Olympia or at any of the regional Department of Wildlife offices.

Cost: Single applications (one person) cost \$2.00. Partnership applications (two persons) cost \$4.00. Partnership applications will be accepted for both deer and elk.

- Permits will be drawn by random computer selection.

- Please do not call Department of Wildlife offices to find out if your application was drawn. All hunters who sent in an application will receive notice in the mail by September 15.

- There are no refunds or exchanges for deer or elk tags for persons applying for special permits.

Special Hunting Season Permits

You MUST have a valid hunting license and tag to apply for any special hunting season set by the Wildlife Commission. (Does not include hunts listed in the pamphlet as open to all hunters.)

Waiting Period: Anyone receiving a special hunting season permit may not apply for another such permit again for:

Mountain Goat – next five years:

Elk – next two years:

Moose – lifetime:

Mountain Sheep – a) unsuccessful in harvesting a sheep – five years: b) successful in harvesting a sheep – lifetime.

**SPECIAL DEER PERMIT HUNTING SEASONS
(Open to Permit Holders Only)**

Hunters must purchase a hunting license and deer tag prior to purchase of a permit application. Only modern firearm deer tag holders and muzzleloader deer tag holders may apply for the following permit hunts.

Use the FOUR DIGIT HUNT NUMBER on your application.

Hunt No.	Hunt Name	No. Permits	Open Season	Special Restrictions	Boundary Description
1001	Curlew	200	Oct. 3-10	Whitetail, Antlerless Only	GMU 100
1002	Boulder	200	Oct. 3-10	Whitetail, Antlerless Only	GMU 103
1003	Kellyhill	350	Oct. 3-10	Whitetail, Antlerless Only	GMU 105
1004	Kellyhill	100	Dec. 14-16	Whitetail, Anglerless Only	GMU 105
1005	Douglas	1,000	Oct. 3-10	Whitetail, Antlerless Only	GMU 108
1006	Douglas	100	Dec. 14-16	Whitetail, Antlerless Only	GMU 108
1007	Aladdin	400	Oct. 3-10	Whitetail, Antlerless Only	GMU 111
1008	Chewelah	400	Oct. 3-10	Whitetail, Antlerless Only	GMU 118
1009	Boyer	450	Oct. 3-10	Whitetail, Antlerless Only	GMU 119
1010	Huckleberry	1,750	Oct. 3-10	Whitetail, Antlerless Only	GMU 121
1011	Huckleberry	250	Dec. 14-16	Whitetail, Antlerless Only	GMU 121
1012	Mt. Spokane	1,000	Oct. 3-10	Whitetail, Antlerless Only	GMU 124
1013	Roosevelt	400	Nov. 14-25	Antlerless Only	GMU 133
1014	Harrington	150	Nov. 14-25	Antlerless Only	GMU 136
1015	Steptoe	200	Nov. 14-25	Antlerless Only	GMU 139
1016	Almota	400	Nov. 14-25	Antlerless Only	GMU 142
1017	Mayview	300	Nov. 14-25	Antlerless Only	GMU 145
1018	Starbuck	200	Nov. 14-25	Antlerless Only	GMU 148
1019	Bluecreek	150	Nov. 14-20	Whitetail, Antlerless Only	GMU 154
1020	Touchet	75	Nov. 14-25	Whitetail, Antlerless Only	GMU 160
1021	Eckler	75	Nov. 14-25	Whitetail, Antlerless Only	GMU 161
1022	Marengo A	125	Nov. 14-25	Whitetail, Antlerless Only	GMU 163
1023	Marengo B	75	Nov. 14-25	Antlerless Only	GMU 163
1024	Mountain View	50	Nov. 14-25	Antlerless Only	GMU 172
1025	Lick Creek	50	Nov. 14-25	Antlerless Only	GMU 175
1026	Peola	200	Nov. 14-20	Antlerless Only	GMU 178
1027	Couse A	150	Nov. 14-20	Antlerless Only	GMU 181
1028	Couse B	150	Nov. 14-20	Whitetail, Antlerless Only	GMU 181
1029	Blue Mtn. Foothills	50	Nov. 14-30	Whitetail, Antlerless or 3-Pt. Min.	GMU 145, 160, 161, 163, 172, 175
1030	Wannacut	100	Oct. 29-Nov. 4	Antlerless Only	GMU 209
1031	Sinlahekin	150	Oct. 29-Nov. 4	Antlerless Only	GMU 215
1032	Chewuch	400	Oct. 29-Nov. 4	Antlerless Only	GMU 218
1033	Pearrygin	500	Nov. 4-10	Antlerless Only	GMU 224
1034	Gardner	300	Nov. 4-10	Antlerless Only	GMU 231
1035	Pogue	400	Nov. 4-10	Antlerless Only	GMU 233
1036	Bigbend	300	Oct. 20-28	Antlerless Only	GMU 248*
1037	Okanogan	100	Dec. 3-9	Whitetail, Either Sex	GMU 200-242
1038	Saint Andrews	100	Oct. 20-28	Antlerless Only	GMU 254*

Hunt No.	Hunt Name	No. Permits	Open Season	Special Restrictions	Boundary Description
1039	Foster Creek	200	Oct. 20-28	Antlerless Only	GMU 260*
1040	Withrow	100	Oct. 20-28	Antlerless Only	GMU 262*
1041	Badger	100	Oct. 20-28	Antlerless Only	GMU 266*
1042	Moses Coulee	200	Oct. 20-28	Antlerless Only	GMU 269*
1043	Beezley	150	Oct. 15-21	Antlerless Only	GMU 272*
1044	Kalotus	150	Oct. 15-21	Antlerless Only	GMU 284*
1045	Howard Flats 1	75	Oct. 6-12	Antlerless Only	Portion of GMU 300/308****
1046	Howard Flats 2	75	Nov. 10-18	Antlerless Only	Portion of GMU 300/308***
1047	South Chelan	75	Nov. 10-18	Antlerless Only	Portion of GMU 308****
1048	Entiat	150	Nov. 10-18	Antlerless Only	GMU 308
1049	Wenatchee	200	Nov. 17-30	Antlerless Only	Portion of GMU 314****
1050	Naneum	50	Nov. 3-11	Either Sex	GMU 328
1051	Swakane	150	Nov. 10-18	Antlerless Only	GMU 316
1052	Quilomene	50	Nov. 3-11	Either Sex	GMU 329
1053	Teanaway	100	Nov. 14-16	Either Sex	GMU 335
1054	Taneum	50	Nov. 16-20	Either Sex	GMU 336
1055	Manastash	50	Nov. 16-20	Either Sex	GMU 340
1056	Naches	75	Oct. 27-30	Either Sex	GMU 346
1057	Bumping	50	Oct. 27-30	Either Sex	GMU 356
1058	Bethel	50	Oct. 27-30	Either Sex	GMU 360
1059	Rimrock	50	Oct. 27-30	Antlerless Only	GMU 364
1060	Priest Rapids	30	Oct. 27-30	Either Sex	GMU 370
1061	Champion N.	250	Dec. 8, 9 and	Antlerless Only	AREA 001**
1062	Champion S.	100	Dec. 8, 9 and 15, 16	Antlerless Only	AREA 002***
1063	Green River A	45	Oct. 20-26	Antlerless or 2-Pt. Buck Min.	GMU 485
1064	Green River B	30	Oct. 20-26	Antlerless Only	GMU 485
1065	Lincoln	100	Oct. 22-28	Either Sex	GMU 501
1066	Mossyrock	100	Oct. 22-28	Either Sex	GMU 505
1067	Willapa Hills	75	Oct. 22-28	Either Sex	GMU 506
1068	Stormking	50	Oct. 22-28	Either Sex	GMU 510
1069	Sawtooth	50	Oct. 22-28	Either Sex	GMU 512
1070	Packwood	30	Oct. 22-28	Either Sex	GMU 516
1071	Ryderwood	50	Oct. 22-28	Either Sex	GMU 530
1072	Cowceman	60	Oct. 22-28	Either Sex	GMU 550
1073	Lewis River	50	Oct. 22-28	Either Sex	GMU 560
1074	Siouxon	50	Oct. 22-28	Either Sex	GMU 572
1075	White Salmon	100	Oct. 22-28	Either Sex	GMU 576
1076	Goodnoe	100	Oct. 22-28	Either Sex	GMU 584
1077	Grayback	200	Oct. 22-28	Either Sex	GMU 588
1078	Hoko	50	Oct. 22-28	Either Sex	GMU 601
1079	Pysht	100	Oct. 22-28	Either Sex	GMU 603
1080	Goodman	50	Oct. 22-28	Either Sex	GMU 612
1081	Clearwater	50	Oct. 22-28	Either Sex	GMU 615
1082	Olympic	150	Oct. 22-28	Either Sex	GMU 621
1083	Coyle	125	Oct. 22-28	Either Sex	GMU 624
1084	Skokomish	125	Oct. 22-28	Antlerless or 2-Pt. Buck Min.	GMU 636
1085	Wynoochee	75	Oct. 22-28	Either Sex	GMU 648
1086	Deschutes	75	Oct. 22-28	Either Sex	GMU 666
1087	Skookumchuck	250	Oct. 22-28	Either Sex	GMU 667
1088	Fall River	50	Oct. 22-28	Either Sex	GMU 672
1089	Marrowstone I.	20	Oct. 22-28	Either Sex	AREA 061*
1090	Minot Peak	75	Oct. 22-28	Either Sex	GMU 660

*Most of the land in these GMUs is private property and prior arrangements for access is recommended.

**Champion will be charging permit entry fees. (Call 206-879-5311 for information).

***Young hunter opportunity. Applicants must be 16 years old or younger and must be accompanied by an adult.

****Successful applicants will be provided a map of the hunt boundary by mail. Review copies are available at regional offices.

DEER MUZZLELOADER ONLY

Hunters must purchase a hunting license and muzzleloader deer tag prior to submitting an application for a muzzleloader permit hunt.

Hunt No.	Hunt Name	No. Permits	Open Season	Special Restrictions	Boundary Description
1091	Blue Creek	50	Nov. 21- Dec. 10	Whitetail - Antlerless or 3-Pt. Min.	GMU 154
1092	Chiliwist	200	Nov. 10-18	Whitetail - Either Sex Mule Deer - Antlerless Only	GMU 239 GMU 239
1093	Alta	300	Nov. 10-18	Whitetail - Either Sex Mule Deer - Antlerless Only	GMU 242 GMU 242 GMU 269
1094	Moses Coulee	25	Dec. 2-8	Antlerless Only	GMU 269
1095	Moses Coulee	25	Dec. 9-15	Antlerless Only	GMU 269
1096	Moses Coulee	25	Dec. 16-22	Antlerless Only	GMU 269
1097	Manson	200	Nov. 10-18	Either Sex	GMU 300
1098	Alpine	100	Sept. 29- Oct. 12	Either Sex	GMU 302
1099	Chiwawa	250	Nov. 10-18	Antlerless Only	GMU 304
1100	Scotch Creek	100	Sept. 1-14	Antlerless Only	Part of GMU 233 (Pogue)*

*Special deer damage control hunt on ranches in GMU 233 (Pogue). Please send application for this hunt to Washington Department of Wildlife, 1540 Alder St., NW, Ephrata, Wa. 98812. Permit hunters will be provided a map of the area.

Special Elk Hunting Seasons
(Open to Permit Holders Only)

Hunters must purchase a hunting license and elk tag prior to purchase of a permit application. Permit hunters may hunt only with a weapon in compliance with their tag. Applicants must have purchased the proper area tag for these hunts (see Elk Tag Prefix required to apply for each hunt). Hunters drawing a permit for a hunt after the first of the year can use their 1990 license and tag during the hunt.

Use the FOUR DIGIT HUNT NUMBER on your application.

Hunt No.	Hunt Name	No. Permits	Open Season	Special Restrictions	Elk Tag Prefix	Boundary Description
2001	Aladdin	15	Nov. 3-11	Either Sex	BL or BM	GMU 111
2002	Selkirk	30	Nov. 3-11	Either Sex	BL or BM	GMU 113
2003	Mica Peak/ Cheney	60	Nov. 3-11	Either Sex	BL or BM	GMU 127 & 130
2004	Blue Creek	125	Nov. 3-11	Spike bull or Antlerless	BL or BM	GMU 154
2005	Watershed	100	Nov. 3-11	Antlerless or 3-pt. bull min	BL or BM	GMU 157
2006	Touchet	50	Nov. 3-11	Spike bull or Antlerless	BL or BM	GMU 160
2007	Eckler	50	Nov. 3-11	Spike bull or Antlerless	BL or BM	GMU 161
2008	Touchet, Eckler, Marengo	100	Dec. 15- Jan. 15, 1991	Antlerless Only	BL or BM	GMU 160, 161, 163
2009	Mountain View A	125	Nov. 3-11	Spike bull or Antlerless	BL or BM	GMU 172
2010	Mountain View B	75	Dec. 15- Jan. 15, 1991	Antlerless Only	BL or BM	GMU 172
2011	Lick Creek	200	Nov. 3-11	Spike bull or Antlerless	BL or BM	GMU 175
2012	Couse	75	Nov. 3-11	Spike bull or Antlerless	BL or BM	GMU 181
2013	Mission	100	Oct. 21-23	Antlerless Only	CL or CM	GMU 314
2014	Naneum	150	Oct. 21-23	Antlerless Only	CL or CM	GMU 328
2015	Reecer	75	Oct. 6-12	Antlerless Only	CL or CM	ELK AREA 030
2016	Shushuskin	100	Nov. 17-25	Antlerless Only	YL or YM	ELK AREA 031
2017	Malaga	150	Sept. 15- Oct. 23	Antlerless Only	CL or CM	ELK AREA 032
2018	Peshastin	100	Sept. 15- Oct. 23	Antlerless Only	CL or CM	ELK AREA 033
2019	Quilomene	150	Oct. 21-23	Antlerless Only	CL or CM	GMU 329
2020	West Bar A	25	Oct. 21	Antlerless Only	CL or CM	GMU 330
2021	West Bar B	25	Oct. 22	Antlerless Only	CL or CM	GMU 330

Hunt No.	Hunt Name	No. Permits	Open Season	Special Restrictions	Elk Tag Prefix	Boundary Description
2022	West Bar C	25	Oct. 23	Antlerless Only	CL or CM	GMU 330
2023	Caribou	175	Nov. 21- Dec. 2			
2024	Taneum A	150	Nov. 1-4	Antlerless Only	CL or CM	AREA 002
2025	Taneum B	50	Nov. 14-16	Antlerless Only	YL or YM	GMU 336
2026	Manastash A	100	Nov. 1-4	Antlerless Only	YL or YM	GMU 340
2027	Manastash B	100	Nov. 14-16	Antlerless Only	YL or YM	GMU 340
2028	Naches/ Umtanum A	350	Nov. 1-4	Antlerless Only	YL or YM	GMU 342/346*
2029	Naches/ Umtanum B	150	Nov. 14-16	Antlerless Only	YL or YM	GMU 342/346*
2030	Naches	25	Sept. 29- Oct. 12			
2031	Nile A	100	Nov. 1-4	3-Pt. Bull Minimum Antlerless Only	YL or YM	GMU 346*
2032	Nile B	75	Nov. 14-16	Antlerless Only	YL or YM	GMU 352
2033	Bumping A	250	Nov. 1-4	Antlerless Only	YL or YM	GMU 352
2034	Bumping B	150	Nov. 14-16	Antlerless Only	YL or YM	GMU 356
2035	Bethel	175	Nov. 14-16	Antlerless Only	YL or YM	GMU 360
2036	Rimrock- Cowiche A	175	Nov. 1-4	Antlerless Only	YL or YM	GMU 366
2037	Rimrock- Cowiche B	100	Nov. 14-16	Antlerless Only	YL or YM	GMU 366
2038	Stemilt	50	Sept. 30- Oct 8	Antlerless Only	CL or CM	Portion GMU 314**
2039	Green River Cow	30	Nov. 10-14	Antlerless Only	WL or WM	GMU 485
2040	Green River Bull	15	Nov. 10-14	Antlerless, or 3-Pt. Bull Min.	WL or WM	GMU 485
2041	Green River Spike	5	Nov. 10-14	Spike or Antlerless Only	WL or WM	GMU 485
2042	Lincoln	25	Nov. 13-18	Antlerless Only	WL or WM	GMU 501
2043	Willapa Hills	50	Nov. 13-18	Antlerless Only	WL or WM	GMU 506*
2044	Packwood	50	Nov. 13-18	Antlerless Only	WL or WM	GMU 516
2045	Margaret Cow	30	Nov. 13-18	Antlerless Only	WL or WM	GMU 524
2046	Margaret Bull	30	Oct. 31- Nov. 11	3-Pt. Bull Minimum Antlerless Only	WL or WM	GMU 524 GMU 556
2047	Toutle Cow	100	Nov. 13-18	3-Pt. Bull Minimum Antlerless Only	WL or WM	GMU 556
2048	Toutle Bull	200	Oct. 31- Nov. 11			
2049	Marble	50	Nov. 13-18	Antlerless Only	WL or WM	GMU 558
2050	Lewis River	75	Nov. 13-18	Antlerless Only	WL or WM	GMU 560
2051	Siouxon	50	Nov. 13-18	Antlerless Only	WL or WM	GMU 572
2052	Doty	50	Jan. 1- 31, 1991	Antlerless Only	WL or WM	ELK AREA 051
2053	Mayfield	25	Jan. 1- 15, 1991	Antlerless Only	WL or WM	ELK AREA 052
2054	Mayfield	25	Jan. 16- 31, 1991	Antlerless Only	WL or WM	ELK AREA 052
2055	Dickey Cow	30	Nov. 13-18	Antlerless Only	WL or WM	GMU 602
2056	Dickey Early Bull	10	Sept. 29- Oct. 12	3-Pt. Bull Minimum	WL or WM	GMU 602
2057	Dickey Late Bull	75	Oct 31- Nov. 11	3-Pt. Bull Minimum Antlerless Only	WL or WM	GMU 602 GMU 607
2058	Soleduck	30	Nov. 13-18	Antlerless Only	WL or WM	GMU 612
2059	Goodman	50	Nov. 13-18	Antlerless Only	WL or WM	GMU 618
2060	Matheny	50	Nov. 13-18	Antlerless Only	WL or WM	GMU 618
2061	Quinalt Ridge	5	Sept. 29- Oct. 12	3-Pt. Bull Minimum Antlerless Only	WL or WM	GMU 638 GMU 639
2062	Humptulips	30	Nov. 13-18	Antlerless Only	WL or WM	GMU 648
2063	Wynoochee	50	Nov. 13-18	Antlerless Only	WL or WM	GMU 660
2064	Minot Peak	20	Nov. 13-18	Antlerless Only	WL or WM	GMU 669
2065	Palix	40	Nov. 13-18	Antlerless Only	WL or WM	GMU 678
2066	Nemah	50	Nov. 13-18	Antlerless Only	WL or WM	GMU 678

Hunt No.	Hunt Name	No. Permits	Open Season	Special Restrictions	Elk Tag Prefix	Boundary Description
2067	Backbone	55	Nov. 28- Dec. 16	Either Sex	WL or WM	AREA 025
2068	Toledo A	50	Jan. 1- 15, 1991	Antlerless Only	WL or WM	AREA 029
2069	Toledo B	50	Jan. 16- 31, 1991	Antlerless Only	WL or WM	AREA 029
2070	Randle A	25	Jan. 1- 15, 1991	Antlerless Only	WL or WM	AREA 053
2071	Randle B	25	Jan. 16- 31, 1991	Antlerless Only	WL or WM	AREA 053
2072	Boistfort	50	Jan. 2- 23, 1991	Antlerless Only	WL or WM	AREA 054
2073	Carlton	5	Oct. 1-10	3-Pt. Bull Minimum	WL or WM	AREA 057
2074	West Goat Rocks	5	Sept. 29- Oct. 12	3-Pt. Bull Min.	WL or WM	AREA 058
2075	Mt. Adams	5	Sept. 29- Oct. 12	3-Pt. Bull Minimum	WL or WM	AREA 059
2076	Mt. Tebo	5	Sept. 29- Oct. 12	3-Pt. Bull Minimum	WL or WM	AREA 061
2077	Willapa Valley	50	Jan. 1- 15, 1991	Antlerless Only	WL or WM	AREA 065
2078	Twin Valley A	20	Jan. 1- 15, 1991	Antlerless Only	WL or WM	AREA 066
2079	South Willapa	25	Jan. 1- 15, 1991	Antlerless Only	WL or WM	AREA 067
2080	Chinook Early	10	Jan. 1- 15, 1991	Antlerless Only	WL or WM	AREA 069

MUZZLELOADER ONLY

Hunters must purchase a hunting license and muzzleloader elk tag prior to purchase of a special hunting season permit application. Note the elk tag required for each hunt.

Hunt No.	Hunt Name	No. Permits	Open Season	Special Restrictions	Elk Tag Prefix	Boundary Description
2081	Blucreek	100	Dec. 1- Jan. 30, 1991	Antlerless Only	BM	GMU 154
2082	Mountain View	50	Oct. 6-12	Spike Bull or Antlerless	BM	GMU 172
2083	Umptanum	200	Sept. 29- Oct. 12	Antlerless Only	YM	GMU 342*
2084	Naches	250	Nov. 17-20	Antlerless Only	YM	GMU 346*
2085	Twin Valleys B	20	Jan. 16- Feb. 15, 1991	Antlerless Only	WM	ELK AREA 066
2086	Toutle Mtn.	100	Jan. 1- 20, 1991	Antlerless Only	WM	ML AREA 950
2087	Yale	50	Nov. 22- Dec. 10	Either Sex	WM	GMU 554
2088	Hoko River A	15	Jan. 1- 15, 1991	Antlerless Only	WM	ML AREA 961
2089	Hoko River B	15	Jan. 16- Feb. 15, 1991	Antlerless Only	WM	ML AREA 961
2090	Chinook Late	10	Jan. 16- Feb. 15, 1991	Antlerless Only	WM	ELK AREA 069
2091	North River	20	Nov. 21- Dec. 9	Antlerless Only	WM	GMU 658
2092	Elwha A	5	Dec. 15- Jan. 15, 1991	Antlerless Only	WM	ML AREA 962***
2093	Elwha B	5	Jan. 16- Feb. 15, 1991	Antlerless Only	WM	ML AREA 962***

*Boundary Change

**Successful applicants will be provided a map of the hunt boundary by mail.

***Very small geographic area for damage control purposes.

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

Reviser's note: The spelling error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

WSR 90-13-047
PERMANENT RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)
 [Order 446—Filed June 15, 1990, 8:36 a.m.]

Date of Adoption: April 20, 1990.

Purpose: To establish legal hunting hours, areas closed to hunting, and hound hunting areas during deer and elk hunting seasons.

Statutory Authority for Adoption: RCW 77.12.040 and 77.04.055.

Pursuant to notice filed as WSR 90-06-096 on March 7, 1990.

Changes Other than Editing from Proposed to Adopted Version: The adopted version of WAC 232-28-222 differs from the proposed version filed with the code reviser in the following specifics: A new section was added under the hunting hour table as follows: "5. Hunting hours for falconry seasons are exempt from these hunting hours except on designated pheasant release sites."; the excepted dates for the Parker Lake special closure

were expanded from September 1-30, 1990 to August 1-September 30, 1990; the word "wild" was inserted before birds at the bottom of page 1; the year 1989 was replaced with 1990 in Special Closure Notice 8. Also the special symbol marks were replaced with dashes in Closure Notice 8; Special Closure 14 was deleted; and the word hounds in parenthesis was included after the word dogs at the bottom of page two in the paragraph that begins, "It is unlawful to hunt wild animals with dogs (hounds)...".

Effective Date of Rule: Thirty-one days after filing.

June 9, 1990

John C. McGlenn
Chairman

[NEW SECTION]

WAC 232-28-222 1990-91 HUNTING HOURS, CLOSURE NOTICES, AND HOUND HUNTING AREAS

**1990-91 OFFICIAL HUNTING HOURS*
September 1, 1990 to January 31, 1991**

Dates (Inclusive)	Western Washington		Eastern Washington	
	A.M.	P.M.	A.M.	P.M.
Sat. Sept. 1 - Sun. Sept. 2	6:00	7:50	5:45	7:40
Mon. Sept. 3 - Sun. Sept. 9	6:05	7:40	5:50	7:30
Mon. Sept. 10 - Sun. Sept. 16	6:15	7:25	6:00	7:15
Mon. Sept. 17 - Sun. Sept. 23	6:20	7:10	6:10	7:00
Mon. Sept. 24 - Sun. Sept. 30	6:30	6:55	6:20	6:45
Mon. Oct. 1 - Sun. Oct. 7	6:40	6:45	6:30	6:30
Mon. Oct. 8 - Fri. Oct. 12	6:50	6:30	6:40	6:20
Opening** Sat. Oct. 13	6:55	6:25	6:45	6:10
Weekend Sun. Oct. 14	6:55	6:25	6:45	6:10
Mon. Oct. 15 - Sun. Oct. 21	7:00	6:15	6:50	6:05
Mon. Oct. 22 - Sat. Oct. 27	7:10	6:05	7:00	5:50
Sun. Oct. 28	6:15	5:00	6:05	4:45
Mon. Oct. 29 - Sun. Nov. 4	6:20	4:50	6:10	4:40
Mon. Nov. 5 - Sun. Nov. 11	6:35	4:40	6:20	4:30
Mon. Nov. 12 - Sun. Nov. 18	6:45	4:35	6:30	4:20
Mon. Nov. 19 - Sun. Nov. 25	6:55	4:25	6:40	4:15
Mon. Nov. 26 - Sun. Dec. 2	7:05	4:20	6:50	4:10
Mon. Dec. 3 - Sun. Dec. 9	7:10	4:20	7:00	4:05
Mon. Dec. 10 - Sun. Dec. 16	7:20	4:20	7:05	4:05
Mon. Dec. 17 - Sun. Dec. 23	7:25	4:20	7:10	4:05
Mon. Dec. 24 - Sun. Dec. 30	7:25	4:25	7:15	4:10
Mon. Dec. 31 - Sun. Jan. 6	7:25	4:30	7:15	4:20
Mon. Jan. 7 - Sun. Jan. 13	7:25	4:40	7:15	4:25
Mon. Jan. 14 - Sun. Jan. 20	7:20	4:45	7:10	4:35
Mon. Jan. 21 - Sun. Jan. 27	7:15	4:55	7:05	4:45
Mon. Jan. 28 - Thu. Jan. 31	7:10	5:05	7:00	4:55

* These are lawful hunting hours for all game animals and game birds except waterfowl during established seasons. Waterfowl hunting hours will be published in the Upland Bird and Waterfowl Season pamphlet.

Exceptions:

- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. on designated pheasant release sites.

- 2) Western Washington – Cottontail rabbit and snowshoe hare hunting hours are 8:00 a.m. to 4:00 p.m. during the pheasant season on designated pheasant release sites.
- 3) Before September 1 and after January 31 during their respective seasons, the lawful hunting hours for all game animals and game birds shall be one-half hour before sunrise to sunset.
- 4) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer and elk, hunting hours shall be one-half hour before sunrise to sunset.
- 5) Hunting hours for falconry seasons are exempt from these hunting hours except on designated pheasant release sites.

**** Opening Day** – In eastern Washington, upland bird and waterfowl seasons open at noon. In western Washington, upland bird and waterfowl seasons open at 8:00 a.m.

SPECIAL CLOSURE NOTICE

It is unlawful to hunt wild animals and wild birds as provided in the following closures:

(1) Little Pend Oreille Wildlife Area: The southern part of the Little Pend Oreille Wildlife Area in Stevens County is closed to hunting and discharge of firearms except during the period of October 1 through December 31. This closure is south of a boundary beginning at the west project boundary in Section 3, Township 34N, R 40 EWM, thence easterly along road 1.0 to the intersection with road 2.0 in Section 2, thence easterly along Road 2.0 to the easterly boundary in Section 8, Township 34N, R 42 EWM.

The Little Pend Oreille Wildlife Area north of the preceding boundary is open to all legally established hunting seasons during September and October.

(2) Parker Lake: All lands south of Ruby Creek Road (USFS #2489), north of Tacoma Creek Road (USFS #2389) and west of Bonneville Power Administration power lines are designated as "CLOSED AREA" to the hunting of wild animals and wild birds except during the period Aug. 1–Sept. 30, 1990. The above closures were established to provide a protected area for the Air Force Military Survival Training Program.

(3) Cathlamet: Those lands between State Highway No. 4 and the Columbia River between Cathlamet and Skamokawa, and all of Puget Island in Wahkiakum County; closed to all deer hunting. This closure is established to protect the endangered Columbia Whitetail Deer.

(4) Clark, Cowlitz, Pacific, and Wahkiakum counties are closed to Columbia Whitetail Deer hunting.

(5) Willapa National Wildlife Refuge: Except for Bow Area No. 802 (Long Island), Willapa NWR is closed to all big game hunting. Consult refuge manager for other special regulations, HC 01, Box 910, Ilwaco, Washington 98624-9707, or telephone (206) 484-3482.

(6) Walla Walla Mill Creek Watershed (GMU 157): All lands in the Mill Creek Watershed are designated as a "CLOSED AREA" to the hunting of all wild animals and wild birds except for holders of special controlled elk permits during the established open season. This area is closed to motorized vehicles. Terrain is extremely steep and rugged. Entry is allowed only by Forest Service permit and only for duration of the hunt.

(7) Colockum elk hunting restrictions: No entry in GMUs 330 (West Bar) except permit holders, October 21–23. Closed to entry (no trespassing) October 24–November 9.

(8) Colockum horse restrictions: GMU 330 (West Bar) – It is unlawful to ride horses, mules, or other livestock during any open elk seasons in GMU 330, PROVIDED, however, that livestock may be used for transporting camp gear and elk carcasses. GMU 329 (Quilomene) – It is unlawful to allow a horse to enter the Brush and Cape Horn agricultural fields prior to 9 a.m. from Oct. 21 to Nov. 2, 1990.

(9) Columbia River and all the islands in the river between Vernita Bridge (Highway 24) downstream to the old Hanford townsite powerline crossing (wooden towers) in Section 24, T 13 N, R 27 E, is designated as a "CLOSED AREA" to the hunting of wild animals and wild birds.

(10) Green River (GMU 485): Except for special controlled permit hunts, all lands within GMU 485 are designated as a "CLOSED AREA" to the hunting of big game throughout the year. During the general westside elk season and general and late deer seasons, all lands within GMU 485 are also designated as a "CLOSED AREA" to the hunting of all wild animals and wild birds. The City of Tacoma enforces trespass within GMU 485 on lands owned or controlled by the city during all times of the year.

(11) McNeil Island: McNeil Island (part of GMU 480) is closed to the hunting of all wild animals and wild birds year around.

(12) Westport: Closed to hunting of all big game animals on that part of Westport Peninsula lying north of S.R. No. 105 from the west end of the Elk River Bridge and the Schafer Island Road to the ocean beach.

(13) Baleville: Closed to hunting of all big game animals on those lands between Highway 105 and the Willapa River west of Raymond.

HOUND HUNTING DURING DEER AND ELK HUNTING SEASONS

It is unlawful to hunt at night during any modern firearm deer or elk season.

It is unlawful to hunt wild animals with dogs (hounds) in any area open to a center-fire rifle deer or elk season except for the following areas and dates. (This does not permit the hunting of deer and elk with the use of hounds.)

Eastern Washington

GMUs 100-124 Oct. 3-10
 GMUs 127-185 Nov. 14-25
 GMUs 200-242 Dec. 3-9

Yakima County within
 two (2) miles of the
 Yakima River below
 Union Gap. Oct. 13-30

Whitman and Lincoln
 counties. Oct. 31-Nov. 11

Chelan and Okanogan
 counties. Dec. 1-31

Western Washington

Oct. 13-Nov. 23 in the Columbia River Floodplain of Clark and Cowlitz counties with boundaries described as follows: beginning at the Longview/Columbia River Bridge, then north and west on Oregon Way (Highway 432) to Tennant Way (Highway 432) to Interstate Highway 5, then south on I-5 to State Highway 14 to the Skamania County line, then south on county line to the Columbia River on state line to the Longview Bridge and point of beginning.

Oct. 13-Nov. 11 in GMU 405 (west of Highway 9) and GMUs 454, 627 and 633.

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

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

WSR 90-13-048
PERMANENT RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)

[Order 447—Filed June 15, 1990, 8:38 a.m.]

Date of Adoption: April 20, 1990.

Purpose: To establish bear and small game hunting seasons.

Statutory Authority for Adoption: RCW 77.12.040 and 77.04.055.

Pursuant to notice filed as WSR 90-06-097 on March 7, 1990.

Changes Other than Editing from Proposed to Adopted Version: The adopted version of WAC 232-28-223 differs from the proposed version filed with the Code Reviser in the following specifics: Delete the last sentence in the section titled Licenses and Tags Required. The sentence is "During general and permit elk seasons, all hunters must have the appropriate elk tag in possession."; delete the option to eliminate bear pursuit seasons and add the following: "It is lawful to pursue or tree black bear during established pursuit only seasons, provided any bear pursued or treed is not killed or injured."; GMU 448 (Stillaguamish) was deleted from the restricted western Washington bear season and included

with the general August 1- October 28, 1990, season; option a (calendar date adjustments) was selected for eastern and western Washington bobcat pursuit and open seasons; option a (calendar date adjustments) was selected for eastern and western raccoon pursuit and open seasons; the Wildlife Commission deleted the following restrictions put on archers and muzzleloaders during upland bird seasons: "The taking of grouse by archery equipment is prohibited during archery deer and archery elk seasons unless valid license and tag for deer or elk hunting is in possession." "The taking of grouse by muzzleloader equipment except smooth bore with #4 birdshot or smaller is prohibited during muzzleloader deer and muzzleloader elk seasons unless valid license and tag for deer or elk hunting is in possession."; add the words "A western Washington to the section titled Upland Bird Permit Card. Delete the lines "Hunter is required to immediately record kill for pheasant kills only." " Hunters may purchase more than one card during the season; add double asterisks after Skagit** Wildlife Area on paragraph 5, line 2; and the bag and possession limit is two bandtailed pigeon per bag and two bandtailed pigeon in possession instead of four.

Effective Date of Rule: Thirty-one days after filing.

June 9, 1990

John C. McGlenn
 Chairman

[NEW SECTION]

WAC 232-28-223 1990-91 BEAR AND SMALL GAME HUNTING SEASONS

BLACK BEAR

Bag Limit: Fall General - One (1) bear.

(NOTE: Grizzly bear protected by closed season.)

Tag Sale Deadline: Bear tags must be purchased by midnight, preceding deer firearm season opener, October 12, 1990.

Licenses and Tags Required: A valid hunting license and unaltered, unnotched bear tag are required to hunt black bear. A hound stamp is required for each hunter if dogs are used.

Bear tag: Only one (1) may be purchased, and the number will be recorded on the hunting license.

Pursuit Only Season

(Bear may not be killed or injured)

It is lawful to pursue or tree black bear during established pursuit only seasons provided any bear pursued or treed is not killed or injured.

August 1-31 in GMUs 100-124 and GMUs 200-206.

OPEN SEASON

Eastern Washington*

Sept. 1-Oct. 25, except CLOSED to hunting with hounds Sept. 1-Oct. 21 in Walla Walla and Columbia counties outside of Umatilla National Forest and CLOSED to hunting with hounds Sept. 1-5 in GMUs 203, 218, 224, 231, 239 and 242.

Western Washington

Aug. 1-Oct. 28, 1990, EXCEPT Sept. 1-Oct. 28, 1990 in GMUs 669 (Palix), 678 (Nemah), and 681 (Bear River) and Sept. 15-Oct. 28, 1990 in Bow Area 802 (Long Island). CLOSED in GMUs 485 (Green River) and 522 (Loo-wit).

HOUND HUNTING CLOSURES

Use of hounds is prohibited in GMU 684 (Long Beach) and Bow Area 802 (Long Island).

TEETH SUBMITTAL

Bear: Each hunter who takes a bear must submit the small premolar tooth behind the canine tooth of upper or lower jaw for age determination. Tooth envelopes are available from Department of Wildlife regional offices.

Bobcat

Sealing of Hide: Successful bobcat hunters must present the unfrozen pelt to a state Wildlife Agent or Department office for sealing within 10 days of the close of the hunting or trapping season in which they were harvested.

It is unlawful to transport or cause the transport of an unprocessed native cat pelt taken in Washington, out of Washington without a Washington Department of Wildlife seal attached.

Bag Limit: No limit

A hound stamp is required for each hunter if dogs are used.

The agency has identified several alternatives to the current open bobcat seasons. The options are as follows:

Eastern Washington

Pursuit Only Season

(Bobcats may not be killed or injured)

Sept. 1-30 and Nov. 21-Dec. 14, 1990, except closed to hound hunting in Walla Walla and Columbia Counties outside of Umatilla National Forest Sept. 1-Oct. 12.

Open Season

(Bobcat may be killed)

Oct. 13-31, 1990 and Dec. 15, 1990-Jan. 15, 1991.

Western Washington

Pursuit Only Season

(Bobcats may not be killed or injured)

August 1-Oct. 12, except closed in GMU 522 (Loo-wit).

Open Season

(Bobcats may be killed)

Oct. 13, 1990-March 15, 1991, except closed in GMU 522 (Loo-wit).

RACCOON

A hunting license is required to hunt raccoon. A hound stamp is required by all hunters if dogs are used.

Eastern Washington

Pursuit Only Season

(Raccoons may not be killed or injured)

Sept. 1-Oct. 12 in all eastern Washington, except closed to hound hunting in Walla

Walla and Columbia Counties outside Umatilla National Forest. Feb. 1-28 in GMUs 111, 121, 148, and 154.

Open Season

(Raccoons may be killed)

Oct. 13, 1990-Jan. 15, 1991.

Western Washington

Pursuit Only Season

(Raccoon may not be killed or injured)

Aug. 1-Oct. 12, except closed on Long Island within Willapa National Wildlife Refuge and GMU 522 (Loo-wit).

Open Season

(Raccoon may be killed)

Oct. 13, 1990-March 15, 1991 in all western Washington GMUs, except closed on Long Island within the Willapa National Wildlife Refuge and GMU 522 (Loo-wit).

Upland Birds

Blue Grouse, Ruffed Grouse, and Spruce (Franklin) Grouse.

Bag and Possession Limits: Three (3) grouse per day, with a total of nine (9) in possession at any time, straight or mixed bag.

Statewide: Sept. 1-Dec. 31, 1990, except CLOSED in GMU 522 (Loo-wit). Rifles and handguns prohibited from Nov. 19-Dec. 31, 1990.

Early Chukar and Hungarian Partridge

To be set at the August Wildlife Commission meeting.

Ring-necked Pheasant, Quail, Chukar and Hungarian Partridge

Statewide: Starting Oct. 13, 1990. Closed in GMU 522 (Loo-wit). Remaining season dates set by Wildlife Commission in August. Flier will be available in September.

Western Washington Pheasant: Sept. 29-Nov. 30, 1990 (8 a.m. to 4 p.m.), except Voice of America site (Clallam County) starting Oct. 13, 1990. Closed in GMU 522 (Loo-wit). Bag and Possession Limits: Early Western Washington Seasons: Two (2) Ring-necked pheasants of either sex per day on designated release sites. EXCEPT two (2) cock pheasants only on other than designated release sites. Remaining bag and possession limits set by Wildlife Commission in August.

A eastern Washington UPLAND BIRD PERMIT is required to hunt pheasant, quail, and partridge in Eastern Washington.

A western Washington UPLAND BIRD PERMIT is required to hunt pheasant, quail, and partridge in Western Washington.

Hunter Orange Clothing Required. It shall be unlawful to hunt upland birds on the following Department of Wildlife-owned or controlled lands unless the hunter is wearing fluorescent hunter orange clothing: Lake Terrell and Tennant Lake Wildlife Areas; Skagit Wildlife Area; Snoqualmie Wildlife Area; Scatter Creek Wildlife Area; Vancouver Lake Shillapoo Wildlife Area; Voice of America Wildlife Area and Skookumchuck Wildlife

Area. A minimum of 400 square inches of fluorescent hunter orange exterior clothing, worn above the waist, is required. A hunter orange shirt, jacket or vest satisfies this requirement.

Restricted weekend hunting hours for Lake Terrell, Tennant Lake, Snoqualmie*, and Skagit** Wildlife Areas. Hunting hours are restricted on Saturdays and Sundays from 8:00 a.m. until 12 noon. Hunters with odd numbered hunting licenses will hunt on one day and hunters with even numbered hunting licenses will hunt the other weekend day. Hunters 14 years of age or younger may hunt on either weekend day provided they are accompanied by an adult with appropriate hunting license number (the Upland Game and Migratory Waterfowl Hunting Pamphlet fall calendar showing these dates.) *Stillwater, Cherry Valley, Two Rivers segments. **Headquarters and Smith Farm segments.

BIRD DOG TRAINING SEASON August 1, 1990 to March 15, 1991, except Sept. 29–Nov. 30, 1990, dog training is restricted from 8:00 a.m. to 4:00 p.m. on designated release sites. Game birds may be taken only during established bird hunting seasons.

Check Upland Game and Migratory Waterfowl Pamphlet for closing dates and other general hunting rules pertaining to game birds.

BAND-TAILED PIGEON

Western Washington: Sept. 15–23, 1990, except CLOSED in GMU 522 (Loo-wit).

Bag and possession limit: Two (2) band-tailed pigeons per day; two (2) band-tailed pigeons in possession. The band-tailed pigeon season has been modified from past years as a part of a multi-state effort to assist band-tailed pigeons recovering from recent record lows. In addition delay of the season opener is designed to decrease harvest of adult band-tails at mineral springs.

MOURNING DOVE

Statewide: Sept. 1–15, 1990, except CLOSED in GMU 522 (Loo-wit).

Bag and possession limit: Ten (10) mourning doves per day, 20 mourning doves in possession.

FOX

Bag Limit: No limit. Fox may be hunted statewide, Oct. 13, 1990–March 15, 1991, except CLOSED within the exterior boundaries of the Mount Baker/Snoqualmie, Okanogan, Wenatchee, and Gifford Pinchot National Forests and GMUs 405, 410, and 522.

RABBITS

Cottontail, Snowshoe Rabbit, Washington Hare, White-tailed Jackrabbits. Sept. 1, 1990–March 15, 1991, Statewide; EXCEPT CLOSED in GMU 522 (Loo-wit). Daily bag limit: 10 rabbits, straight or mixed bag.

Black-tailed Jackrabbit
Bag limit: 10 rabbits

OPEN SEASON: Year-around.

FALCONRY SEASONS

A Falconry License and a current hunting license are required for hunting with a raptor. In addition, an Upland Game Bird Stamp or Upland Game Bird Permit card is required for pheasant, quail, and partridge; and federal and state waterfowl stamps for hunting waterfowl.

Upland Game Birds – Falconry

Sept. 1, 1990–March 15, 1991, statewide.

Daily bag limit: 1 pheasant (either sex), 3 partridge, 5 quail, and 1 forest grouse (blue, ruffed, spruce).

Rabbits – Falconry

Aug. 1–31, 1990, statewide for cottontail, snowshoe or Washington hare.

Daily bag limit: 1 rabbit

Sept. 1, 1990–March 15, 1991, statewide for cottontails, snowshoe or Washington hare, whitetailed and black-tailed jackrabbits.

Daily bag limit: 10 rabbits.

Coyotes are unclassified wildlife and as such may be taken year round. A hunting license is required to hunt coyote.

Biological Information Request The University of Washington in cooperation with WDW is beginning a study of urban coyotes. We request that hunters save carcasses of coyotes killed in GMU 454 north of I-90. The carcass will be retrieved by study personnel. Hunter should report their coyote kills to the Mill Creek Office (206) 775-1311 or University of Washington (206) 543-7232.

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

WSR 90-13-049

PERMANENT RULES

DEPARTMENT OF WILDLIFE

(Wildlife Commission)

[Order 448—Filed June 15, 1990, 8:40 a.m.]

Date of Adoption: April 20, 1990.

Purpose: To establish state game management units (GMUs) and special game areas and to provide boundary descriptions.

Statutory Authority for Adoption: RCW 77.12.040 and 77.04.055.

Pursuant to notice filed as WSR 90-04-100 on February 7, 1990.

Effective Date of Rule: Thirty-one days after filing.

June 9, 1990

John C. McGlenn
Chairman

Reviser's note: The material contained in this filing will appear in the 90-15 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-21-040.

WSR 90-13-050
PERMANENT RULES
SHORELINE COMMUNITY COLLEGE
[Filed June 15, 1990, 11:36 a.m.]

Date of Adoption: June 8, 1990.

Purpose: To comply with the requirements of the new Administrative Procedure Act.

Statutory Authority for Adoption: Title 28B RCW.

Pursuant to notice filed as WSR 90-10-050 on April 30, 1990.

Effective Date of Rule: Thirty days after filing.

June 13, 1990
William L. Demetre
Vice-President for
Student Services

NEW SECTION

WAC 132G-133-020 ORGANIZATION—OPERATION—INFORMATION. (a) Organization. Shoreline Community College is established in Title 28B RCW as a public institution of higher education. The institution is governed by a 5 member board of trustees, appointed by the governor. The board employs a president, who acts as the chief executive officer of the institution. The president establishes the structure of the administration.

(b) Operation. The institution's administrative office is located at the following address: 16101 Greenwood Avenue N., Seattle, Washington 98133. The office hours are 8 a.m. to 5 p.m., Monday through Friday, except legal holidays. Educational operations are also located at the following addresses: 16101 Greenwood Avenue N., Seattle, Washington 98133; Canyon Park Jr. High School, 23723-23rd Avenue S.W., Bothell, Washington 98021; Inglemoor High School, 15400 Simonds Road N.E., Bothell, Washington 98011; Kenmore Jr. High School, 20323-66th Avenue N.E., Bothell, Washington 98011; and Woodinville High School, 19819-136th Avenue N.E., Woodinville, Washington 98072.

(c) Additional and detailed information concerning the educational offerings may be obtained from the catalog, copies of which are available at the following address: 16101 Greenwood Avenue N., Seattle, Washington 98133.

WSR 90-13-051
PERMANENT RULES
SHORELINE COMMUNITY COLLEGE
[Filed June 15, 1990, 11:37 a.m.]

Date of Adoption: June 8, 1990.

Purpose: To bring current practices in line with the requirements of the new Administrative Procedure Act.

Statutory Authority for Adoption: RCW 34.05.250.

Pursuant to notice filed as WSR 90-10-049 on April 30, 1990.

Effective Date of Rule: Thirty days after filing.

June 13, 1990

William L. Demetre
Vice-President for
Student Services

CHAPTER 108
PROCEDURAL RULES FOR ADJUDICATIVE
PROCEEDINGS

NEW SECTION

WAC 132G-108-010 ADOPTION OF MODEL RULES OF PROCEDURE. The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended, are hereby adopted for use at this institution. Those rules may be found in chapter 10-08 WAC. Other procedural rules adopted in this title are supplementary to the model rules of procedure. In the case of a conflict between the model rules of procedure and procedural rules previously adopted by this institution, the model rules prevail.

NEW SECTION

WAC 132G-108-020 APPOINTMENT OF PRESIDING OFFICERS. The president or president's designee shall designate a presiding officer for an adjudicative proceeding. The presiding officer shall be an administrative law judge, a member in good standing of the Washington State Bar Association, a panel of individuals, the president or his or her designee, or any combination of the above. Where more than one individual is designated to be the presiding officer, one person shall be designated by the president or president's designee to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

NEW SECTION

WAC 132G-108-030 METHOD OF RECORDING. Proceedings shall be recorded by a method determined by the presiding officer, among those available pursuant to the model rules of procedure in WAC 10-08-170.

NEW SECTION

WAC 132G-108-040 APPLICATION FOR ADJUDICATIVE PROCEEDING. An application for adjudicative proceeding shall be in writing. Application forms are available at the following address: 16101 Greenwood Avenue N., Seattle Washington 98133.

Written application for an adjudicative proceeding should be submitted to the above address within twenty days of the agency action giving rise to the application, unless provided for otherwise by statute or rule.

NEW SECTION

WAC 132G-108-050 BRIEF ADJUDICATIVE PROCEDURES. This rule is adopted in accordance with RCW 34.05.482 through 34.05.494, the provisions of which are hereby adopted. Brief adjudicative procedures shall be use in all matters related to:

- (1) Residency determinations.
- (2) Challenges to contents of education records.
- (3) Student conduct proceedings.
- (4) Parking violations.
- (5) Outstanding debts owed by students or employees.
- (6) Loss of eligibility for participation in institution-sponsored athletic events.

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

NEW SECTION

WAC 132G-108-060 DISCOVERY. Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall make reference to the civil rules of procedure. The presiding officer shall have the power to control the frequency and nature of discovery permitted, and to order discovery conferences to discuss discovery issues.

NEW SECTION

WAC 132G-108-070 PROCEDURE FOR CLOSING PARTS OF THE HEARINGS. A party may apply for protective order to close part of a hearing. The party making the request should state the reasons for making the application to the presiding officer. If the other party opposes the request, a written response to the request shall be made within ten days of the request to the presiding officer. The presiding officer shall determine which, if any, parts of the proceeding shall be closed, and state the reasons therefore in writing within twenty days of receiving the request.

NEW SECTION

WAC 132G-108-080 RECORDING DEVICES. No cameras or recording devices shall be allowed in those parts of proceedings which the presiding officer has determined shall be closed pursuant to WAC 132G-108-010, except for the method of official recording selected by the institution.

WSR 90-13-052

NOTICE OF PUBLIC MEETINGS

DEPARTMENT OF

COMMUNITY DEVELOPMENT

(Hazardous Materials Advisory Committee)

[Memorandum—June 13, 1990]

The Washington State Hazardous Materials Advisory Committee will meet on July 20, 1990, from 1:30 p.m. to 3:30 p.m. in the Cascade Room #13, Second Floor, in the Red Lion Sea-Tac Hotel, 18740 Pacific Highway South, Seattle, WA.

If you have any questions, please contact Bill Bennett at (206) 459-9191.

WSR 90-13-053

WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance)

[Filed June 15, 1990, 2:06 p.m.]

In WSR 90-09-095, filed April 18, 1990, the department proposed to adopt brief adjudicative proceeding rules for some programs. The department now wishes to withdraw WAC 388-08-410. The department will use the hearing process to adopt adjudicative proceeding rules in the near future.

Please note WAC 388-320-185 of WSR 90-09-095 is not withdrawn by this memorandum.

Leslie F. James, Director
Administrative Services

WSR 90-13-054

PERMANENT RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance)

[Order 3024—Filed June 15, 1990, 2:08 p.m., effective July 1, 1990]

Date of Adoption: June 15, 1990.

Purpose: To describe the indexing system for final adjudicative orders of substantial importance, to comply with RCW 42.17.260 (4)(b)(c).

Citation of Existing Rules Affected by this Order: Amending WAC 388-320-185 Final adjudicative order index.

Statutory Authority for Adoption: RCW 34.05.220 (1)(a).

Pursuant to notice filed as WSR 90-09-095 on April 18, 1990.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: RCW 34.05.380 (3)(a), such action is required by the state or federal constitution, a statute, or court order.

Effective Date of Rule: July 1, 1990.

June 15, 1990

Leslie F. James, Director
Administrative Services

NEW SECTION

WAC 388-320-185 FINAL ADJUDICATIVE ORDER INDEX. (1) Legal authority for this rule is RCW 42.17.260 (4)(b) and (c). Each state agency is required to, by rule, establish and implement a system of indexing for the identification and location of final adjudicative orders and declaratory orders that contain an analysis or decision of substantial importance to the agency, in carrying out its duties. The requirement applies to orders entered after June 30, 1990.

(2) The department's indexing system is administered by the office of appeals.

(3) The system of indexing is as follows:

(a) A separate index may be established by program category, including but not limited to benefits, such as

public assistance, food stamps, vocational rehabilitation, and developmental disabilities; food stamp administrative disqualification; child support; institution reimbursement; and license, rate, and similar programs.

(b) Staff of the office of appeals select the orders to be indexed. Review final adjudicative and declaratory orders in all programs are evaluated and those orders which have substantial importance are selected for inclusion in the index.

(c) Any person may nominate a final adjudicative order or declaratory order to be evaluated for indexing by writing the Office of Appeals, P.O. Box 2465, Olympia, WA 98504-2465 and attaching a copy of the nominated order.

(d) Selected orders are indexed by a phrase describing the issue or holding and by a citation to the law involved.

(e) The index may contain a copy or a synopsis of the order.

**WSR 90-13-055
EMERGENCY RULES
BOARD OF
PILOTAGE COMMISSIONERS**

[Filed June 15, 1990, 3:16 p.m.]

Date of Adoption: June 14, 1990.

Purpose: To provide a transportation fee in Port Angeles for the Puget Sound pilotage district.

Citation of Existing Rules Affected by this Order: Amending WAC 296-116-300.

Statutory Authority for Adoption: RCW 88.16.035.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The pilotage rates for the Puget Sound pilotage district failed to include a transportation fee for Port Angeles.

Effective Date of Rule: Immediately.

June 15, 1990
Marjorie Smith
Assistant Attorney General

[AMENDATORY SECTION] (Amending WSR 90-08-095, filed 4/4/90, effective 5/5/90)

WAC 296-116-300 PILOTAGE RATES FOR THE PUGET SOUND PILOTAGE DISTRICT. These rates shall become effective on May 1, 1989.

CLASSIFICATION	RATE
Ship length overall (LOA) Charges:	per LOA rate schedule in this section
Boarding fee: Per each boarding/deboarding at the Port Angeles pilot station.	\$ 26.00

CLASSIFICATION	RATE
Harbor shift - Live ship (Seattle Port)	LOA Zone 1
Harbor shift - Live ship (other than Seattle Port)	LOA Zone 1
Harbor shift - Dead ship	Double LOA Zone 1
Dead ship towing charge: LOA of tug + LOA of tow + beam of tow Any tow exceeding seven hours, two pilots are man- datory. Harbor shifts shall constitute and be limited to those services in moving vessels from dock to dock, from anchorage to dock, from dock to anchorage, or from anchorage to anchorage in the same port after all other applicable tariff charges for pi- lotage services have been recognized as payable.	Double LOA Zone
Waterway and bridge charges: Ships up to 90' beam: A charge of \$141.00 shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street Bridge in Seattle, south of Eleventh Street Bridge in any of the Tacoma waterways, in Port Gamble, or in the Snohomish River. Any vessel movements required to transit through bridges shall have an additional charge of \$67.00 per bridge.	
Ships 90' beam and/or over: A charge of \$190.00 shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street Bridge in Seattle and south of Eleventh Street Bridge in any of the Tacoma waterways. Any vessel movements required to transit through bridg- es shall have an additional charge of \$133.00 per bridge. (The above charges shall not apply to transit of ves- sels from Shilshole Bay to the limits of Lake Washington.)	
Two or three pilots required: In a case where two or three pilots are employed for a single vessel waterway or bridge transit, the sec- ond and/or third pilot charge shall include the bridge and waterway charge in addition to the har- bor shift rate.	
Compass adjustment	\$189.00
Radio direction finder calibration	\$189.00
Launching vessels	\$285.00
Trial trips, 6 hours or less (Minimum \$534.00)	\$ 89.00 per hr.
Trial trips, over 6 hours (two pilots)	\$178.00 per hr.
Shilshole Bay - Salmon Bay	\$111.00
Salmon Bay - Lake Union	\$ 87.00
Lake Union - Lake Washington (plus LOA zone from Webster Point)	\$111.00 LOA Zone 1
Cancellation charge	LOA Zone 1
Cancellation charge - Port Angeles (when pilot is order- ed and vessel proceeds without stopping for pilot.)	LOA Zone 1
Docking delay after anchoring:	\$ 89.00 per hr.
Applicable harbor shift rate to apply, plus \$89.00 per hour standby. No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is \$89.00 for every hour or fraction thereof.	
Sailing delay:	\$ 89.00 per hour
No charge if delay is 60 minutes or less. If the de- lay is more than 60 minutes, charge is \$89.00 for every hour or fraction thereof.	
	\$ 89.00 per hour

CLASSIFICATION

RATE

CLASSIFICATION

RATE

Slowdown:

When a vessel chooses not to maintain its normal speed capabilities for reasons determined by the vessel and not the pilot, and when the difference in arrival time is one hour, or greater, from the predicted arrival time had the vessel maintained its normal speed capabilities, a charge of \$89.00 per hour, and each fraction thereof, will be assessed for the resultant difference in arrival time.

Super ships:

20,000 to 50,000 gross tons:
Additional charge to LOA zone mileage of \$0.0472 a gross ton for all gross tonnage in excess of 20,000 gross tons up to 50,000 gross tons.

50,000 gross tons and up:

In excess of 50,000 gross tons, the charge shall be \$0.0565 per gross ton.

For vessels where a certificate of international gross tonnage is required, the appropriate international gross tonnage shall apply.

Delayed arrival-Port Angeles:

\$ 89.00
per hour

When a pilot is ordered for an arriving inbound vessel at Port Angeles and the vessel does not arrive within two hours of its ETA, or its ETA is amended less than six hours prior to the original ETA, a charge of \$89.00 for each hour delay, or fraction thereof, shall be assessed in addition to all other appropriate charges.

Transportation to vessels on Puget Sound:

March Point or Anacortes	\$ 112.00
Bangor	\$ 65.00
Bellingham	\$ 124.00
Bremerton	\$ 34.00
Cherry Point	\$ 146.00
Dupont	\$ 65.00
Edmonds	\$ 23.00
Everett	\$ 42.00
Ferndale	\$ 134.00
Manchester	\$ 51.00
Mukilteo	\$ 41.00
Olympia	\$ 84.00
Point Wells	\$ 23.00
Port Angeles	\$ 10.00
Port Gamble	\$ 60.00
Port Townsend (Indian Island)	\$ 85.00
Semiahmoo (Blaine)	\$ 153.00
Tacoma	\$ 43.00
Tacoma Smelter	\$ 49.00
Winslow	\$ 34.00

(a) Interport shifts: Transportation paid to and from both points.

(b) Intraharbor shifts: Transportation to be paid both ways. If intraharbor shift is cancelled on or before scheduled reporting time, transportation paid one way only.

(c) Cancellation: Transportation both ways unless notice of cancellation is received prior to scheduled reporting time in which case transportation need only be paid one way.

(d) Any new facilities or other seldom used terminals, not covered above, shall be based on mileage x \$1.60 per mile.

Delinquent payment charge: 1 1/2% per month after 45 days from first billing.

Nonuse of pilots: Ships taking and discharging pilots without using their services through all Puget Sound and adjacent inland waters shall pay full pilotage fees on the LOA zone mileage basis from Port Angeles to destination, from place of departure to Port Angeles, or for entire distance between two ports on Puget Sound and adjacent inland waters.

LOA rate schedule

The following rate schedule is based upon distances furnished by National Oceanic and Atmospheric Administration, computed to the nearest half-mile and includes retirement fund contributions.

LOA	ZONE	ZONE	ZONE	ZONE	ZONE	ZONE
	I	II	III	IV	V	VI
	Intra Harbor	0-30 Miles	31-50 Miles	51-75 Miles	76-100 Miles	101 Miles & Over
Up to 449	133	208	361	541	730	950
450 - 459	136	213	364	549	741	953
460 - 469	140	216	368	558	752	957
470 - 479	145	221	373	570	755	960
480 - 489	148	226	375	580	760	963
490 - 499	151	228	379	590	768	968
500 - 509	158	232	386	599	774	975
510 - 519	160	237	390	606	782	978
520 - 529	162	246	396	609	789	987
530 - 539	168	249	401	616	801	997
540 - 549	171	253	409	623	815	1006
550 - 559	174	261	412	632	821	1016
560 - 569	181	271	420	638	830	1026
570 - 579	184	275	424	640	837	1033
580 - 589	192	279	432	645	843	1044
590 - 599	201	285	435	649	855	1055
600 - 609	208	293	441	651	864	1061
610 - 619	220	296	449	655	874	1070
620 - 629	229	300	455	660	883	1082
630 - 639	241	307	459	662	891	1093
640 - 649	251	313	464	665	901	1101
650 - 659	267	319	472	670	911	1111
660 - 669	275	322	477	673	920	1120
670 - 679	283	330	482	685	931	1127
680 - 689	288	337	488	692	939	1138
690 - 699	296	342	494	705	950	1161
700 - 719	310	353	504	712	966	1175
720 - 739	328	364	516	722	987	1194
740 - 759	342	379	527	730	1006	1215
760 - 779	356	395	539	741	1026	1233
780 - 799	373	410	549	752	1044	1254
800 - 819	388	424	560	757	1061	1272
820 - 839	401	438	572	768	1082	1288
840 - 859	419	456	584	776	1101	1310
860 - 879	433	472	596	798	1120	1328
880 - 899	449	487	606	816	1138	1348
900 - 919	462	501	617	835	1161	1367
920 - 939	478	516	632	855	1175	1385
940 - 959	494	530	641	874	1194	1403
960 - 979	507	546	653	891	1215	1423
980 - 999	525	560	663	911	1233	1441
1000 & over	539	579	675	931	1254	1461

[Statutory Authority: RCW 88.16.035. 90-08-095, § 296-116-300, filed 4/4/90, effective 5/5/90; 89-08-041 (Order 89-2, Resolution No. 89-2), § 296-116-300, filed 3/31/89. Statutory Authority: RCW 88.16.050. 88-05-039 (Order 88-1, Resolution No. 88-1), § 296-116-300, filed 2/16/88, effective 3/18/88. Statutory Authority: RCW 88.16.035(4). 87-01-081 (Orders 86-9 and 86-10, Resolution Nos. 86-9 and 86-10), § 296-

116-300, filed 12/19/86; 86-19-066 (Order 86-6, Resolution No. 86-6), § 296-116-300, filed 9/16/86; 86-02-035 (Order 86-1, Resolution No. 86-1), § 296-116-300, filed 12/30/85; 85-02-048 (Order 84-5, Resolution No. 84-5), § 296-116-300, filed 12/31/84; 84-04-006 (Order 84-1, Resolution No. 84-1), § 296-116-300, filed 1/20/84; 83-17-055 (Order 83-6, Resolution No. 83-6), § 296-116-300, filed 8/17/83; 82-13-065 (Order 82-4, Resolution No. 82-4), § 296-116-300, filed 6/16/82. Statutory Authority: RCW 88.16.035. 81-12-017 (Order 81-2, Resolution No. 81-2), § 296-116-300, filed 5/29/81; 80-06-084 (Order 80-1, Resolution No. 80-1), § 296-116-300, filed 5/28/80. Statutory Authority: RCW 88.16.035(4). 79-07-033 (Order 79-4, Resolution No. 79-4), § 296-116-300, filed 6/19/79. Statutory Authority: Chapter 88.16 RCW and 1977 ex. sess. c 337, §§ 1 and 4. 78-02-008 (Order 78-1), § 296-116-300, filed 1/6/78, effective 2/10/78; Order 77-18, § 296-116-300, filed 9/20/77, effective 11/1/77; Order 76-24, § 296-116-300, filed 7/22/76; Order 75-3, § 296-116-300, filed 2/10/75; Order 74-2, § 296-116-300, filed 1/8/74; Order 73-8, § 296-116-300, filed 6/20/73 and Emergency Order 73-10, filed 7/19/73, effective 8/14/73; Order 70-7, § 296-116-300, filed 7/16/70; 7/25/67; 2/18/64; 10/29/62; 12/28/60; 3/23/60.]

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

Reviser's note: RCW 34.05.395 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 90-13-056

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 90-51—Filed June 15, 1990, 3:45 p.m.]

Date of Adoption: June 14, 1990.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-56-190.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Quotas of coho and chinook are available for harvest in coastal waters. These regulations are adopted to concur with Pacific Fisheries Management Council recommendations.

Effective Date of Rule: 12:01 a.m., June 18, 1990.

June 14, 1990
Judith Merchant
Deputy Director
for Joseph R. Blum
Director

NEW SECTION

WAC 220-56-19000S SALTWATER SEASONS AND BAG LIMITS. Notwithstanding the provisions of WAC 220-56-180 and WAC 220-56-190, effective immediately until further notice it is unlawful to fish for salmon in Marine Areas 1 - 4, except as provided for in this section:

(1) Areas and times open to salmon angling:

(a) Marine Area 4 - July 2 through September 20, 1990 or until any quota is reached (coho quota 24,900, coastwide chinook quota 37,500) - Sunday through Thursdays only.

(b) Marine Area 3 - July 2 through September 20, 1990 or until any quota is reached (coho quota 3,300, coastwide chinook quota 37,500) - Sunday through Thursdays only.

(c) Marine Area 2 - June 18 through September 20, 1990 or until any quota is reached (coho quota 94,300, coastwide chinook quota 37,500) - Sunday through Thursdays only.

(d) Marine Area 1, except closed in the ocean area surrounding the Columbia River mouth bounded by a line extending six nautical miles due west from North Head 46°18'00" north latitude to 124°13'18" west longitude, then southerly along a line 167° true to the Washington Oregon border - June 24 through September 20, 1990 or until any quota is reached (coho quota 122,500, coastwide chinook quota 37,500) - Sunday through Thursdays only.

(2) Bag Limit - 2 salmon per day, minimum size limit in all ocean waters; Chinook, 24 inches, Coho, 16 inches.

(3) Shore based angling from the north jetty of the Columbia River is allowed.

WSR 90-13-057

WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF LICENSING

[Filed June 15, 1990, 3:53 p.m.]

The Department of Licensing hereby withdraws its proposed rule making filed May 2, 1990, under WSR 90-10-091.

The proposed rule making will be refiled with a different date of intended adoption.

Merle M. Steffenson
Administrator
Prorate and Fuel Tax Services

WSR 90-13-058

PROPOSED RULES DEPARTMENT OF LICENSING

[Filed June 15, 1990, 3:55 p.m.]

Original Notice.

Title of Rule: Vehicle registration reciprocity and proration, provides for the proportional registration of

vehicles under the provisions of the international registration plan and the uniform vehicle registration, proration, and reciprocity agreement.

Purpose: The purpose of these rules is to enable the Department of Licensing to implement and administer proportional vehicle registration of fleets of vehicles being operated interstate under the provisions of chapter 46.87 RCW.

Statutory Authority for Adoption: RCW 46.01.110 and 46.87.010(2).

Statute Being Implemented: Chapter 46.87 RCW.

Summary: Vehicle registration reciprocity and proration, chapter 308-91 WAC, amending WAC 308-91-010 Proration and reciprocity agreements; 308-91-030 Definitions; 308-91-040 General provisions; 308-91-050 Applications for proportional registration; 308-91-060 Mileage and prorate percentage; 308-91-070 Quarterly licensing for proportionally registered vehicles; 308-91-080 Temporary authorization permit; 308-91-090 Leased and rented vehicles; and repealing WAC 308-91-160 Reciprocity for combinations of vehicles.

Reasons Supporting Proposal: The amendatory sections and the repealer are proposed to clarify and bring currently effective rules into conformity with newly enacted statutes and/or statutory amendments.

Name of Agency Personnel Responsible for Drafting and Implementation: Paul W. Downey, Prorate Section, (206) 753-6993; and **Enforcement:** Merle Steffenson, Prorate and Fuel Tax, (206) 753-4565.

Name of Proponent: State of Washington Department of Licensing, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 308-91-010, makes known the proportional registration agreements to which Washington is a member. These agreements are the basis for registration of fleets of vehicles operating interstate. Identifies jurisdictions who are members of the compact but are not also members of the IRP; WAC 308-91-030, sets forth the definitions of terms as used in chapter 308-91 WAC; WAC 308-91-040, outlines general provisions that relate to the proportional registration and licensure of fleets of vehicles. It includes information on filing and compliance dates, record retention and fleet composition. It also describes the various types of identification for prorated vehicles as well as the mechanism for transfer or surrender of these indicia; WAC 308-91-050, prescribes the application procedures for proportional registration. It also describes the requirements for issuance of a temporary letter of authority to permit operation of vehicles for a short period of time when such operation is essential; WAC 308-91-060, describes procedures and methods to be used in determining mileage and prorate percentage. It also describes how these figures must be expressed on applications; WAC 308-91-070, describes the quarterly licensing program for fleets of proportionally registered vehicles; WAC 308-91-080, describes the temporary authorization permit and the manner in which it is obtained. It also describes how the permits must be filled out and retained along with a listing of the

grounds for suspension or cancellation of the temporary permits; WAC 308-91-090, describes the manner in which leased and rented vehicles are treated for the purpose of proportional registration. It describes the types of records that must be maintained by the lessor and explains the circumstances under which the lessee of the vehicle is made responsible for licensing; and WAC 308-91-160, prescribes conditions under which the vehicles making up a combination of vehicles will be granted license reciprocity for operation on the roadways of this state. Failure to meet these conditions will necessitate registration or temporary registration of the vehicles in Washington.

Proposal Changes the Following Existing Rules: WAC 308-91-010, eliminates outdated information concerning jurisdictions that are members of the compact but not members of the IRP; WAC 308-91-030, sets forth the definition of "owner-operator" and brings the definition of "latest purchase cost or price" into conformity with newly enacted statutes; WAC 308-91-040, restricts the composition of fleets to either motor or nonmotor vehicles in conformance with newly enacted statutes and/or statutory amendments. One word added for the purpose of clarification; WAC 308-91-050, minor changes for the purpose of clarification and to bring the rule into conformance with newly enacted statutes and/or statutory amendments. Sets forth options to be followed in the proportional registration of owner-operators and prescribes who is to register the vehicles and maintain records; WAC 308-91-060, minor changes for the purpose of clarification and to bring the rule into conformance with newly enacted statutes and/or statutory amendments. Describes the manner in which estimated mileage is treated under designated circumstances; WAC 308-91-070, minor correction in grammar; WAC 308-91-080, correction of a form reference and other minor changes for the purpose of clarification; WAC 308-91-090, one word added to bring the rule into conformance with newly enacted statutes and/or statutory amendments; and WAC 308-91-160, this section is being repealed. It is no longer applicable because of newly enacted statutes and/or statutory amendments.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Highways-Licenses Building, 2nd Floor Conference Room #240, 12th and Franklin Streets, Olympia, Washington 98504, on July 25, 1990, at 9:30 a.m.

Submit Written Comments to: Merle Steffenson, Administrator, Prorate and Fuel Tax Services, Highways-Licenses Building, Olympia, Washington 98504, by July 24, 1990.

Date of Intended Adoption: July 30, 1990.

June 15, 1990
Merle Steffenson
Administrator

AMENDATORY SECTION (Amending Order PFT 8803, filed 3/2/88)

WAC 308-91-010 PRORATION AND RECIPROCITY AGREEMENTS. The state of Washington is a member of the uniform vehicle registration proration and reciprocity agreement which is

hereafter referred to as the "compact" and the international registration plan which is hereafter referred to as the "IRP." These agreements provide for the proportional registration of fleets of commercial or apportioned vehicles operated in two or more jurisdictions that are members of the compact and/or the IRP. ~~(Member jurisdictions of the compact who are not also members of the IRP are Alaska, British Columbia, Nevada, and New Mexico.)~~

AMENDATORY SECTION (Amending Order PFT 89-04, filed 3/10/89)

WAC 308-91-030 DEFINITIONS. The definitions set forth below, and in chapters 46.04, 46.85, and 46.87 RCW, apply throughout this chapter.

(1) "Backing plate" means a license plate which is designed for displaying validation decals, stickers or tabs issued by jurisdictions of the compact in which the vehicle displaying the plate is proportionally registered.

(2) "Base jurisdiction," under provisions of the compact, means the jurisdiction in which the owner has "properly registered" vehicle(s) of a fleet as defined in RCW 46.87.020(14).

(3) "Base plate" means the vehicle license plate assigned to a vehicle by the base jurisdiction. Under the provisions of the IRP, this would be an "apportioned plate."

(4) "Compact" means the uniform vehicle registration proration and reciprocity agreement.

(5) "Combination of vehicles" means a power unit used in combination with trailer(s), semitrailer(s) and/or converter gear.

(6) "Department" means the department of licensing, state of Washington.

(7) "Interstate operation" means vehicle movement between or through two or more jurisdictions.

(8) "Intrastate operation" means vehicle movement within a single jurisdiction, from one point within that jurisdiction to another point within the same jurisdiction.

(9) "Latest purchase cost or price" means the actual purchase cost or price, if reasonable, for a vehicle paid by the current owner, including the value of any trade-in or other valuable considerations, cost of accessories and modifications but excluding taxes, transportation or shipping costs, and preparatory or delivery costs. Reasonable purchase cost is considered to be the ~~((fair market))~~ value of the vehicle as determined from guide books, reports or compendiums of value recognized in the automotive industry. All values are to be expressed in United States dollars.

(10) "Owner-operator" means an equipment lessor who leases their vehicular equipment with driver to a carrier.

(11) "Reciprocity jurisdiction" means a jurisdiction with which the state of Washington extends full vehicle license reciprocity because of an agreement, arrangement, declaration or mirror reciprocity as provided for in RCW 46.85.080.

~~((+1))~~ (12) "Bus" (BS) means every motor vehicle designed for carrying more than five passengers and the driver and used primarily for the transportation of people.

~~((+2))~~ (13) "Converter gear" (CG) means an auxiliary under carriage assembly with the fifth wheel and tow bar, used to convert a semitrailer to a full trailer.

~~((+3))~~ (14) "Double bottom" (DB) means two full trailer(s)/semitrailer(s) used in a combination of vehicles.

~~((+4))~~ (15) "Dump truck" (DT) means a truck whose contents are unloaded by tilting the truck bed backward with the tailgate open.

~~((+5))~~ (16) "Full trailer" (FT) means every vehicle without motive power, designed for carrying persons or property, drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

~~((+6))~~ (17) "Lessee" means a person, firm or corporation which has legal possession and control of a vehicle owned by another under the terms of a lease agreement.

~~((+7))~~ (18) "Lessor" means a person, firm or corporation which, under the terms of a lease, grants the legal right of possession, control of and responsibility for the operation of the vehicle to another person, firm or corporation.

~~((+8))~~ (19) "Mileage experience year" means the period of time between July 1st and June 30th of the year immediately preceding the year in which application for registration is made.

~~((+9))~~ (20) "Road tractor" (RT) means every motor vehicle designed without a fifth wheel and used for drawing other vehicles by use of a ball hitch and so constructed as to carry part of the weight of a

vehicle or load so drawn (commonly referred to as a mobile home toter).

~~((+0))~~ (21) "Semitrailer" (ST) means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by the towing vehicle.

~~((+1))~~ (22) "Tractor" (TR) means every motor vehicle designed and used primarily for drawing other vehicles but not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

~~((+2))~~ (23) "Trailer" refers to a full trailer, semitrailer, pole trailer, or utility trailer.

~~((+3))~~ (24) "Trip lease" means a lease of vehicular equipment to a common or contract carrier (lessee) for a single movement by either (a) another common or contract carrier for transportation in the direction of a point which the lessor carrier is authorized to serve, or (b) a carrier of exempt commodities, as defined in the interstate commerce act, for transportation in the general direction of the general area in which the vehicle is based. The term may also include a similar movement intrastate where such movement is authorized under the laws of the jurisdiction.

~~((+4))~~ (25) "Truck" (TK) means every motor vehicle designed, used or maintained primarily for the transportation of property (the maximum gross weight for solo trucks with three axles is 40,000 pounds).

~~((+5))~~ (26) "Truck tractor" (TT) means every motor vehicle designed and used primarily for drawing other vehicles but so constructed as to carry a load thereon in addition to a part of the weight of the vehicle and load so drawn (dromedary).

~~((+6))~~ (27) "Utility trailer" means any full trailer or semitrailer constructed and used solely for the purpose of carrying property and not to exceed a gross weight of 6,000 pounds.

~~((+7))~~ (28) "Washington fee/tax receipt" is a receipt issued to foreign based IRP vehicles for which Washington must calculate and collect Washington fee/taxes. The receipt is issued upon payment of the Washington fee/taxes due on the vehicle. The receipt is proof of payment of Washington fee/taxes and must be carried with the vehicle while being operated in Washington.

AMENDATORY SECTION (Amending Order PFT 89-03, filed 3/10/89)

WAC 308-91-040 GENERAL PROVISIONS. (1) Fleet composition. Carriers may separate their commercial or apportionable vehicles into two or more fleets if such divisions are consistent with their operational practices, by reason of equipment design, or restrictions imposed by member jurisdictions. Fleets will consist of either motor or nonmotor vehicles but not a mixture of both.

(2) Records substantiating the latest purchase cost or price and year of purchase of each vehicle in the fleet must be retained for the period specified in RCW 46.87.310 and made available to the department upon request.

(3) Filing and compliance dates. Proportional registration annual renewal applications must be filed with the prorate section of the department on or before December 1 of the year immediately preceding the year in which proportional registration is sought to insure timely issuance of identification for the new registration year. No temporary operating authority will be issued for renewal vehicles if the renewal application is received by the department after the above date. Washington proportional registrations expire at midnight, December 31st of each registration year; however, vehicles undergoing renewal processing and for which renewal fees and taxes have been received by the department prior to the beginning of the registration year, will have until March 1st of such registration year to display current year prorate credentials. During the first two months of the registration year, such vehicles will display the credentials issued for the previous registration year.

(4) Proportional registration credentials. Washington prorate credentials consist of a cab card, which describes the vehicle and period for which the vehicle has been proportionally registered, and a prorate backing plate upon which is affixed a current prorate validation tab. If the vehicle described on the cab card is Washington based, apportioned license plates, with current validation tab affixed, will be issued in lieu of the backing plate. If the vehicle is operating under the IRP, the cab card must show the jurisdiction(s) and gross weight for which the vehicle is registered. The cab card is to be carried in or on the vehicle to which it has been issued, or in the case of a trailing unit, it may be

carried in or on the power unit of the combination. Photocopies or other facsimiles of the cab card are invalid. The cab card or the Washington fee/tax receipt issued by the department, or the IRP base jurisdiction's cab card, are the only acceptable evidence of proportional registration in this state, unless the receipt required by WAC 308-91-170 is required to accompany the base jurisdiction's cab card. The prorate backing plate, if applicable, is mounted on the front of a power unit and on the rear of a trailing unit. The validation tab shall be affixed to the upper left-hand corner square of the prorate backing plate or the space designated on the apportioned plate if applicable.

(5) Transfer of proportional registration credentials. Washington proportional registration credentials cannot be transferred from one vehicle to another vehicle or from one fleet to another fleet.

(6) Surrender of proportional registration credentials. Upon termination of proportional registration or deletion of a vehicle from a fleet, prorate credentials will be disposed of as follows:

(a) Vehicle based in Washington. The cab card and apportioned plate(s) with current validation tab attached must be returned to the prorate section of the department. If vehicle is being deleted from the fleet, credentials must accompany the application effecting the deletion.

(b) Vehicle registered under provisions of the compact and based in another jurisdiction. Only the Washington cab card is returned to the prorate section. The prorate backing plate with validation tab attached must be returned to the prorate unit of the base jurisdiction licensing agency. If vehicle is being deleted from the fleet, cab card must accompany the application effecting the deletion. The end of year (December 31st) deletion of a vehicle listed on the renewal application need not be accompanied by the identification issued to such vehicle.

(c) Vehicles based in IRP jurisdictions. Upon termination of proportional registration or deletion of a vehicle from a fleet, the credentials must be returned to the base jurisdiction.

AMENDATORY SECTION (Amending Order PFT 89-03, filed 3/10/89)

WAC 308-91-050 APPLICATIONS FOR PROPORTIONAL REGISTRATION. (1) Applicants desiring proportional registration in this state must make application to the prorate section of the department in the manner and upon the forms prescribed. Forms will be made available by the department. Washington based carriers desiring registration in other IRP jurisdictions must indicate on their applications the jurisdictions in which the fleet is (is to be) registered, list vehicles by gross weight groups and indicate within each gross weight group the gross weight each vehicle of the group is to be registered for in each jurisdiction listed. Motor vehicles and nonmotor vehicles must be in separate fleets. Incorrect, illegible, or incomplete applications will be returned without action.

(2) Registration options for owner-operators who lease their vehicles(s) with driver(s) to motor carriers are as follows:

(a) The owner-operator may be the registrant. The vehicle(s) will be titled and registered in the owner-operator's name. The registration will show the name of the owner-operator followed by the name of the carrier to whom the vehicle(s) and driver(s) are leased for operations. The owner-operator will be responsible for registration of such vehicles(s), and establishing and maintaining records required of proportionally registered fleets.

(b) The carrier (lessee) may be the registrant. The vehicle(s) will be titled and registered in the names of both the carrier as lessee and the owner-operator as lessor. The carrier will be responsible for registration of such vehicle(s), and establishing and maintaining records required of proportionally registered fleets.

(3) The application for any fleet shall bear the same applicant's name, or be identified therewith, for each jurisdiction in which proportional registration is sought for such fleet.

((3)) (4) After an original or renewal proportional registration application has been filed with this state for a fleet, vehicles can only be added or deleted, or changes made in registered/combined gross vehicle weight, by filing a proration registration application supplement - Schedule "A & C" in the manner prescribed.

((4)) (5) In circumstances where immediate operation of vehicles being added to the fleet is essential, a temporary letter of authority may be requested by the applicant for such vehicles, pending processing of the application and issuance of prorate credentials by the department, provided that:

(a) Licensing fees and taxes have been paid in full for the fleet's original Washington proportional registration application; and

(b) The proportional registration renewal application or supplement - Schedule "A & C" adding such vehicles to the proportionally registered fleet is acceptable and on file in the prorate section of the department; and

(c) The applicant's proportional registration account is considered to be in good standing and on active status.

((5)) (6) The temporary letter of authority will permit operation of the vehicles listed thereon, in jurisdictions and at gross weights indicated, for a period of time to be determined by the department but not longer than two months from the effective date of the letter. The temporary letter of authority will be issued by one of the following means as requested by the applicant:

(a) Mail;

(b) Collect facsimile or other electronic transmission for which the requestor pays the transmission and handling fees;

(c) Over the counter.

AMENDATORY SECTION (Amending Order PFT 8803, filed 3/2/88)

WAC 308-91-060 MILEAGE AND PRORATE PERCENTAGE. (1) Vehicles developing mileage experience must travel in two or more jurisdictions during the mileage experience or registration year. The mileage reported must be the actual miles accumulated by only those vehicles that were part of the proportionally registered fleet during the mileage experience year. If a vehicle was part of the proportionally registered fleet for only a part of the mileage experience year, then only the miles accumulated by this vehicle during the time it was a part of the fleet are to be included in the mileage experience year. If a carrier has more than one prorate fleet, a separate mileage report must be kept for each fleet.

(2) Vehicles operating only intrastate during the registration year are not eligible for proportional registration and cannot be considered as part of a prorate fleet. Mileage accumulated by such vehicles cannot be included in the mileage experience year of any prorate fleet.

(3) Estimated mileage:

(a) New fleets will estimate their mileage for the first year of operation. If operations began prior to June of the first year of operation, the actual mileage accumulated by the fleet during the preceding year will be utilized in calculating the prorate percentage for the second year of operation. If operations began during the month of June or later in the first year, mileage will be estimated for the second year of operation.

(b) When a carrier wants to expand operations of a fleet into a new jurisdiction(s), mileage will be estimated for such jurisdiction(s) as indicated for new fleets in (a) of this subsection. Because the prorate percentage of the fleet is based on the actual mileage accumulated by the fleet during the preceding year, the prorate percentage for the new jurisdiction(s) will be above that calculated for the original jurisdictions in which the fleet operated during the preceding year.

(c) If a fleet fails to accumulate mileage during the preceding year in a jurisdiction(s) in which the fleet was registered and they desire to register the fleet in such jurisdiction(s) the following year, mileage will be estimated for such jurisdiction(s) as indicated for new jurisdictions in (b) of this subsection.

(4) Mileage computation.

(a) Applications containing ((either power units and trailing units pulled by such power units or)) power units only: Use miles of prorate fleet power units only.

(b) ((Fleets)) Applications containing trailing units ((that are operated in jurisdictions in addition to those in which the power units of the fleet are operated, or trailing units of a fleet operated with motor vehicles that are not part of the fleet, shall be placed in separate fleets.

(c) Applications for trailer fleet only: Use miles of power units only, whether prorated or not, which are operated in combination with the prorated trailers) only: Use either the mileage traveled by the trailers of the fleet or use the mileage traveled by the motor vehicles while used in combination with the trailers of the fleet. In instances where the use of mileage accumulated by the trailer fleet is impractical, see alternate measures provided under the provisions of RCW 46.87.120(3).

((4)) (5) The prorate section of the department will not accept any original or renewal prorate applications which contains one or more of the following:

(a) Estimated mileage that does not realistically reflect proposed operations.

(b) Estimated mileage on renewal applications, unless operations began so late in the previous registration year (June or later), that an actual mileage experience year is not yet available.

(c) Mileage data, other than estimated mileage, expressed in round-off numbers on renewal applications.

(d) Identical mileage data reported for consecutive registration years for the same fleet, except when mileage is estimated.

~~((5))~~ (6) To compute the prorate percentages, divide the miles for each jurisdiction by the total fleet miles. The results are to be computed to the fourth decimal of the percent and rounded up to the third decimal. Express the percent in two digits before the decimal and three digits after the decimal. The Washington prorate percentage established on an original or renewal application will remain in effect for all supplemental applications filed during the registration year unless adjusted by audit or under the provisions of RCW 46.87.120.

AMENDATORY SECTION (Amending Order PFT 8803, filed 3/2/88)

WAC 308-91-070 QUARTERLY LICENSING FOR PROPORTIONALLY REGISTERED VEHICLES. In order to participate in the quarterly (three months) licensing program, a Washington based carrier must initially make ~~((its))~~ their desire known to the prorate section by attaching a note or letter to the original or renewal proration application stating ~~((its))~~ their desire to participate in the quarterly licensing program. Participation will then continue as long as the fleet maintains eligibility under the provisions of RCW 46.87.160, the carrier withdraws from the program or the privilege is withdrawn by the department for cause. This program pertains only to the quarterly payment of the license fee prescribed in RCW 46.16.070; it does not authorize partial payment of any other fee or tax authorized or required for payment by another statute or rule.

AMENDATORY SECTION (Amending Order PFT 8803, filed 3/2/88)

WAC 308-91-080 TEMPORARY AUTHORIZATION PERMIT. Washington temporary authorization permits (TAPs) are available to carriers who have been prorated with the state of Washington for a minimum of one year; have not had their TAP or prorate privileges suspended, revoked or canceled in this state within the past three years; and who have a history of making prompt payment of fees when due and final, usually within thirty days of the billing date. These permits may be used by qualified carriers to allow immediate operation of vehicles being added to their fleet pending issuance of proportional registration credentials.

Carriers desiring the privilege of obtaining and using TAPs must make application in writing to the prorate section of the department and indicate their anticipated annual requirements for these permits. Upon approval of the application, the carrier may place an order for ten or more TAPs utilizing order forms to be provided by the department; payment as prescribed in RCW 46.87.080 must accompany the application. TAPs are valid for a period of two months from the date of issue by the carrier. The following procedures govern the use and issuance of these permits:

(1) TAPs are serially numbered and must be issued by the carrier in sequential order. Carriers are accountable and liable for all TAPs purchased from the department. These permits are not transferable and may be utilized only by the carrier to whom they were issued for use with vehicles being added to their fleet or fleets. Carriers must return all unused TAPs at such time as they cancel or fail to renew their Washington prorate account; or at such time as the department withdraws, suspends, revokes or cancels their TAP and/or prorate privileges in this state. No refunds or credits will be given for TAPs that are returned to the department.

(2) TAPs may only be used for vehicles being added to a carrier's established fleet. They cannot be used to increase gross weight on a vehicle or for a vehicle that has already been listed on a proportional registration application Schedule "A & C" or ~~((prorated registration application supplement Schedule "C" or))~~ renewal application which has been submitted to the prorate section of the department. Only one permit may be issued for any one vehicle.

(3) TAPs must be filled out with a typewriter. All applicable blanks must be completed with requested data. If an error is made in the issue date, expiration date, gross weight, license plate number, serial/identification number blanks or in the jurisdiction/weight section, void the permit by printing the word "VOID" in large letters across the face of the permit. ~~((Then))~~ Return the vehicle copy and prorate copy to the

department within one week or with your next proration application supplement, whichever is sooner. If TAP is to be used for a vehicle being added to a fleet registered under the provisions of the IRP, the jurisdiction postal code abbreviation, along with the declared operating weight for such jurisdiction, must be indicated in the space provided for each jurisdiction in which the fleet is registered. Jurisdiction/weight listings must begin in the upper left space provided and continue across the form to the right. Each line must be completed before starting the next line immediately below if needed. After the last entry, spaces to the right must be filled with asterisks as must be the entire line immediately below the last completed line in this section of the form. The purpose of the asterisks is to preclude entry of additional jurisdictions/weights. Retain the applicant's file copy for four years pending possible audit of account under the provisions of RCW 46.87.310. No refund or credit will be given for voided permits; and, they must be accounted for in the department records.

(4) The original copy of the TAP is to be carried in the vehicle to which it was issued; however, if the vehicle is a trailing unit, it may be carried in the towing vehicle. The second copy of the permit is to be retained in the carrier's files for a period of four years pending possible audit under the provisions of RCW 46.87.310. The third copy is to be attached to a Washington proration application supplement which is used to add the vehicle to the carrier's fleet.

(5) When TAPs have been issued, a proration registration application supplement Schedule "A & C," listing such vehicles as additions to the fleet, must be submitted to the prorate section of the department, along with the third copy of the TAP attached, within one week of the issue date of such TAPs. To facilitate compliance with this requirement, proration registration application supplement Schedule "A & C" and TAPs should be issued from the same location. Failure to submit a proration application for vehicles to which TAPs have been issued, within one week, shall be cause for suspension and cancellation of TAP and/or proportional registration privileges in the state of Washington.

(6) Other causes for suspension and cancellation of TAP and/or proportional registration privileges are:

- Failure to comply with these rules and procedures; or
- Failure to complete TAPs in their entirety prior to use; or
- Failure to comply with Washington prorate instructions, rules or laws; or
- Failure to make timely payment of registration fees, taxes or audit assessments when due and final (usually within thirty days); or
- Failure to maintain accountability of TAPs.

AMENDATORY SECTION (Amending Order PFT 8803, filed 3/2/88)

WAC 308-91-090 LEASED AND RENTED VEHICLES. (1) The registration of rental vehicles will be conducted under the provisions, currently identified as article XI—registration of rental vehicles, of the international registration plan (IRP) as now written or hereafter amended. Rental vehicles under this section include: Trucks, tractors, and truck-tractors; trucks of one-way fleets (less than 26,000 pounds gross weight); trailers and semitrailers (exceeding 6,000 pounds gross weight), utility trailers (not exceeding 6,000 pounds gross weight), and passenger cars (includes recreational vehicles). A copy of the rental/lease agreement must be carried in the rental/leased vehicle or if it is a nonpowered vehicle, the vehicle providing the motive power for the combination.

(2) Single trip lease. The requirements for single trip leasing are as follows:

- The lessor's motor vehicles must be prorated in this state or operated under authority of vehicle trip permits.
- The duration of the lease agreement is for a single trip and cannot exceed thirty days.
- A completed copy of the single trip lease agreement must be carried in the lessor's vehicle throughout the duration of the lease.
- All mileage accumulated throughout the duration of the single trip lease agreement will be recorded by the lessor and become a part of the lessor's mileage experience year. The mileage records, trip reports and single trip lease agreement must be maintained by the lessor for a period of four years following the mileage experience year or period upon which the application is based.

(3) Normally the lessee of a vehicle is responsible for its licensing under proportional registration subject to the following exceptions:

- Household goods carriers, wherein the agent is the lessor and the company is the lessee, may file and register as dual applicants. Under this procedure, the lessor's fleet is prorated in its name and cab cards

are issued in the name of both the lessor and lessee. The application is based on the lessor's vehicles and the mileage accumulated by the lessor under its name and that of the lessee. The application should be filed in the name of the lessee and the lessor. For equipment owned and operated by owner-operators, other than service representatives, and used exclusively to transport cargo for the household goods carrier, the vehicle shall be registered by the carrier in the base jurisdiction of the carrier, but in both the owner-operator's name and that of the carrier as lessee, with the apportionment of fees according to the records of the carrier.

(b) The lessor of a single trip lease agreement is responsible for licensing and recordkeeping.

(c) Optional for rental vehicles referred to in subsection (1) of this section.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-91-160 RECIPROCITY FOR COMBINATIONS OF VEHICLES.

WSR 90-13-059
PROPOSED RULES
DEPARTMENT OF LICENSING
(Professional Licensing Division)

[Filed June 15, 1990, 4:04 p.m.]

Original Notice.

Title of Rule: WAC 308-12-320 Renewal of licenses.

Purpose: Revision of license renewal frequency to change from an annual renewal of architect licenses to a three-year license renewal period, and establishment of the three-year phase-in period and procedures to effect the change.

Statutory Authority for Adoption: RCW 18.08.430.

Statute Being Implemented: RCW 18.08.430.

Summary: WAC 308-12-320 Renewal of licenses, is amended to change the renewal frequency of architect licenses from an annual renewal to a three-year renewal cycle and to set forth the implementation procedure to effect the conversion from an annual license renewal to a three-year license renewal.

Reasons Supporting Proposal: The extended renewal frequency conserves labor time spent in processing license renewals by two-thirds at the completion of the three-year phase-in period.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: James D. Hanson, 2424 Bristol Court, 753-6967.

Name of Proponent: Department of Licensing, Professional Licensing Services Division, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: This amendment is intended to provide convenience of renewal of licenses to architects and conserve labor time spent in the manual processing of license renewals.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 308-12-320 Renewal of licenses, sets forth

the frequency and procedures for the renewal of architect licenses. This proposed amendment changes the renewal period from annually to every three years. The amendment sets forth the procedures for changing from an annual renewal to a three-year renewal, the change to be administratively accomplished over a three-year phase-in period commencing January 1, 1991. During calendar years 1991, 1992, and 1993, architect licenses will be issued for one year, two years, or three years based upon renewal dates in calendar year 1991.

Proposal Changes the Following Existing Rules: The current rule requires architect licenses to be renewed on an annual frequency. The proposed amendment will change the license renewal frequency to a three-year cycle.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: 3rd Floor Conference Room, 2424 Bristol Court, Olympia, WA 98502, on August 17, 1990, at 9:30 a.m.

Submit Written Comments to: James D. Hanson, Department of Licensing, P.O. Box 9649, Olympia, WA 98504, by August 10, 1990.

Date of Intended Adoption: August 17, 1990.

June 8, 1990

James D. Hanson
Program Administrator

AMENDATORY SECTION (Amending Order PL 517, filed 2/11/85)

WAC 308-12-320 RENEWAL OF LICENSES. (1) The (~~annu~~al) license renewal date for architects shall be the architects birth date. Licensees who fail to pay the license renewal fee within thirty days of license expiration date will be subject to the late payment penalty fee as set forth in (~~WAC 308-12-312~~) RCW 18.08.430 and WAC 308-12-326. Architects whose renewal fees are delinquent will be listed with the state building officials.

(2) Effective with the renewal period beginning January 1, 1991, the annual renewal period for architects will be changed to a three-year renewal period. Conversion to the three-year renewal system will be accomplished as follows:

(a) Current licensees, whose birthdates are in the months of January, February, March or April, will be required to pay a fee equal to one years' renewal fee, or one-third of the current three-year renewal fee, in order to extend their licenses for a period of one year. Subsequent renewals for this group of licensed architects will be for a three-year period.

(b) Current licensees, whose birthdates are in the months of May, June, July or August, will be required to pay a fee equal to two years' renewal fee, or two-thirds of the current three-year renewal fee, in order to extend their licenses for a period of two years. Subsequent renewals for this group of licensed architects will be for a three-year period.

(c) Current licensees, whose birthdates are in the months of September, October, November or December, will be required to pay the current three-year renewal fee, in order to extend their licenses for a period of three years. Subsequent renewals for this group of licensed architects will be for a three-year period.

(3) Effective January 1, 1991, all new architect licenses, initial or reciprocity, will be issued for a three-year period, with subsequent renewals for a three-year period.

(4) Following completion of the conversion to a three-year renewal period, licensees will renew every three years on their date of birth.

(5) Assessment of delinquent fees will be based on the number of years delinquent multiplied by one-third of the three-year renewal fee or the fee for one year. Penalty fees are one-third of the three-year renewal fee or equal to the fee for one year multiplied by the number of years delinquent.

WSR 90-13-060
PERMANENT RULES
WASHINGTON STATE PATROL
 [Order 90-06-ES—Filed June 18, 1990, 8:31 a.m.]

Date of Adoption: June 18, 1990.

Purpose: To establish standards for sun screen tint film decals.

Statutory Authority for Adoption: RCW 46.37.430.

Pursuant to notice filed as WSR 90-10-076 on May 2, 1990.

Effective Date of Rule: Thirty-one days after filing.

June 18, 1990
 George B. Tellevik
 Chief

Chapter 204-30 WAC
 SUNSCREEN TINT FILM DECALS

NEW SECTION

WAC 204-30-010 AUTHORITY. This chapter is promulgated pursuant to chapter 95, Laws of 1990.

NEW SECTION

WAC 204-30-020 PURPOSE. The purpose of this chapter is to establish standards for window tint decals that are required for vehicles equipped with film sunscreen materials.

NEW SECTION

WAC 204-30-030 SCOPE. The standards established by this chapter apply to all film sunscreen decals installed pursuant to chapter 95, Laws of 1990.

NEW SECTION

WAC 204-30-040 DEFINITIONS. (1) Decal. A label, provided by film sunscreen manufacturers, that indicates the percentage of light transmission and light reflectance of the sunscreen film installed on a vehicle.

(2) Installer. A person, who for personal or commercial purposes, installs sunscreen film on one or more windows of a motor vehicle.

NEW SECTION

WAC 204-30-050 DECAL MATERIAL, DIMENSIONS AND CHARACTERISTICS. Sunscreen film decals shall be one and one-half inches high and two inches long and shall be made of a durable material that will withstand the weather and wear expected for motor vehicle driver's door striker posts. The "punch-out dots" shall be perforated for easy removal with a pencil point or other sharp object.

NEW SECTION

WAC 204-30-060 DECAL INFORMATION REQUIREMENTS. Sunscreen film decals shall indicate the make and model of film, the percentage of light

transmission and light reflectance. Additionally, the decal shall have small "punch-out dots" to record the specific windows in the vehicle that the tint film has been installed on. The dot system shall be as follows:

FRONT - W R L (W=WINDSHIELD, R=RIGHT SIDE, L=LEFT SIDE)
 REAR - R L B (R=RIGHT SIDE, L=LEFT SIDE, B=BACK)

NEW SECTION

WAC 204-30-070 DECAL MOUNTING REQUIREMENTS. (1) The decal or decals shall be mounted on the driver's door striker post below the door latch.

(2) A separate decal shall be mounted as described above for each type of film material installed on a vehicle.

(3) In the event that a decal is destroyed or the information on it is obliterated it shall be removed and replaced.

NEW SECTION

WAC 204-30-080 TINT MANUFACTURER REQUIREMENTS. The tint manufacturer shall, no later than October 1, 1990, make available a supply of decals for each model of tint manufactured to all wholesale and retail outlets where it is or has been sold. Owners of motor vehicles with the model tint installed shall be provided the decals without cost. The manufacturer shall also ensure that instructions for correct decal application are provided.

WSR 90-13-061
PROPOSED RULES
WASHINGTON STATE PATROL
 [Filed June 18, 1990, 8:34 a.m.]

Original Notice.

Title of Rule: Repealing chapter 204-68 WAC, Commission on Equipment public records.

Purpose: Repeal obsolete rule.

Statutory Authority for Adoption: RCW 34.05.220.

Statute Being Implemented: RCW 34.05.220.

Summary: This rule outlines the record-keeping guidelines for the Commission on Equipment.

Reasons Supporting Proposal: The Commission on Equipment was abolished by Executive Order in 1987 and all duties were assigned to the State Patrol which has public disclosure policies and regulations.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Lieutenant L. E. Klewin, General Administration Building, AX-12, Olympia, 753-0347.

Name of Proponent: Washington State Patrol, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule outlined the record-keeping guidelines for the Commission on Equipment. The Commission on Equipment was abolished by Executive Order in 1987

and all duties were assigned to the State Patrol which has public disclosure policies and regulations.

Proposal Changes the Following Existing Rules: Repeals chapter 204-68 WAC.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Washington State Patrol, Fleet Conference Room, 4242 Martin Way, Olympia, WA 98504, on August 29, 1990, at 9 a.m.

Submit Written Comments to: Lieutenant L. E. Klewin, Washington State Patrol, ESR Section, AX-12, Olympia, Washington 98504, by August 29, 1990.

Date of Intended Adoption: August 30, 1990.

June 18, 1990
George B. Tellevik
Chief

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 204-68-010	PURPOSE.
WAC 204-68-020	DEFINITIONS.
WAC 204-68-030	DESCRIPTION OF THE WASHINGTON STATE COMMISSION ON EQUIPMENT.
WAC 204-68-040	OPERATIONS AND PROCEDURES.
WAC 204-68-050	PUBLIC RECORDS AVAILABLE.
WAC 204-68-060	PUBLIC RECORDS OFFICER.
WAC 204-68-070	OFFICE HOURS.
WAC 204-68-080	REQUESTS FOR PUBLIC RECORDS.
WAC 204-68-090	COPYING.
WAC 204-68-100	EXEMPTIONS.
WAC 204-68-110	REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS.
WAC 204-68-120	PROTECTION OF PUBLIC RECORDS.
WAC 204-68-130	REQUEST FOR INFORMATION.
WAC 204-68-140	ADOPTION OF FORM.

WSR 90-13-062

PROPOSED RULES

WASHINGTON STATE PATROL

[Filed June 18, 1990, 8:36 a.m.]

Original Notice.

Title of Rule: Repealing chapter 204-74 WAC, Standards for school bus warning lamps; and adopting chapter 204-74A WAC, Standards for school bus warning lamps.

Purpose: Clarifies the types of warning lamps that may be used on public school buses.

Statutory Authority for Adoption: RCW 46.37.005 and 46.37.290.

Statute Being Implemented: RCW 46.37.290.

Summary: Rule clarifies what lamps may and may not be used on public school buses.

Reasons Supporting Proposal: Confusion among school bus superintendents about what lights are approved for use on public school buses.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Lieutenant L. E. Klewin, General Administration Building, AX-12, Olympia, 753-0347.

Name of Proponent: Washington State Patrol, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Rule clarifies what lamps may and may not be used on public school buses.

Proposal Changes the Following Existing Rules: Limits the color and installation location of hazard strobe lights.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Washington State Patrol, Fleet Supply Conference Room, 4242 Martin Way, Olympia, WA 98504, on August 29, 1990, at 9 a.m.

Submit Written Comments to: Lieutenant L. E. Klewin, Washington State Patrol, ESR Section, General Administration Building, AX-12, Olympia, 98504, by August 29, 1990.

Date of Intended Adoption: August 30, 1990.

June 18, 1990
George B. Tellevik
Chief

Chapter 204-74A WAC STANDARDS FOR SCHOOL BUS WARNING LAMPS

NEW SECTION

WAC 204-74A-010 AUTHORITY. This rule is promulgated pursuant to RCW 46.37.005 and 46.37.290.

NEW SECTION

WAC 204-74A-020 PURPOSE. The purpose of this rule is to establish the standards for warning lamps used on school buses that transport public school children. Additional rules pertaining to these lamps may be found in chapters 392-143 and 392-145 WAC.

NEW SECTION

WAC 204-74A-030 SCOPE. (1) The provisions of this chapter apply only to those school buses which are owned and operated by any public school district and all privately owned school buses operated under contract with a school district in the state and used for the transportation of public school children.

(2) No privately owned school bus or private carrier bus shall be permitted to use this eight lamp warning system unless such use is in conformance with the rules and regulations set forth by the superintendent of public instruction in chapters 392-143 and 392-145 WAC.

NEW SECTION

WAC 204-74A-040 EIGHT LAMP WARNING SYSTEM. (1) The warning system shall consist of a total of eight lamps, two amber and two red on both the front and the rear of the bus. The lamps shall conform to SAE Standard J887a, J1318 or that standard in effect for such lamps at the time of the manufacture of such lamps.

(2) The warning lamps shall be mounted as high as practicable on the bus body and as near the outside edges of the body as curvature permits. Metal shielding shall be provided to protect the lamps from the elements, and the background upon which the lamps are mounted shall be painted black. Such background shall extend a minimum of three inches outward from the lamps.

(3) The amber lamps shall be mounted inboard of the red lamps. All lamps shall be mounted and aimed as specified in Federal Motor Vehicle Safety Standard 108 and SAE Standard J887a, and shall be clearly visible from a distance of at least five hundred feet in normal sunlight.

NEW SECTION

WAC 204-74A-050 OPERATION OF LAMPS. (1) Operation of the warning lamp system shall be in compliance with FMVSS 108. Activation of the warning lamp sequence shall begin only by means of a manually-operated switch. Such activation will cause the right and

left amber lamps to flash alternately until the bus entrance door is opened or the stop arm is extended, at which time the amber lamps shall be automatically deactivated and the right and left red lamps shall be automatically activated. All lamps shall flash at a rate from sixty to one hundred twenty times per minute and shall reach full brilliance during each cycle.

(2) Lamp controls shall consist of:

(a) The master or sequencing switch which shall be in plain view and mounted within easy reach of the driver, and which shall activate the system sequencing and deactivate the system at any time during the sequence.

(b) An override switch which shall automatically activate the red lamps whenever the stop arm is extended even though the master control switch is turned off, and which shall automatically deactivate the amber lamps if previously activated regardless of the then present normal state of sequencing or entrance door position. Such override switch shall be designed and installed so as to function with air, vacuum, electric, or manually operated stop arms. The stop arm shall be capable of being extended at any time, regardless of the position of the entrance door. The opening of the entrance door shall not cause the activation of the red lamps unless the master switch has been activated.

(c) A minimum of two pilot lamps, one amber and one red, each of which shall flash when the like colored warning lamps are in operation. Pilot lamps which show the operation of each individual lamp are permissible. All pilot lamps shall be located so as to be clearly visible to the driver.

(3) The warning lamp system shall be operated in accordance with the regulations set forth in chapter 392-145 WAC.

NEW SECTION

WAC 204-74A-060 **ADDITIONAL HAZARD STROBE LAMP.** (1) In addition to the eight lamp warning system, each bus may be equipped with a single additional hazard strobe lamp. Such lamps must meet the Class I requirements of SAE Standard J1318, 360 degree gaseous discharge warning lamp.

(2) A clear lens strobe lamp, less than eight inches in height, may be mounted on the centerline of the roof in the rear one-half of the bus. At no time shall the lamp be mounted any closer than six feet from the rear of the bus measured from a vertical plane tangent to the rearmost point of the bus body.

(3) The hazard strobe lamp will be activated by a switch independent of all other lamp switches. The hazard strobe lamp switch shall be plainly labeled and have a pilot lamp that shall indicate when the lamp is in operation.

(4) The use of a hazard strobe lamp is permitted only when the bus is occupied with school children and:

(a) It is in motion in inclement, sight obscuring conditions, including but not limited to rain, fog, snow, and smoke; and/or

(b) When stopping, standing, or starting onto a highway in areas of geographic hazards such as hills, trees, buildings, etc.

The strobe lamp shall not be activated solely because of darkness.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 204-74-010	PROMULGATION.
WAC 204-74-020	PURPOSE.
WAC 204-74-030	SCOPE.
WAC 204-74-040	STANDARDS FOR WARNING LAMPS.
WAC 204-74-050	MOUNTING OF LAMPS.
WAC 204-74-060	AIMING OF LAMPS.
WAC 204-74-070	OPERATION OF LAMPS.
WAC 204-74-080	EFFECTIVE DATE.

WSR 90-13-063

PROPOSED RULES

WASHINGTON STATE PATROL

[Filed June 18, 1990, 8:37 a.m.]

Original Notice.

Title of Rule: Chapter 204-82A WAC, Vehicle sunscreening devices; and chapter 204-93 WAC, Assistance vans.

Purpose: Chapter 204-82A WAC, to prohibit the physical alteration of motor vehicle windows; and chapter 204-93 WAC, to update the wording of the rule and clarify application and equipment requirements for assistance vans.

Statutory Authority for Adoption: Chapter 204-82A WAC is RCW 36.37.005 [46.37.005]; and chapter 204-93 WAC is RCW 47.52.120.

Statute Being Implemented: Chapter 204-82A WAC is RCW 46.37.005; and chapter 204-93 WAC is RCW 47.52.120.

Summary: Chapter 204-82A WAC, prohibits the physical alteration of motor vehicle windows and use of devices and toys that block vision; and chapter 204-93 WAC, establishes the equipment, operating and record-keeping requirements for assistance vans.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Lieutenant L. E. Klewin, General Administration Building, AX-12, Olympia, 753-0347.

Name of Proponent: Washington State Patrol, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 204-82A WAC, prohibits the physical alteration of motor vehicle windows and use of devices and toys that block vision; and chapter 204-93 WAC, establishes the equipment, operating and record-keeping requirements for assistance vans.

Proposal Changes the Following Existing Rules: Chapter 204-82A WAC, including "etching" and other physical alteration to motor vehicle windows in list of prohibited practices; and chapter 204-93 WAC, updates the wording to eliminate the words "Commission on Equipment" and clarifies the application and equipment requirements.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Washington State Patrol, Supply Conference Room, 4242 Martin Way, Olympia, WA 98504, on August 29, 1990, at 9 a.m.

Submit Written Comments to: Lieutenant L. E. Klewin, Washington State Patrol, ESR Section, General Administration Building, AX-12, Olympia, 98504, by August 29, 1990.

Date of Intended Adoption: August 30, 1990.

June 18, 1990
George B. Tellevik
Chief

AMENDATORY SECTION (Amending WSR 89-24-023, filed 11/30/89, effective 12/31/89)

WAC 204-82A-020 **PURPOSE.** The purpose of this rule is to establish limitations on the alteration of motor vehicle windows and the use of materials and devices that are applied to motor vehicle windows in a manner that reduces or interferes with the operator's vision. Such devices may be designed to reduce the effects of the sun, for decoration or amusement purposes or a combination, and are applied or installed on vehicles after initial sale. This rule does not apply to safety glazing material that is manufactured and installed in accordance with Federal

Motor Vehicle Safety Standards (FMVSS 205 and 128) and American National Standards Institute (ANSI Z26.1.1977) nor tinting material applied to safety glazing after initial sale of the vehicle: PROVIDED, That such material does not exceed the limitations established in RCW 46.37.430.

AMENDATORY SECTION (Amending WSR 89-24-023, filed 11/30/89, effective 12/31/89)

WAC 204-82A-040 DEFINITIONS. (1) Sunscreening devices are those products and/or materials applied or installed on motor vehicle windows for the purpose of reducing adverse effects of the sun. Such devices include, but are not limited to, semipermanently installed roll-up style shades and louver materials as well as temporarily applied articles such as towels, sheets, and blankets.

(2) Recreational products are those toys, cartoon characters, stuffed animals, signs, and other vision-reducing articles and materials that may be applied to or suspended near motor vehicle windows for entertainment and/or amusement purposes.

(3) Motor vehicle window glazing means glass material that meets the appropriate federal motor vehicle safety standard for use in motor vehicles.

AMENDATORY SECTION (Amending WSR 89-24-023, filed 11/30/89, effective 12/31/89)

WAC 204-82A-050 MAXIMUM LEVELS OF SUNSCREENING AND OTHER RESTRICTIONS. (1) Sunscreening devices and/or recreational products may not be applied to or suspended between the driver and the windshield or the windows to the immediate right and left of the driver.

(2) Sunscreening devices may be applied to other windows provided that such devices reduce the driver's area of vision uniformly and by no more than fifty percent, as measured on a horizontal plane.

(3) If sunscreening devices are applied to the rear window, the vehicle must be equipped with outside rear view mirrors on both the left and the right.

(4) Recreational products may be applied to windows, other than those referred to in subsection (1) of this section, only if they do not interfere, by their size or position, with the driver's ability to see other vehicles, persons, and objects.

NEW SECTION

WAC 204-82A-070 PHYSICAL ALTERATION OF MOTOR VEHICLE GLAZING MATERIAL PROHIBITED. Window glazing, manufactured and installed in accordance with federal motor vehicle safety standards shall not be etched or otherwise permanently altered if such glazing is installed in the windshield or any other window location of a motor vehicle passenger compartment.

AMENDATORY SECTION (Amending Order 002-85, filed 10/1/85)

WAC 204-93-010 AUTHORITY. This rule is promulgated pursuant to RCW 47.52.120 and ~~((chapter 149, Laws of 1985, and is intended to administratively implement that statute))~~ 46.37.005.

AMENDATORY SECTION (Amending Order 002-85, filed 10/1/85)

WAC 204-93-020 PURPOSE. The purpose of this regulation is to provide ~~((this state with))~~ minimum standards and operating regulations for assistance vans.

AMENDATORY SECTION (Amending Order 002-85, filed 10/1/85)

WAC 204-93-030 DEFINITIONS. (1) Assistance van: A vehicle that has been approved by the ~~((commission on equipment))~~ state patrol to provide aid, free of charge, to vehicles with equipment or fuel problems. An assistance van will be referred to as "van" in this regulation.

(2) ~~((Commission: As hereinafter referred to within this regulation shall mean the Washington state commission on equipment:~~

~~((3) Secretary: Shall mean the executive secretary of the commission on equipment:~~

~~((4)) ESR: Equipment and standards review section of the Washington state patrol.~~

(3) Patrol: Shall mean the Washington state patrol as defined in RCW 43.43.010.

~~((5))~~ (4) District commander: Shall mean the commanding officer of a Washington state patrol district.

~~((6))~~ (5) Inspector: Shall mean a commissioned officer of the Washington state patrol who has been designated by his/her district commander to conduct inspections of assistance vans.

~~((7))~~ (6) Owner: Shall mean the legal owner of the assistance van.

~~((8))~~ (7) Operator: Shall mean the person(s) or firm so named in the letter of appointment, who operates the assistance van.

~~((9))~~ (8) Driver: Shall mean the person who drives the van and furnishes the actual service.

~~((10))~~ (9) Highway: Means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

~~((11))~~ (10) Letter of appointment: Shall mean the document issued by the ~~((secretary))~~ ESR that authorizes the assistance van to operate within this state.

AMENDATORY SECTION (Amending Order 002-85, filed 10/1/85)

WAC 204-93-040 DRIVER STANDARDS. (1) The driver's minimum age is to be 21 years.

(2) Driver shall possess a valid first aid card.

(3) Driver shall possess a valid Washington operator's license.

(4) Driver shall not have a previous felony conviction and shall agree to submit to a no fee criminal background investigation by the patrol by submitting a completed fingerprint card with the required application.

AMENDATORY SECTION (Amending Order 002-85, filed 10/1/85)

WAC 204-93-050 VAN STANDARDS. (1) The minimum size ~~((of the van with))~~ vehicles shall be a half-ton rated van or pickup truck.

(2) The van ((with)) shall be equipped with adequate front pushbars ((and will be)) of ((such)) a design ((to)) that protects the finish of ((the)) any vehicle being pushed.

(3) The van ~~((with))~~ shall not have towing capabilities.

(4) The primary sponsor or operator's name, address, and telephone number ~~((with))~~ shall be painted on both sides of the vehicle in a contrasting color. The lettering shall be at least 3 inches in height with a 3/4 inch stroke. Other sponsors may be shown in smaller lettering.

(5) The words "assistance van" shall be painted on the front and rear of the van. The size of the lettering shall be the same as the primary sponsor's or operator's name.

(6) The van shall have the capability to jump start another vehicle without going the wrong direction on the highway. ~~((it with))~~

(7) The van shall have the ability to transfer fuel.

~~((7))~~ (8) The ~~((vehicle))~~ van shall be maintained in a clean and neat manner.

~~((8))~~ (9) The van ~~((with))~~ shall be equipped with an approved light bar that displays amber lighting in a 360° radius. The amber lights ~~((with))~~ shall be used only at the scene of a disabled vehicle or when a disabled vehicle is being pushed from the travel lane to the nearest shoulder of the highway.

AMENDATORY SECTION (Amending Order 002-85, filed 10/1/85)

WAC 204-93-060 TWO-WAY COMMUNICATIONS REQUIREMENTS. The van shall have:

(1) The capability to monitor channel 9 of the citizen's band radio.

(2) Two-way mobile communications with a base station. A CB radio ~~((with))~~ is not ~~((be))~~ adequate for this communication. A mobile telephone system is acceptable if:

(a) The equipment is of a recognized and established manufacture and is properly installed.

(b) The equipment is in proper working order and functions correctly throughout the assigned area of operation.

(c) The equipment does not utilize the truck horn or a siren or other sound device to signal incoming calls.

(d) The equipment is used in a correct and lawful manner.

(3) A public address system.

~~((4))~~ Note: Communication headsets ~~((with))~~ shall not be used while the van is in motion.

AMENDATORY SECTION (Amending Order 002-85, filed 10/1/85)

WAC 204-93-070 EQUIPMENT REQUIREMENTS. The van ~~((with))~~ shall be equipped with the following items:

- (1) Floor jack - 2-1/2 ton rating.
- (2) Portable tank of compressed air with a minimum capacity of 100 pounds of compressed air.
- (3) One 36 unit first aid kit or larger.
- (4) One 20 BC rated fire extinguisher or two 10 BC rated fire extinguishers.
- (5) Mechanics tools for minor repairs.
- (6) Five-gallon container of water.
- (7) Six red traffic cones.
- (8) One case of 20-minute fuses.

AMENDATORY SECTION (Amending Order 002-85, filed 10/1/85)

WAC 204-93-080 INSURANCE REQUIREMENTS. Each van shall be covered with the following minimum insurance coverage:

- (1) One hundred thousand dollars of legal liability per occurrence to protect against vehicle damage.
- (2) Two hundred fifty thousand dollars for liability for bodily injury or property damage per occurrence.
- (3) Proof of insurance ~~((with))~~ shall be filed with the ~~((commission))~~ ESR section of the patrol. Failure to maintain the required coverage ~~((with))~~ shall result in immediate cancellation of the letter of appointment by the ~~((commission))~~ state patrol.

AMENDATORY SECTION (Amending Order 002-85, filed 10/1/85)

WAC 204-93-090 APPLICATION FOR ~~((AND ISSUANCE OF))~~ LETTER OF APPOINTMENT. (1) An application for a letter of appointment to operate an assistance van shall be filed with the ~~((secretary of the commission on equipment. This application will be filed))~~ ESR on a form prescribed and furnished by the ~~((commission))~~ state patrol.

(2) The application shall include a completed fingerprint card for the applicant and each person who operates and/or drives the van.

(3) The application will be assigned a docket number which shall be its permanent identification number for all matters relating to appointments.

~~((3)) The secretary will cause an inspection to be made of the van. The inspection form will be prescribed by the commission and the inspector will be assigned by the district commander.~~

AMENDATORY SECTION (Amending Order 002-85, filed 10/1/85)

WAC 204-93-100 INSPECTIONS AND APPROVAL DECALS. Upon receipt of an application for a letter of appointment, the ~~((secretary shall cause the))~~ patrol ((to)) will conduct an inspection of the applicant's van, to determine if the applicant qualifies for the issuance of a letter of appointment ~~((pursuant to chapter 204-93-WAC))~~.

(1) ~~((Inspections will be conducted at least once a year.~~

(2) After a letter of appointment has been issued, the ~~((secretary))~~ state patrol will cause to be affixed to each qualified van a window decal indicating that ~~((the particular van))~~ it has been approved by the ~~((commission))~~ state patrol.

~~((a))~~ The decal will be furnished by the ~~((commission))~~ state patrol and affixed to the windshield on the lower right hand corner by the inspector.

~~((b))~~ (2) Reinspections of approved vans will be conducted at least once a year.

(a) Upon ~~((a))~~ subsequent inspections ~~((of a van which has previously been found qualified and to which a decal has been affixed))~~, the inspector may remove the decal from the van if it is no longer found to be qualified, subject to the following procedures:

~~((1))~~ (i) In the event of a safety-related defect which would render the van a safety hazard upon the public highway, the decal may be removed immediately by the inspector. Upon a protest by the operator that the defect does not represent a safety hazard, the decal may not be removed until such time as the defect is verified as a safety hazard by the inspector's supervisor.

~~((2))~~ (ii) In the event of missing or defective equipment which is not a safety hazard but ~~((was))~~ is required for initial approval ~~((initially))~~, the inspector shall ~~((advise the operator of))~~ issue a correction

notice for the defect. If after ten days the operator fails or refuses to repair the defect, the decal may be removed.

~~((3))~~ (iii) Upon repair of a defect which has previously caused removal of a decal, the inspector shall reinspect the equipment which had been defective. If the specified corrections have been satisfactorily completed, the inspector shall reapply another decal to the windshield. In the event that the inspector is not readily available to reinspect and reapply the decal, such other patrol officer as may be appointed by the patrol may reinspect and reapply the decal. The reinspection and reapplication shall be done as soon as possible after the operator advises that the defect has been repaired.

~~((4))~~ (b) Upon termination of a letter of appointment, the decal will be immediately ~~((be))~~ removed and the letter of appointment retrieved by the state patrol.

~~((5))~~ (c) Upon sale or other transfer of the van from the business, the operator shall so advise the ~~((secretary to the commission))~~ ESR and shall remove the decal prior to the sale or transfer of the vehicle.

~~((6))~~ (d) Upon the purchase or acquisition of any additional van to be used pursuant to this chapter, the operator shall immediately notify the ~~((commission))~~ ESR and request an inspection of the new unit by the patrol.

AMENDATORY SECTION (Amending Order 002-85, filed 10/1/85)

WAC 204-93-110 CERTIFICATION. After inspection of the van, driver qualifications, and required equipment, the inspecting officer will certify one of the following:

(1) The van operation of the applicant fully conforms to the requirements established by this rule.

(2) The van operation of the applicant does not fully conform to the requirements. The deficiencies shall be listed on the inspection form. The operator will be informed of the deficiencies by the inspector. The operator may reapply to the inspector or the ~~((secretary))~~ ESR when he/she has corrected the deficient areas and request another inspection.

~~((3))~~ Upon certification of compliance by the inspector and after all other requirements of this regulation have been met, the ~~((commission))~~ ESR will issue a letter of appointment to the applicant.

~~((4))~~ A copy of the current letter of appointment shall be posted in the place of business of the applicant.

~~((5))~~ Failure of the operator to comply with any of the various regulations in this chapter may result in cancellation of the operator's letter of appointment by the ~~((commission))~~ ESR.

AMENDATORY SECTION (Amending Order 002-85, filed 10/1/85)

WAC 204-93-150 RECORD OF ASSISTANCE FURNISHED. Each van operator ~~((with))~~ shall maintain a permanent daily log or record of all assistance furnished to disabled motorists. These records shall be made available to the inspector or ~~((secretary))~~ ESR upon request. This record shall include, but is not ~~((be))~~ limited to, the following items:

- (1) Van driver's name
- (2) Location and time of assistance
- (3) Vehicle license number of vehicle assisted
- (4) Type of assistance given
- (5) Date and time of day that van is placed in service and taken out of service.

WSR 90-13-064
PERMANENT RULES
SOUTH PUGET SOUND
COMMUNITY COLLEGE
 [Filed June 18, 1990, 10:46 a.m.]

Date of Adoption: June 7, 1990.

Purpose: Adopts rules disqualifying a student from participating in any school-sponsored athletic event or activity should that student have violated chapter 69.41 RCW, dealing with the prohibited uses of anabolic steroids and/or legend drugs (prescription drugs).

Statutory Authority for Adoption: RCW 28B.50.140(13).

Pursuant to notice filed as WSR 90-10-041 on April 27, 1990.

Changes Other than Editing from Proposed to Adopted Version: WAC 132X-60-170 Suspension procedure—Right to informal hearing, rewritten and renamed to Initiation of ineligibility proceedings; WAC 132X-60-180 Hearing and 132X-60-190 Decision, rewritten, renamed and incorporated into WAC 132X-60-180.

Effective Date of Rule: Thirty-one days after filing.

June 12, 1990

Kenneth J. Minnaert
President

SOUTH PUGET SOUND COMMUNITY COLLEGE
DISTRICT 24

LOSS OF ELIGIBILITY—STUDENT ATHLETIC
PARTICIPATION

NEW SECTION

WAC 132X-60-160 GROUND FOR INELIGIBILITY. Any student found to have violated chapter 69.41 RCW, which prohibits the unlawful sale, delivery or possession of prescription drugs, shall, after hearing, be disqualified from participation in any school-sponsored athletic events or activities.

NEW SECTION

WAC 132X-60-170 INITIATION OF INELIGIBILITY PROCEEDINGS. The Dean of Students or his or her designee shall have the authority to request commencement of athletic ineligibility proceedings whenever he or she has reasonable cause to believe that the student has violated Chapter 69.41 RCW or has been advised that the student has been convicted of a crime involving the violation of Chapter 69.41 RCW. The notice of the alleged violations and proposed suspension and the opportunity for a hearing shall be given the student at least ten (10) days before the hearing. A student convicted of violating Chapter 69.41 RCW in a separate criminal proceeding may be given by the Dean of Students or his or her designee an interim suspension pending final determination of any administrative proceeding held under these rules. Should the student desire not to go forward with the hearing, the disqualification for participation in athletic events or activities shall be imposed as set forth in the notice of hearing to the student.

NEW SECTION

WAC 132X-60-180 INELIGIBILITY PROCEEDINGS. The President of the College or his or her designee shall select a presiding officer who shall be a College officer who is not involved with the athletic program to conduct the brief adjudicative hearing. The presiding officer shall promptly conduct the hearing and permit the affected parties to explain both the College's view of the matter and the student's view of the matter. The brief adjudicative proceeding shall be conducted in accordance with the Administrative Procedure Act, RCW 34.05.482-.494. A written decision shall be issued

within ten (10) calendar days of the conclusion of the brief adjudicative hearing.

WSR 90-13-065

PERMANENT RULES

BOARD OF

PILOTAGE COMMISSIONERS

[Filed June 18, 1990, 1:31 p.m.]

Date of Adoption: June 14, 1990.

Purpose: To incorporate more definitive physical standards into the regulation.

Citation of Existing Rules Affected by this Order: Amending WAC 296-116-120.

Statutory Authority for Adoption: RCW 88.16.090(6).

Pursuant to notice filed as WSR 90-09-030 on April 11, 1990.

Effective Date of Rule: Thirty days after filing.

June 15, 1990

Marjorie Smitch
Assistant Attorney General

AMENDATORY SECTION (Amending Order 88-5, Resolution No. 88-5, filed 4/14/88)

WAC 296-116-120 ((~~PHYSICAL REQUIREMENTS~~)) JOB DESCRIPTION—PHYSICAL EXAMINATION—HEALTH REQUIREMENTS. (1) A Washington state licensed marine pilot, under the authority of the master, directs ships into and out of harbors, estuaries, straits, sounds, rivers, lakes, and bays using a specialized knowledge of local conditions including winds, weather, tides, and current: Orders officers and helmsman by giving course and speed changes and navigates ship to avoid conflicting marine traffic, congested fishing fleets, reefs, outlying shoals and other hazards to shipping; utilizes aids to navigation, such as lighthouses and buoys. Utilizes ship's bridge equipment, including radar, fathometer, speed log, gyro, magnetic compass, whistle or horn and other navigational equipment as needed. Required to use ship's radio equipment in contacting U.S. Coast Guard vessel traffic system and other ships while ship is in transit. Directs ship's officers, crewmen, and tug boat captains as necessary, when ships are transiting bridges, narrow waterways, anchoring, docking, and undocking. Must perform duties day or night in all weather conditions, including high winds, fog, mist, rainfall, falling snow and other adverse conditions, as encountered. In order to safely perform the foregoing duties, a Washington state licensed marine pilot shall:

(a) Be physically qualified to possess a U.S. Coast Guard master's license, as required by the state of Washington.

(b) Be capable of boarding a vessel from and leaving a vessel into a pilot boat via a Jacob's ladder and a gangway. A Jacob's ladder involves a vertical climb or descent of up to nine meters and requires both physical energy and mental judgment.

(c) Be capable of moving to a more desirable vantage point in a timely manner, so as to avoid a close quarters situation when the physical characteristics of the ship or cargo obstruct the pilot's field of vision.

(d) Be able to meet the necessary eye-sight and hearing requirements to carry out marine pilotage duties.

(e) Have mental reflexes capable of allowing decisions to be made without delay. This is imperative in all aspects of ship handling.

(f) Be capable of withstanding mental stresses which may occur with a vessel in lowered visibility, in a close quarters situation or when docking or undocking.

(g) Be capable of working efficiently and effectively at any time of the day or night, including irregular and unscheduled hours, after sufficient rest.

(h) Possess mental maturity and show mental responsibility.

(2) In order to determine the physical fitness of persons to serve as licensed pilots under the provisions of the pilotage act, all licensed pilots and applicants 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. The physical examination required of all pilots and initial applicants shall demonstrate that he/she is fully able to carry out the duties of a pilot. The examination shall assure that one's abilities as a pilot will not be impaired by eye-sight, hearing or other bodily function. As part of this examination pilots and applicants shall have completed on a form provided by the board a detailed report of physical examination. This form shall be prepared by the examining physician and shall be submitted to the board along with a letter stating ((whether and under what conditions the pilot or applicant 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))) his/her findings/recommendations as to the ability of the pilot or applicant to safely perform the pilotage duties based on the job description for a Washington state licensed marine pilot and the standards set forth below. The examining physician should review these standards and review the job description in subsection (1) of this section before making findings/recommendations as to the medical fitness of the applicant. A medical/occupational history form will be completed and signed by the initial applicant for review of the physician prior to the initial examination. The detailed report of physical examination is a confidential record and will not be available for public inspection. Such examination shall be obtained at the expense of the licensed pilot((s)) or applicant((s)) from a physician or physicians designated in advance by the board. The secretary of the board shall give each pilot or applicant 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 and applicants 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 or applicant'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.)) (3) Based upon the findings/recommendations of the examining physician and review by the board, the board will make the determination as to the applicant or pilot's fitness to perform the duties of a pilot. This determination will be made within ninety days after each annual physical examination.

(4) The purpose of the history and physical examination is to detect the presence of physical, mental, or organic defects of such character and extent as to affect an individual's ability to pilot a vessel safely. The examination will be made carefully and at least as complete as indicated by the form provided by the board. History of certain defects may be cause for rejection of the initial applicant or indicate the need for making certain laboratory tests or a further and more stringent examination. Defects may be recorded which do not, because of their character or degree, indicate that certification of physical fitness should be denied. However, these defects should be discussed with the applicant or pilot who should be advised to take the necessary steps to ensure correction, particularly of those which, if neglected, might lead to a condition likely to affect the ability to perform the duties of a pilot.

(5) The board has determined which physical conditions may be permanently disqualifying for initial applicants as well as which conditions may be permanently disqualifying for renewal of license. Certain conditions are not necessarily disqualifying, for renewal of licensure only, when, based on the knowledge and experience of the examining physician these conditions can be managed medically and without threat to the pilot's ability to perform the duties of a pilot. An individual may be disqualified when, in the opinion of the examining physician, there is reasonable probability that a condition can occur suddenly and without warning which would render the applicant incapable of promptly responding, both mentally and physically to emergency situations. When certain conditions exist the medical examiner may recommend either:

(a) A permanent disqualification; or

(b) A temporary disqualification until which time the condition is either corrected or medically managed.

(6) Initial applicants will be required to take a test indicating they are free of illegal substance abuse. Testing will be for the presence of Cocaine, Opiates, Marijuana (THC), Amphetamines and PCP (phencyclidine). Testing will be in accordance with the Department of Transportation (Coast Guard) guidelines outlined in the Federal Register 46 CFR 4, 5, and 16. Urine specimens are to be analyzed by a laboratory that meets DHHS regulations set forth by the National Institute of Drug Abuse (NIDA).

Chain of custody forms and instructions for collection and transport to a NIDA approved laboratory can be obtained from:

Laboratory of Pathology
Nordstrom Medical Tower
P.O. Box 14950
Seattle, WA 98114-0950
(206) 386-2872

(7) The conditions in these standards are listed according to the International Classification of Diseases (ICD). Some categories may not apply to the standards set forth and therefore may be absent in some listings. However, all categories should be taken into consideration by the examining physician.

- (a) Infectious and parasitic diseases.
- (b) Neoplasms.
- (c) Endocrine, nutritional, metabolic, and immunity disorders.
- (d) Diseases of the blood and blood forming organs.
- (e) Mental disorders.
- (f) Diseases of the nervous system and sense organs.
- (g) Diseases of the respiratory system.
- (h) Diseases of the digestive system.
- (i) Diseases of the genitourinary system.
- (j) Complications of pregnancy, childbirth, and the puerperium.
- (k) Diseases of the skin and subcutaneous tissues.
- (l) Diseases of the musculoskeletal system and connective tissues.
- (m) Congenital anomalies.
- (n) Certain conditions originating in the perinatal period.
- (o) Symptoms, signs, and other ill defined conditions.
- (p) Injury and poisonings.

(8) The guidelines for recommended visual standards are based on the necessity of a pilot to be able to safely perform the duties of a pilot, including functioning under all emergency conditions aboard the vessel. Consideration must be given to the pilot's previously demonstrated ability to perform his or her pilotage duties.

(a) The visual acuity of an applicant shall be at least 20/200 in each eye uncorrected and correctable to at least 20/40 in each eye as determined by Snellen test or its equivalent unless applicant qualifies for a waiver from the Officer in Charge, Marine Inspection, or the Commandant, U.S. Coast Guard.

(b) The initial applicant should have normal color vision per pseudo isochromatic plates, Ishihara or Keystone test. If the initial applicant fails this test, the Farnsworth or Williams Lantern tests or their equivalent

may be used to determine the initial applicant's ability to distinguish primary colors.

(c) Loss of vision in one eye may not be disqualifying if one eye passes the test required for the better eye of the applicant with binocular vision and the applicant has had sufficient time to develop and demonstrate adequate judgment of distances.

(d) Applicants who wear corrective lenses and meet the qualifications in (a) of this subsection are medically fit to carry out pilotage duties only while wearing their corrective lenses and if they have with them, while on duty, a spare pair of correcting lenses that provide at least the same visual acuity.

(9) Baseline audiograms shall be performed on all entry level applicants. All licensed pilots will be tested annually, with the first audiogram considered baseline. Each ear will be tested separately using properly calibrated equipment which meets ANSI (American National Standards Institute) standards criteria for background noise in audiometric rooms. Testing should not be performed unless the applicant has been free of work noise or intense noise for a period of at least fourteen hours prior to testing. Should the applicant have a current condition which can cause a temporary hearing loss, such as cold, the applicant should be rescheduled for testing in two weeks, or until such condition is resolved. Testing will be performed by a licensed audiologist, otolaryngologist, physician with sufficient training in conducting and interpreting audiograms, or a technician who is currently certified by the Council for Accreditation in Occupational Hearing Conservation (CAOHC).

(a) A baseline audiogram is required on all initial applicants. The first audiogram performed on a currently licensed pilot shall be considered the baseline audiogram.

(b) Applicants having hearing threshold levels that do not exceed 40 dB at frequencies of 500, 1000, 2000, 3000 Hz in either ear are considered to have normal hearing for communication purposes.

(c) Annual audiograms will be performed thereafter for the purposes of comparison to baseline. A significant threshold shift is defined as a change averaging more than 10 dB from baseline in the frequencies of 500, 1000, 2000, and 3000 Hz and requires further evaluation by a physician, otolaryngologist, or audiologist and preventive action taken on the part of the pilot.

(d) Mechanical acoustical devices (hearing aids) are not disqualifying but should not be worn in areas of high background noise levels in order to prevent further deterioration of his/her hearing.

(e) An applicant must minimally be able to hear an average conversational voice in a quiet room while standing with his/her back turned at a distance of eight feet.

(10) Below is a list of conditions which can be absolutely disqualifying for initial licensure as a maritime pilot. The list of causes for disqualification is not all inclusive or intended to be complete, but represents the types of conditions that would interfere with the safe performance of pilotage duties. This guide is not intended to replace the physician's professional judgment. Rather, it calls for the physician and the board to closely

examine whether the applicant can safely perform the tasks outlined in the job description of a Washington state licensed marine pilot. The examining physician should also be aware that a second opinion concerning the diagnosis may be sought in cases of unfavorable determinations. A condition should only be considered disqualifying while such condition persists. Following corrective medical action the applicant should be encouraged to apply for reentry.

Conditions Which Can Be Absolutely Disqualifying For Initial Licensure

1. Infectious and Parasitic Diseases – Any communicable disease in its communicable or carrier stage.

2. Neoplasms – Malignant diseases of all kinds in any location.

3. Endocrine, Nutritional, Metabolic, and Immunity Disorders – Diabetes requiring insulin or hypoglycemic drugs; cirrhosis of the liver; alcohol abuse (unless abstinence for two years).

4. Diseases of the Blood and Blood Forming Organs – Hemophilia; acute or chronic significant anemias.

5. Mental Disorders – Severe personality disorders; use of illegal drugs; dementia of Alzheimer's type, senility, psychosis.

6. Diseases of the Nervous System and Sense Organs – Epilepsy or any convulsive disorder resulting in an altered state of consciousness, regardless of control; disturbance of balance; multiple sclerosis; Meniere's syndrome.

7. Diseases of the Circulatory System – Multiple myocardial infarctions or cardiac class II or IV (NYHA); hypotension with syncopal episodes; varicose veins if associated with edema, skin ulceration or residual scars. Recurrent thromboembolic conditions.

8. Diseases of the Respiratory System – Active pulmonary tuberculosis Class IV respiratory impairment; permanent tracheostomy.

9. Diseases of the Genitourinary System – Chronic renal failure; permanent ureterostomy.

10. Complications of Pregnancy, Childbirth, and the Puerperium – Pregnancy is not in itself disqualifying, if, in the opinion of the examining physician and the applicant's obstetrician determine that the pilotage duties can be safely carried out without risk to the mother or fetus and without risk to the safety of the vessel, crew, and property.

11. Diseases of the Skin and Subcutaneous Tissues – There are no absolute exclusions listed for diseases of the skin unless, in the opinion of the examining physician, a condition exists that would interfere with the performance of pilotage duties.

12. Diseases of the Musculoskeletal System and Connective Tissues – Lupus erythematosus, disseminated; amputation of any portion of a limb, resection of a joint, artificial joint or absence of the toes which would preclude the ability to run, walk, balance oneself, grasp and climb ladder rungs; chronic low back pain that is disabling to the degree of interfering with job requirements.

13. Congenital Anomalies – Any existing condition that, in the opinion of the examining physician, would interfere with the safe performance of pilotage duties.

14. Symptoms, Signs, and Other Ill Defined Conditions – Serious degree of stuttering or speech impediment sufficient to interfere with communication; alcoholism; drug addiction, other than tobacco or caffeine.

15. Injury or Poisonings – May be temporarily disqualifying until condition resolved without disabling sequelae.

(11) Below is a list of conditions which can be absolutely disqualifying for relicensure as a maritime pilot. The list of causes for disqualification is not all inclusive or intended to be complete, but represent the types of conditions that would interfere with the safe performance of pilotage duties. This guide is not intended to replace the physician's professional judgment. Rather, it calls for the physician and the board to closely examine whether the applicant can continue to safely perform the tasks outlined in the job description of a Washington state licensed marine pilot. The examining physician should also be aware that a second opinion concerning diagnosis may be sought in cases of unfavorable determinations.

Conditions Which Can Be Absolutely Disqualifying For Relicensure

1. Neoplasms – Malignancies with metastases.

2. Endocrine, Nutritional, Metabolic, and Immunity Disorders – Cirrhosis of the liver with hepatic failure.

3. Diseases of the Blood and Blood Forming Organs – Hemophilia; acute leukemia.

4. Mental Disorders – Severe personality disorders; senility; dementia of Alzheimer's type psychosis.

5. Diseases of the Nervous System and Sense Organs – Disturbance of balance, permanent and untreatable Meniere's syndrome.

6. Diseases of the Circulatory System – Multiple myocardial infarctions or cardiac class III or IV (NYHA); hypotension with syncopal episodes; varicose veins if associated with edema, skin ulceration or residual scars. Recurrent thromboembolic conditions.

7. Diseases of the Respiratory System – Active pulmonary tuberculosis; Class IV respiratory impairment.

8. Diseases of the Genitourinary System – Chronic renal failure; permanent ureterostomy.

9. Complications of Pregnancy, Childbirth, and Puerperium – Pregnancy is not in itself disqualifying, if, in the opinion of the examining physician and the applicant's obstetrician determine that the pilotage duties can be safely carried out without risk to the mother or fetus and without risk to the safety of the vessel, crew and property.

10. Diseases of the Skin and Subcutaneous Tissues – There are no absolute exclusions for diseases of the skin unless, in the opinion of the examining physician, a condition exists that would interfere with the performance of pilotage duties.

11. Diseases of the Musculoskeletal and Connective System – Lupus erythematosus, disseminated; amputation of any portion of a limb, resection of a joint, artificial joint or absence of the toes which would preclude the ability to run, walk, balance oneself, grasp, and climb ladder rungs. Chronic low back pain that is disabling to the degree of interfering with job requirements.

12. Symptoms, Signs, and Other Ill Defined Conditions – Serious degree of stuttering or speech impediment sufficient to interfere with communication; alcoholism; drug addiction, other than tobacco or caffeine. Current need to use methadone, antabuse, antidepressants, antianxiety drugs.

13. Injury or Poisonings – May be temporarily disqualifying until condition resolved without disabling sequelae.

(12) Some conditions may develop during the course of employment that would be absolutely disqualifying for initial licensure. In evaluating the impact of such a condition on an existing pilot, the examining physician and the board should take into consideration the pilot's past experience, effectiveness of performance and predictability of his/her performance. The board may waive certain duties of a pilot as outlined in the job description contained in subsection (1) of this section. The list of conditions requiring in-depth evaluation is not all inclusive or intended to be complete, but represent the types of conditions that might interfere with the safe performance of pilotage duties. The examining physician should also be aware that a second opinion concerning the diagnosis may be sought in cases of unfavorable determinations.

Conditions Requiring In-depth Evaluation

1. Neoplasms – Malignancies of any kind.

2. Endocrine, Nutritional, Metabolic, and Immunity Disorders – Diabetes requiring hypoglycemic drugs; cirrhosis of the liver.

3. Diseases of the Blood and Blood Forming Organs – Chronic leukemia.

4. Mental Disorders – Anxiety reactions; depression.

5. Diseases of the Nervous System and Sense Organs – Disturbance of balance; multiple sclerosis; epilepsy or any convulsive disorder resulting in an altered state of consciousness.

6. Diseases of the Circulatory System – Uncontrolled hypertension; varicose veins; pacemaker, demand.

7. Diseases of the Respiratory System – Respiratory impairment; permanent tracheostomy.

8. Diseases of the Digestive System – Permanent colostomy; permanent ileostomy.

9. Complications of Pregnancy, Childbirth, and the Puerperium – Pregnancy.

10. Diseases of the Skin and Subcutaneous Tissues – Any skin disorders that, in the opinion of the examining physician, may interfere with the performance of pilotage duties.

11. Diseases of the Musculoskeletal System and Connective Tissues – Lupus erythematosus, disseminated; artificial joints; chronic low back pain.

12. Injury or Poisonings – May be temporarily disqualifying until condition resolved without disabling sequelae.

13. A pilot may be temporarily relieved of pilotage duties until such time as a disqualifying condition is resolved or medically managed and with frequent evaluation by the examining physician or specialist. In this case, the board, after consulting with the physician, will determine the frequency of medical examinations. A

condition should only be considered disqualifying while such a condition persists. Following corrective medical action, the individual may be removed from temporary disqualification. Provided that, if a temporary disqualifying condition continues for longer than two years from the time the pilot is initially relieved of pilotage duties, the board, in its discretion and after a full review of all relevant factors, may make a determination that the condition is permanently disqualifying.

WSR 90-13-066

WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF PERSONNEL (Personnel Board)

[Filed June 18, 1990, 3:20 p.m.]

The State Personnel Board are withdrawing WAC 356-14-240, 356-15-060 and 356-15-125.

The original notice filed on this proposal was WSR 90-03-102. The following continuances were WSR 90-07-054, 90-10-015 and 90-12-017.

If you have any questions regarding the above withdrawals of notices, please contact Lori Parker at 753-5624.

Dee W. Henderson
Director

WSR 90-13-067

PROPOSED RULES DEPARTMENT OF PERSONNEL (Personnel Board)

[Filed June 18, 1990, 3:21 p.m.]

Continuance of WSR 90-12-016.

Title of Rule: New sections WAC 356-46-135 Return to work program—Purpose; 356-46-140 Return to work program—Responsibilities—State agencies; and 356-46-145 Return to work program—Employee eligibility.

Purpose: The purpose of these three new rules is to establish an early return to work program for employees who are receiving compensation under RCW 51.32.060 for temporary disabilities.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Rule is not necessitated by federal law, federal or state court decision.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on July 12, 1990, at 10:00 a.m.

Submit Written Comments to: Jill Schwenke, Department of Personnel, P.O. Box 1789, FE-11, Olympia, WA 98507, by July 10, 1990.

Date of Intended Adoption: July 12, 1990.

June 14, 1990
Dee W. Henderson
Secretary

WSR 90-13-068
PERMANENT RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
 [Order 355—Filed June 18, 1990, 3:22 p.m.]

Date of Adoption: June 14, 1990.

Purpose: This rule is to add special pay ranges to specific classifications to equal or approximate prevailing rate practices found in private industry or other governmental units.

Citation of Existing Rules Affected by this Order: Amending WAC 356-15-130 Special pay ranges.

Statutory Authority for Adoption: RCW 41.06.040 and 41.06.150.

Pursuant to notice filed as WSR 90-10-039 on April 26, 1990.

Effective Date of Rule: Thirty-one days after filing.

June 14, 1990

Dee W. Henderson
Secretary

AMENDATORY SECTION (Amending Order 321, filed 6/26/89, effective 8/1/89)

WAC 356-15-130 SPECIAL PAY RANGES. These ranges are used to equal or approximate prevailing rate practices found in private industry or other governmental units. An affected class is identified either by a letter designation following the basic salary range number or by a letter designation preceding a number. In the latter case, a special salary schedule will be used for such classes.

(1) "E" range: This range is used for classes having a prevailing pay range which is shorter than Washington's standard ranges. An "E" range is a standard range with the first four steps removed. Thus, the first step of such a range is the same as Step E of the standard range having the same range number. Periodic increases through the steps of this range are made at the same time intervals as through standard ranges, i.e., a two-step increase after six months at Step E and two annually thereafter up to the maximum step of the range.

(2) "L" range: This special range is used only for the class of liquor store clerk (0628). The "L" range was designed to more closely parallel the prevailing pay structure for retail clerks in private industry. Periodic increases through the steps of the "L" range are made at the same time intervals as through a standard range. Normal progression is Steps A, D, G and K, which represents ten percent per periodic increase.

(3) "T" range: Used only for the classes of institution teachers. These ranges are constructed by identifying Step K of the correspondingly numbered regular state ranges as "Step 10" of the "T" range; the lower nine steps of the "T" range are each two regular-range steps (approximately 5%) apart. Advancement through these ranges is at the rate of one step per year.

(4) "V" range: Used only for the classes of teachers of the deaf or blind and principals, school for the deaf or blind. "V" ranges are the same as the current ranges of Vancouver, Washington School District #37 for certificated employees of similar background and experience.

Advancement through the range is at the rate of one step per year.

(5) "I" range: This range is always ten ranges higher than the range approved for lottery district sales representative or lottery telemarketing representative 1 and 2 and it may be applied only to those classifications. Use of this range is limited to sales incentive programs which: (a) May not exceed ten weeks for any program; (b) may not exceed four programs in any consecutive twelve months; (c) require achievement of specific goals which are set for each program by the lottery, such goals to be in excess of normal performance standards for the class.

The lottery is authorized to compensate individual employees on the "I" range for not more than three months as a result of any one sales incentive program, with the number of months stipulated in the incentive program announcement. Within these limits, movement of any employee to and from the "I" range will be at the discretion of the lottery, and shall be from and to the same step, subject to change by the employee's periodic increment date.

(6) "J" RANGE: This range consists of the single rate of twenty dollars per hour. Use is limited to lottery employees who volunteer and are selected for lottery drawing duty as one of the following: (a) The lottery drawing official (LDO); (b) the lottery security official (LSO); or (c) the headquarters drawing official (HDO), as described under lottery procedures.

Employees performing these functions during their normal working shift will not be eligible for "J" range compensation. Employees performing these functions outside of their shift will be compensated by the "J" rate on an hourly basis with a two-hour minimum per drawing period.

WSR 90-13-069

**NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE**

[Memorandum—June 19, 1990]

Thursday, June 21, 1990
Lynnwood Hall, Room 424
4:00 – 9:30

The facilities for this meeting are free of mobility barriers and interpreters for deaf individuals and brailled or taped information for blind individuals will be provided upon request when adequate notice is given.

WSR 90-13-070

**PREPROPOSAL COMMENTS
DEPARTMENT OF REVENUE**

[Filed June 19, 1990, 9:44 a.m.]

Subject of Possible Rule Making: WAC 458-20-231 Tax on internal distribution.

Persons may comment on this subject in writing or by attending the public meeting.

Written comments should be addressed to: Les Jaster, Rules Coordinator, Department of Revenue, Interpretation and Appeals, Olympia, Washington 98504, Mailstop AX-02.

Public hearing scheduled in: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, WA, on July 31, 1990, at 2:00 p.m. (Written comments will be accepted to this date.)

Other Information or Comments by Agency at this Time, if any: WAC 458-20-231 (Rule 231) will be amended to delete the deduction provisions for articles distributed on which a wholesaling tax was previously paid. The rule revision is the result of the Washington Supreme Court decision in *Associated Grocers v. State*, 114 Wn.2d 182 ___ P.2d ___ (1990). Taxpayers are invited to comment or make suggestions for any other changes relating to this rule.

June 19, 1990
Les Jaster
Rules Coordinator

WSR 90-13-071
WITHDRAWAL OF PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION

(By the Code Reviser's Office)

[Filed June 19, 1990, 10:00 a.m.]

WAC 480-12-375, proposed by the Utilities and Transportation Commission in WSR 89-24-017, appearing in issue 89-24 of the State Register, which was distributed on December 20, 1989, is withdrawn by the code reviser under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 90-13-072
WITHDRAWAL OF PROPOSED RULES
HORSE RACING COMMISSION
(By the Code Reviser's Office)

[Filed June 19, 1990, 10:01 a.m.]

WAC 260-48-327, proposed by the Horse Racing Commission in WSR 89-24-068, appearing in issue 89-24 of the State Register, which was distributed on December 20, 1989, is withdrawn by the code reviser under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 90-13-073
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF AGRICULTURE
(By the Code Reviser's Office)

[Filed June 19, 1990, 10:02 a.m.]

WAC 16-557-010, 16-557-020, 16-557-030, 16-557-040, 16-557-041, 16-557-050, 16-557-060, 16-557-070 and 16-557-080, proposed by the Department of Agriculture in WSR 89-24-074, appearing in issue 89-24 of the State Register, which was distributed on December 20, 1989, is withdrawn by the code reviser under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 90-13-074
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF WILDLIFE
(By the Code Reviser's Office)

[Filed June 19, 1990, 10:03 a.m.]

WAC 232-12-011, proposed by the Department of Wildlife in WSR 89-24-080, appearing in issue 89-24 of the State Register, which was distributed on December 20, 1989, is withdrawn by the code reviser under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 90-13-075
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF WILDLIFE
(By the Code Reviser's Office)

[Filed June 19, 1990, 10:04 a.m.]

WAC 232-12-297, proposed by the Department of Wildlife in WSR 89-24-082, appearing in issue 89-24 of the State Register, which was distributed on December 20, 1989, is withdrawn by the code reviser under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 90-13-076
PROPOSED RULES
BOARD OF
PILOTAGE COMMISSIONERS

[Filed June 19, 1990, 1:27 p.m.]

Continuance of WSR 90-10-060.

Title of Rule: WAC 296-116-075 Qualifications for pilot applicants.

Purpose: To incorporate the 1990 legislative changes to RCW 88.16.090. The hearing on the proposed rule was held June 14, 1990, but the board postponed taking action on the rule until July 12, 1990.

Statutory Authority for Adoption: RCW 88.16.035(2).

Statute Being Implemented: RCW 88.16.090.

Summary: RCW 88.16.090 was amended in the 1990 legislative session to conform with recent changes made to United States Coast Guard's license designations.

Reasons Supporting Proposal: United States Coast Guard licensing is a prerequisite to being eligible as a state licensed pilot.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Admiral Chet Richmond, Pier 52, Seattle, 464-7818.

Name of Proponent: Washington State Board of Pilotage Commissioners, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The primary function of the proposed rule is to reflect the recent changes made to the United States Coast Guard's license designations.

Proposal Changes the Following Existing Rules: Primary change is to substitute license as a master of freight and towing vessels not more than one thousand gross tons to master ocean or near coastal stream or motor vessels of not more than 1,600 gross tons or as a mater [master] inland steam or motor vessels of not more than 1,600 gross tons.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Conference Room, Pier 52 Ferry Terminal, Seattle, on July 12, 1990, at 9:00 a.m.

Submit Written Comments to: Admiral Chet Richmond, by July 2, 1990.

Date of Intended Adoption: July 12, 1990.

June 19, 1990
Marjorie Smitch
Assistant Attorney General

Effective Date of Rule: Thirty days after filing.
June 19, 1990
Marjorie Smitch
Assistant Attorney General

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-116-130 PERIOD OF INCAPACITATION.

WSR 90-13-078
PERMANENT RULES
DEPARTMENT OF AGRICULTURE
[Order 2045—Filed June 19, 1990, 1:47 p.m.]

Date of Adoption: June 19, 1990.

Purpose: To establish color requirements for new varieties of apples being produced. Current rules do not specify color requirements for these varieties.

Citation of Existing Rules Affected by this Order: Amending WAC 16-403-155.

Statutory Authority for Adoption: Chapter 15.17 RCW.

Pursuant to notice filed as WSR 90-10-086 on May 2, 1990.

Effective Date of Rule: Thirty-one days after filing.
June 19, 1990
Michael V. Schwisow
Deputy Director
for C. Alan Pettibone
Director

AMENDATORY SECTION (Amending Order 1374, filed 7/26/74, effective 9/1/74)

WAC 16-403-155 COLOR REQUIREMENTS. In addition to the requirement specified for the grades set forth in WAC 16-403-145 and 16-403-150, apples of these grades shall have the percentage of color specified for the variety appearing in this section.

(1) Solid red varieties. For the solid red varieties the percentage stated refers to the area of the surface which must be covered with a good shade of solid red characteristic of the variety: PROVIDED, That an apple having color of a lighter shade of solid red or striped red than that considered as a good shade of red characteristic of the variety may be admitted to a grade provided it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of good red characteristic of the variety required for the grade, subject to the limitations set forth below.

VARIETY	EXTRA FANCY PERCENT	FANCY PERCENT
Black Ben	66 ⁽¹⁾	40 ⁽³⁾
Gano	66 ⁽¹⁾	40 ⁽³⁾
Winesaps	66 ⁽¹⁾	40 ⁽³⁾

WSR 90-13-077
PERMANENT RULES
BOARD OF PILOTAGE COMMISSIONERS
[Filed June 19, 1990, 1:38 p.m.]

Date of Adoption: June 14, 1990.

Purpose: To repeal the rule.

Citation of Existing Rules Affected by this Order: Repealing WAC 296-116-130.

Statutory Authority for Adoption: RCW 88.16.090.

Pursuant to notice filed as WSR 90-08-076 on April 2, 1990.

VARIETY	EXTRA FANCY PERCENT	FANCY PERCENT
Other similar varieties	66 ⁽¹⁾	40 ⁽³⁾
Red sport varieties ⁽²⁾	66 ⁽⁴⁾	40 ⁽³⁾

- (1) Must have at least 50 percent good shade of red color characteristic of the variety.
- (2) When the red sport varieties are marked as such, they shall meet the color requirements of red sport varieties, and the containers must also bear the name of the parent variety.
- (3) Must have at least 33 percent good shade of red color; characteristic of the variety.
- (4) Must have at least 66 percent good shade of red color; characteristic of the variety.

(2) Striped or partial red varieties. For the striped or partial red varieties the percentage stated refers to the area of the surface in which the stripes of a good shade of red characteristic of the variety shall predominate over stripes of lighter red, green or yellow. However, an apple having color of a lighter shade than that considered as a good shade of red characteristic of the variety may be admitted to a grade, provided it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of stripes of a good red characteristic of the variety required for the grade, subject to the limitations set forth below. Faded brown stripes shall not be considered as color.

VARIETY	EXTRA FANCY PERCENT	FANCY PERCENT
Delicious	50	25
Rome Beauty	50 ⁽¹⁾	33 ⁽²⁾
Wealthy	50	25
Stayman	50	33
Other similar varieties	50	25
Jonathan	66 ⁽¹⁾	33 ⁽²⁾
McIntosh	50 ⁽¹⁾	33 ⁽²⁾
Cortland	50	33
Akane	33 1/3	15
Jonamac	50	33
Nittany	25	10
Vista Bella	25	10
Other similar varieties	50	33
Red sport varieties ⁽⁵⁾	66 ⁽⁴⁾	40 ⁽³⁾

- (1) Must have at least 35 percent good shade of red color characteristic of the variety.
- (2) Must have at least 15 percent good shade of red color characteristic of the variety.
- (3) Must have at least 33 percent good shade of red color characteristic of the variety.
- (4) Must have at least 66 percent good shade of red color characteristic of the variety.
- (5) When the red sport varieties are marked as such, they shall meet the color requirements of red sport varieties, and the containers must also bear the name of the parent variety.

(3) Red cheeked or blushed varieties.

VARIETY	EXTRA FANCY PERCENT	FANCY PERCENT
Braeburn	Blush Cheek	Tinge of color
Elstar	Blush Cheek	Tinge of color
Fuji	Blush Cheek	Tinge of color
Gala, (Royal Gala)	Blush Cheek	Tinge of color
Jonagold	Blush Cheek	Tinge of color
Winter Banana	Blush Cheek	Tinge of color
Other similar varieties	Blush Cheek	Tinge of color

(4) In no case shall the color requirements for any variety be less than those required under the United States standards for grades of apples, effective September 1, 1964, as amended October 1, 1966 and July 25, 1972 for the comparable Washington grade and variety.

WSR 90-13-079
PERMANENT RULES
DEPARTMENT OF ECOLOGY
 [Order 89-64—Filed June 19, 1990, 4:16 p.m.]

Date of Adoption: June 19, 1990.

Purpose: Adoption of a revised shoreline master program into the state master program, chapter 173-19 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 173-19-220 Grays Harbor County.

Statutory Authority for Adoption: RCW 90.58.200.

Pursuant to notice filed as WSR 90-08-122 on April 4, 1990.

Effective Date of Rule: Thirty-one days after filing.

June 19, 1990

Fred Olson

Deputy Director

AMENDATORY SECTION (Amending Order 90-04, filed 5/16/90)

WAC 173-19-220 GRAYS HARBOR COUNTY. Grays Harbor County master program approved August 6, 1975. Revision approved December 2, 1977. Revision approved July 17, 1978. Revision approved March 27, 1980. Revision approved June 3, 1986. Revision approved August 21, 1987. [Revision approved April 5, 1988.] Revision approved April 5, 1988. Revision approved September 6, 1988. Revision approved May 15, 1990.

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

Reviser's note: The unnecessary underscoring in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

WSR 90-13-080
PROPOSED RULES
WESTERN WASHINGTON UNIVERSITY
 [Filed June 20, 1990, 9:24 a.m.]

Original Notice.

Title of Rule: Adopt new rule WAC 516-52-020 Firearms and dangerous weapons.

Purpose: Provide means to exercise control of firearms and dangerous weapons on campus.

Statutory Authority for Adoption: RCW 28B.35.120(12).

Statute Being Implemented: RCW 28B.35.120(1).

Summary: The board of trustees, in its exercise of the control of the university, wishes to maintain a safe environment for the students and campus community. The board wishes to prohibit firearms on campus, except as to law enforcement officers and those with contractual responsibility to bear arms, such as armored truck drivers.

Name of Agency Personnel Responsible for Drafting: Wendy Bohlke, Assistant Attorney General, 320 BNB, Bellingham, WA, (206) 676-2037; Implementation and Enforcement: George A. Pierce, VPB&FA, Western Washington University, Bellingham, Washington 98225, (206) 676-3180.

Name of Proponent: Western Washington University, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Persons refusing to comply would be asked to leave the campus.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The rule prohibits firearms on campus except for law enforcement officers and those with contractual responsibility to bear arms, such as armored truck drivers. This gives the university better control to provide for the safety of the students and campus community.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: 341 Wilson Library, Western Washington University, 516 High Street, Bellingham, WA 98225, on July 26, 1990, at 10:00 a.m.

Submit Written Comments to: Attorney General's Office, 320 BNB, Bellingham, WA 98225, by July 25, 1990.

Date of Intended Adoption: August 3, 1990.

June 13, 1990

Wendy Bohlke

Assistant Attorney General

NEW SECTION

WAC 516-52-020 FIREARMS AND DANGEROUS WEAPONS. (1) Only such persons who are authorized to carry firearms or other weapons as duly appointed and commissioned law enforcement officers in the state of Washington, commissioned by agencies of the United States Government, or authorized by contract with the university shall possess firearms or other weapons issued for their possession by their respective law enforcement agencies or employers while on the campus or other university-controlled property, including, but not limited to, residence halls. No one may possess explosives unless licensed to do so for purposes of conducting university-authorized activities relating to building construction or demolition.

(2) Other than the law enforcement officers or other individuals referenced in paragraph (1) above, members of the campus community and visitors who bring firearms or other weapons to campus must immediately place the firearms or weapons in the university-provided

storage facility. The storage facility is located at the university Public Safety Department and is accessible 24 hours per day.

(3) If any member of the campus community or visitor wishes to bring a weapon to the campus for display or demonstration purposes directly related to a class, seminar, or other educational activity, permission for such possession may be applied for at the university Public Safety Department, which shall review any such proposal and may establish the conditions of the possession on campus.

WSR 90-13-081

PROPOSED RULES

WESTERN WASHINGTON UNIVERSITY

[Filed June 20, 1990, 9:30 a.m.]

Original Notice.

Title of Rule: Operation, WAC 516-13-080; and Parking and traffic regulations, WAC 516-12-430, 516-12-440 and 516-12-470.

Purpose: Proposed changes to bicycle traffic and parking regulation on campus.

Statutory Authority for Adoption: RCW 28B.35.120(12).

Statute Being Implemented: RCW 28B.10.560.

Summary: The proposed rules regulate the use of bicycles on pedestrian walkways on the campus.

Reasons Supporting Proposal: During regular class days, walkways are often congested. In an effort to improve safety conditions, bicyclists will be required to "walk" their bikes on walkways.

Name of Agency Personnel Responsible for Drafting: Wendy Bohlke, Assistant Attorney General, 320 BNB, Bellingham, WA 98225, (206) 676-2037; Implementation and Enforcement: George A. Pierce, VPB&FA, Western Washington University, Bellingham, Washington 98225, (206) 676-3180.

Name of Proponent: Western Washington University, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule will require bicyclists to dismount and "walk" their bikes on walkways during class days. The purpose is to improve the safety of pedestrians and cyclists who share the same paths. The anticipated effects are improved safety and a few disgruntled cyclists who have objected to such regulation.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: 341 Wilson Library, Western Washington University, 516 High Street, Bellingham, WA 98225, on July 26, 1990, at 2:00 p.m.

Submit Written Comments to: Attorney General's Office, 320 BNB, Bellingham, WA 98225, by July 25, 1990.

Date of Intended Adoption: August 3, 1990.

June 13, 1990

Wendy Bohlke

Assistant Attorney General

AMENDATORY SECTION [(Amending Order 6-02-83, Motion No. 6-02-083, filed 6/28/83, effective 9/19/83)]

WAC 516-13-080 OPERATION. On days and evenings when classes are held, bicycles shall not be ridden on any sidewalks, pathways, or plaza areas on campus unless so designated by conventional signs. Bicycles shall use vehicular roadways or other designated routes to reach designated parking areas. Bicycles may be walked on any pedestrian walkway. ~~((Pedestrians have the right-of-way on all sidewalks, pathways, and plaza areas on campus. Bicyclists will use due caution when riding bicycles on campus.))~~

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

Reviser's note: The unnecessary underscoring in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION [(Amending Resolution No. 85-05, filed 7/2/85)]

WAC 516-12-430 GENERAL REGULATIONS. (1) The registered owner(s) and the operator of a vehicle or the person to whom a permit is issued involved in a violation of these regulations will be jointly and severally responsible for the violation.

(2) All vehicles, attended or unattended, must display a valid Western Washington University parking permit when parked on the campus unless parked in a metered parking space (with meter payment), a time-limited space, or, with approval by the parking services office, a space designated for visitors.

(3) Policy on assignments to parking lots will be established by the parking manager.

(4) If a parking permit holder cannot locate a parking space in the assigned lot, he/she may park in the nearest visitor area and then must call the parking services office. Motorcycle permit holders will go to the next nearest motorcycle lot.

(5) The university reserves the right to refuse ~~((issuance of a parking permit))~~ parking privileges to anyone who has

- (a) Had a permit revoked.
- (b) Falsified a parking application or registration.
- (c) Counterfeited or altered an(;) area designator or permit.
- (d) Failed to pay outstanding citations.
- (e) Been identified as a habitual offender.
- (f) Been found to be in possession of or using a lost or stolen permit.

(6) The speed limit on campus is 10 mph or as posted. Vehicles must be operated in a careful and prudent manner at all times and must be operated in compliance with established speed limits. Drivers of vehicles must obey all regulatory signs and comply with directions given by members of the transportation and parking department and officers of the public safety department in the control and regulation of parking and traffic.

(7) The operator of a vehicle must yield the right-of-way to pedestrians crossing streets and roadways within the campus, and at intersections or clearly marked crosswalks or city streets which cross the campus. Pedestrians must not cross any street or roadway except at an intersection or clearly marked crosswalk. Pedestrians must utilize sidewalks where provided on streets and roadways. If no sidewalk is provided, pedestrians will utilize the extreme left-hand side and move to their left and clear of the roadway or street upon meeting an oncoming vehicle.

(8) Vehicles owned by or assigned on a permanent basis to administrative units on campus and bearing "E," "B" or "M" license plates or a university insignia may be parked in "G" or ((P)) "C" lots for brief periods while the driver is on university business. Long-term parking is not permitted, nor is any parking allowed in reserved spaces except when a space is designated for that specific vehicle. University vehicles may be parked in metered spaces provided that meter regulations are observed. Violations incurred will be the responsibility of the driver. All operators of these or other state vehicles will abide by all traffic and parking regulations.

(9) No person may utilize any vehicle parked on campus as a living unit without specific approval from the parking manager. Violators will be cited and/or towed.

(10) Vehicles are to be maintained in operating condition at all times on university property. Repairs will not be made on campus unless authorization has been received in advance from the parking manager. A vehicle which appears to be abandoned, with or without current Western Washington University registration or license plates, may

be impounded after an attempt is made to locate and notify the owner of the impending action.

(11) The university rents space to individuals who wish to park on campus and who are issued a parking permit. The university assumes no responsibility or liability under any circumstances for vehicles or bicycles parked on campus nor does it assume any personal liability in connection with its parking program. No bailment of any sort is created by the issuance of a permit.

(12) The person who obtains a permit is responsible for assuring that the vehicle, regardless of who drives it, is parked in conformance with these regulations.

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

Reviser's note: The unnecessary underscoring in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION [(Amending Resolution No. 85-05, filed 7/2/85)]

WAC 516-12-440 PARKING AREAS. (1) Parking is prohibited in any area not specifically marked as a parking space, designated by a sign, wheelstop, white/painted lines, and/or white traffic buttons.

(2) Vehicles will not be parked in any parking area without a parking permit for that area except as provided in WAC 516-12-430(2).

(3) Parking in a time-limited space is limited to the time posted or assigned.

(4) Visitors will park only where assigned by permit or in metered visitor areas with meter payment.

(5) Vehicles displaying valid permits for other parking areas on campus may not park in metered visitor lots except as provided in WAC 516-12-430(4).

(6) Metered lots are reserved for visitors and should not be used by members of the campus community. "Feeding" meters is prohibited.

(7) Motorcycles and moped-type vehicles will be parked in designated "M" (motorcycle) lots only and will not use space assigned to automobiles or bicycles.

(8) Automobiles will not park in areas assigned to motorcycles.

(9) Bicycles must be parked in bicycle racks where provided. (Chapter 516-13 WAC.)

(10) Personal notes left on vehicles describing reasons for parking without a proper and valid permit or for parking in an unauthorized manner will not be accepted.

(11) Spaces designated for specific use are restricted to assigned vehicles.

(12) Resident student ((E)) "R" lots are restricted to permit holders 24 hours per day.

(13) All parking spaces are defined by signs, painted surface lines, traffic "buttons," and/or wheelstops. All other areas are no parking zones. Using more than one space when parking is prohibited.

(14) The fact that other vehicles are parked improperly does not constitute a valid excuse. Should an individual parked in violation of any regulation not receive a citation, it does not indicate that such parking is authorized, that the regulation is no longer in effect, or that a future ticket is invalid.

(15) The fact that one vehicle is parked in such a manner as to occupy more than one parking space is not an acceptable excuse for another operator to do the same.

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

Reviser's note: The unnecessary underscoring in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION [(Amending Resolution No. 6-04-87, filed 8/20/87)]

WAC 516-12-470 ENFORCEMENT. (1) General

(a) A vehicle which is parked in a manner which endangers or potentially endangers members of the university community or their property, state property, and/or prevents a person having a valid permit from parking in their designated parking area, will be impounded on the first violation.

(b) Upon receiving a third parking citation with two previous unpaid parking citations outstanding for more than seventy-two hours, a vehicle is subject to impound.

(c) A student with unpaid parking citations may not be allowed to have a copy of his/her transcript released by the registrar's office.

(d) Parking permits will not be issued until all outstanding citations are paid.

(e) After identifying the registered owner of any vehicle without a parking permit or a permit number which has (~~three~~) one or more unpaid citations, the parking services office will contact the owner in writing that payment is required. If payment for outstanding citations is not made by the date required, the matter will be referred to the appropriate collection agent and/or civil court for resolution.

(f) The operator and owner(s) of a vehicle which is involved in a violation of the university's parking regulations are jointly and severally responsible for the violation. The person to whom a permit is issued is responsible for all citations issued to that permit number.

(g) These enforcement measures are cumulative and resort to one or more will not waive or impair the university's right to use any other enforcement measure.

(h) The fine and penalty for illegal possession of a lost or stolen permit will be a fine equal to the original value of the highest priced period plus \$5.00 and revocation of parking privileges for a period of one year.

(2) When regulations are in effect

(a) Except as stated in b and c of this section, the regulations in this chapter will be enforced throughout the calendar year from 7 a.m. to 5 p.m. but will not be enforced on Saturdays, Sundays, and official university holidays unless otherwise posted. For purposes of this section, intermissions are not considered a university holiday.

(b) A vehicle which is parked in a manner which endangers or potentially endangers members of the university or their property or state property will be impounded on the first violation regardless of when the violation occurs.

(c) Intersession regulations will be determined and published by the parking manager as required.

(3) Night parking

(a) The hours of night parking are 5 p.m. to 7 a.m.

(b) During the hours of night parking all lots except (~~the~~) "R" (campus resident) lots and reserved spaces in any lot are open to parking unless otherwise designated by the parking manager.

(c) (~~the~~) "R" parking lots are restricted to (~~the~~) "R" permit holders at all times.

(4) Citations. A vehicle which is in violation of the university's parking regulations will be issued a citation, and fines will be assessed for violations of these regulations according to the following schedule:

(a) \$5.00 violations:

- (i) Occupying more than one space;
- (ii) Parking at an expired meter;
- (iii) Improper display of permit;
- (iv) Overtime parking.

(b) \$10.00 violations:

- (i) No valid permit displayed;
- (ii) Parking in prohibited area (except handicapped spaces);
- (iii) Parking on grass or landscaped area;
- (iv) Parking out of assigned area;
- (v) Parking in a no parking zone;
- (vi) Parking in a reserved area;
- (vii) Parking in a driveway or walkway.

(c) \$15.00 violation(~~s~~): Blocking traffic.

(d) \$25.00 violations:

- (i) Parking in a designated handicapped space;
- (ii) Parking within ten feet of a fire hydrant or in a fire lane;
- (e) \$100.00 violation. Display of lost, stolen or forged permit;
- (f) Citations will remain in effect for a period of five years.

(5) Continued violations. A vehicle which remains in violation of any regulations may receive additional citations for every four hours of the violation.

(6) Impoundment:

(a) All violators are subject to having their vehicles impounded at their own risk and expense.

(i) Upon receiving a third parking citation with two previous unpaid citations outstanding for more than 72 hours.

(ii) When the vehicle is parked in such a manner as to endanger the university community(~~s~~); or

(iii) The vehicle is parked so as to deprive a permit holder of his/her parking space(~~s~~); or

(iv) When a vehicle is left under circumstances which indicate it has been abandoned(~~s~~); or

(v) When a vehicle displays a permit that has been forged or reported lost or stolen(~~s~~);

(vi) At any time their vehicles are parked on campus when parking privileges have been revoked.

(b) The operator/owner of the vehicle must provide positive personal identification and proof of ownership of the vehicle and pay all outstanding citations at the parking services office (or public safety office when parking services office is closed) before a vehicle release form is completed.

(i) The release form is issued to the vehicle operator/owner who must then present it in person at the towing company and pay all towing charges including any storage fees incurred(~~s~~);

(ii) A towing fee is charged if the driver of the tow truck has performed any labor prior to the operator/owner returning to the vehicle before the impound is completed.

(7) It is prohibited to park:

(a) Without a valid permit;

(b) Double parked;

(c) In reserved spaces without a proper permit;

(d) In no parking areas;

(e) In a handicapped space without a proper permit;

(f) In fire lanes, service roads, fire exits or within 10 feet of a fire hydrant;

(g) In loading zones unless actually loading (time is limited);

(h) In service entrances, construction sites, spaces reserved for maintenance vehicles, handicapped access areas, dumpster access;

(i) On lawns, sidewalks, crosswalks, parking lot driveways(~~s~~), straddling painted lines or buttons, or angle parking where prohibited;

(j) Exceeding time in time-limited or metered spaces;

(k) In areas where permit is not valid;

(l) Over or adjacent to yellow lines or curbs;

(m) Against the flow of traffic;

(n) In areas or spaces closed by barricades or other control devices.

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

Reviser's note: The unnecessary underscoring in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: RCW 34.05.395 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 90-13-082
PROPOSED RULES
STATE BOARD
OF EDUCATION**

[Filed June 20, 1990, 10:55 a.m.]

Original Notice.

Title of Rule: WAC 180-40-235 Discipline—Conditions.

Purpose: To make a technical correction to reference section. RCW no longer exists.

Statutory Authority for Adoption: RCW 28A.04.132.

Statute Being Implemented: Same.

Summary: Technical correction deletes reference to RCW 28A.87.140.

Reasons Supporting Proposal: RCW 28A.87.140 nonexistent.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Superintendent of Public Instruction, Old Capitol Building, 753-2298; Implementation: Jay Wood, Superintendent of Public Instruction, Old Capitol Building, 753-2062; and Enforcement: Doyle Winter, Superintendent of Public Instruction, Old Capitol Building, 753-1880.

Name of Proponent: State Board of Education, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Technical correction to remove reference to RCW which no longer exists.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Coupeville Junior-Senior High School, 5 S.E. Terry, Coupeville, WA 98239, on July 25, 1990, at 1:00 p.m.

Submit Written Comments to: Monica Schmidt, Executive Director/Secretary, State Board of Education, Old Capitol Building, FG-11, Olympia, Washington 98504, by July 23, 1990.

Date of Intended Adoption: July 25, 1990.

June 20, 1990
Monica Schmidt
Executive Director
Secretary

Note also that this section does not completely address the law governing the use or infliction of corporal punishment or physical discipline. For additional information your attention is invited to the following: The case of *Simmons v. Vancouver School Dist.*, 41 Wn. App. 365, 704 P.2d 648 (1985) (the term "corporal punishment" is not limited to spanking a student; it includes any number of forms of physical or bodily punishment); (~~RCW 28A.87.140 (it is a misdemeanor for a teacher to administer unreasonable punishment or to inflict punishment on the head of a student); and,~~) RCW 9A.16.100 (only parents, guardians, and teachers, and such other persons as have been authorized in advance by a child's parent or guardian may lawfully inflict physical discipline upon a child for purposes of restraining or correcting the child; only reasonable and moderate discipline or force may be inflicted; and, certain specified actions are presumed unreasonable and thus unlawful including throwing, kicking, burning, cutting, striking with a closed fist, shaking a child under three, interfering with breathing, threatening with a deadly weapon, and causing greater than transient pain or minor temporary marks.)

WSR 90-13-083
PROPOSED RULES
STATE BOARD
OF EDUCATION

[Filed June 20, 1990, 11:02 a.m.]

AMENDATORY SECTION (Amending Order 6-87, filed 4/14/87)

WAC 180-40-235 DISCIPLINE—CONDITIONS AND LIMITATIONS. Discipline may be imposed upon any student for violation of the rules of the school district that have been established pursuant to WAC 180-40-225, subject to the following limitations and conditions and the grievance procedure set forth in WAC 180-40-240:

(1) No form of discipline shall be enforced in such a manner as to prevent a student from accomplishing specific academic grade, subject, or graduation requirements.

(2) A student's academic grade or credit in a particular subject or course may be adversely affected by reason of tardiness or absences only to the extent and upon the basis that:

(a) The student's attendance and/or participation is related to the instructional objectives or goals of the particular subject or course, and

(b) The student's attendance and/or participation has been identified by the teacher pursuant to policy of the school district as a basis for grading, in whole or in part, in the particular subject or course.

(3) Corporal punishment consisting of spanking or striking a student shall be administered only in an office or some other area outside the view of other students and only by an authorized employee in the presence of and witnessed by another school district employee. Such witness shall be informed beforehand and in the student's presence of the reason(s) for the infliction of the corporal punishment. For the purpose of this subsection the term "authorized employee" means either:

(a) The student's teacher who holds a valid Washington state teaching certificate and provides instruction to the student; or,

(b) Any other certificated employee who has been authorized in advance by the student's parent or guardian to inflict corporal punishment consisting of spanking or otherwise striking the student.

(4) No cruel and unusual form of corporal punishment shall be inflicted upon any student.

(5) Only reasonable and moderate force shall be applied to a student and no form of corporal punishment shall be inflicted upon the head of a student.

(6) Parents or guardians, upon their request, shall be provided a written explanation of the reason(s) for the infliction of corporal punishment consisting of spanking or otherwise striking a student and the name of the witness who was present at the time the corporal punishment was administered.

COMMENT: This section is not intended to authorize the use of any particular form of discipline or to authorize any particular person to impose discipline; that is the regulatory responsibility of each school district. What this section does consistent with the general purpose of this chapter is impose conditions upon the use of such disciplinary measures as are otherwise authorized or permitted by a school district's rules.

Original Notice.

Title of Rule: Title 180 WAC.

Purpose: To implement new numbering system of Title 28A RCW as recodified in HB 2276.

Other Identifying Information: No substantive change has been made in any revised section as a result of this filing.

Statutory Authority for Adoption: HB 2276.

Statute Being Implemented: HB 2276.

Summary: The legislature reorganized Title 28A RCW in an attempt to organize by subject matter, make all terms gender neutral, and clarify existing languages. The changes were technical in nature with no substantive changes intended.

Reasons Supporting Proposal: Changes needed to implement the recodification.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, SPI, Old Capitol Building, (206) 753-2298; Implementation and Enforcement: Monica Schmidt, SPI, Old Capitol Building, (206) 753-6715.

Name of Proponent: State Board of Education, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: See above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Coupeville Junior/Senior High School, 5 S.E. Terry, Coupeville, WA 98239, on July 25, 1990, at 1:00 p.m.

Submit Written Comments to: Monica Schmidt, Executive Director/Secretary, State Board of Education, Old Capitol Building, Olympia, 98504, by July 23, 1990.

Date of Intended Adoption: July 25, 1990.

June 20, 1990
Monica Schmidt
Executive Director
Secretary

AMENDATORY SECTION (Amending Order 1-83, filed 3/29/83)

WAC 180-10-003 DESCRIPTION OF ORGANIZATION. The state board of education is created by law in chapter ((28A-04)) 28A.305 RCW. The board consists of two voting members from each congressional district in the state who are elected by the members of school district boards of directors and serve staggered six-year terms; the superintendent of public instruction, who serves as an ex officio member and chief executive officer of the board and votes only to break ties; and, a nonvoting member elected at large by members of the boards of directors of approved private schools who serves a six-year term. A secretary (executive director) to the state board is appointed by the board and maintains the record of board proceedings. General powers of the board affect teacher training and certification programs, school accreditation, school building assistance, school district organization and classification, general government of the schools, approval of basic education programs, approval of private schools, and other matters which include the discipline of pupils and instructional program improvement.

AMENDATORY SECTION (Amending Order 2-84, filed 5/17/84)

WAC 180-16-002 AUTHORITY. The authority for this chapter is RCW ((28A-58-754)) 28A.150.220(6) which authorizes the state board of education to adopt rules that implement and ensure compliance with the basic program of education requirements of RCW ((28A-41-130, 28A-41-140, and 28A-58-754)) 28A.150.250, 28A.150.260, and 28A.150.220 and such related basic program of education requirements as may be established by the state board of education.

AMENDATORY SECTION (Amending Order 2-84, filed 5/17/84)

WAC 180-16-006 PURPOSE. The purpose of this chapter is to set forth rules to:

- (1) Establish procedures and policies for state board of education approval of school district programs for the purpose of entitlement to state basic program of education support, including the provisions of RCW ((28A-41-130, 28A-41-140, and 28A-58-754)) 28A.150.250, 28A.150.260, and 28A.150.220; and
- (2) Establish related program requirements for which compliance is required as part of state board of education approval.

AMENDATORY SECTION (Amending Order 10-79, filed 9/12/79)

WAC 180-16-164 WORK STOPPAGES AND MAINTENANCE OF APPROVED PROGRAMS FOR LESS THAN 180 DAYS NOT CONDONED. Nothing in WAC 180-16-162, 180-16-163 or 180-16-191 through 180-16-240 shall be construed as condoning or authorizing any form of work stoppage which disrupts the planned educational program of a district, or any portion thereof, or the maintenance of an approved program for less than the minimum number of school days required by law except as excused for apportionment purposes by the superintendent of public instruction pursuant to RCW ((28A-41-170)) 28A.150.290.

AMENDATORY SECTION (Amending Order 3-77, filed 6/1/77)

WAC 180-16-180 VOCATIONAL-TECHNICAL INSTITUTES, STATE SUPPORT OF. Pursuant to provisions of RCW ((28A-41-130, 28A-09-100 and 28B-50-240)) 28A.150.250 and the provisos in the currently effective state budget and appropriations act appropriating to the superintendent of public instruction an amount for vocational-technical institutes and an amount for adult education in such institutes, the rules and regulations hereinafter set forth shall govern determination of eligibility of vocational-technical institutes for apportionment from state funds.

- (1) Approved vocational-technical institute. A vocational-technical institute established and maintained in accordance with requirements of chapter 180-58 WAC shall be deemed to be in compliance with eligibility requirements for apportionment from state funds.

- (2) Certification to state superintendent. The state board of education shall furnish to the superintendent of public instruction certification of approval of any and all vocational-technical institutes approved by the state board under authority of RCW ((28A-41-130, 28A-09-100 and 28B-50-240)) 28A.150.250 and provisions of chapter 180-58 WAC.

- (3) Approval of additional courses—State superintendent. Subsequent to certification by the state board of education to the superintendent of public instruction of approval of a vocational-technical institute as provided in subsection (2) above, additional courses and apportionment related thereto shall be subject to the approval of and authorization by the state superintendent as provided in WAC 180-58-090.

AMENDATORY SECTION (Amending Order 9-88, filed 4/4/88)

WAC 180-16-223 TEMPORARY OUT-OF-ENDORSEMENT ASSIGNMENT CRITERIA. In order for a temporary out-of-endorsement assignment for a classroom teacher to comply with the basic education approval standards, the board of directors of the district must comply with the following:

- (1) The board of directors of the district must make one or more of the following factual determinations:

- (a) The district was unable to recruit a teacher with the proper endorsement.
- (b) The need for a teacher with such an endorsement could not have been reasonably anticipated and the recruitment of such a classroom teacher at the time of assignment was not reasonably practicable.
- (c) The reassignment of another teacher within the district with the appropriate endorsement to such assignment would be unreasonably disruptive to the current assignments of other classroom teachers or would have an adverse effect on the educational program of the students assigned such other classroom teachers.
- (d) The district has a surplus of teachers with endorsements in specified grade levels or subject areas and it is necessary to reassign such teachers in whole or part in order to avoid adversely affecting such teachers' contract status.

- (2) The teacher assigned to the out-of-endorsement grade level or subject area must meet the following requirements:

- (a) The teacher so assigned must have at least two full school years of classroom teaching experience and must not have been placed on probation pursuant to RCW ((28A-67-065)) 28A.405.100 during the last two school years.
- (b) The teacher so assigned must have completed six semester hours or nine quarter hours of course work which are applicable to an endorsement in the out-of-endorsement grade level or subject area.
- (3) The board of directors of the district shall comply with the following conditions:

- (a) Prior to the assignment of the out-of-endorsement grade level or subject area, or as soon as reasonably practicable thereafter, but in no event beyond twenty school days after the commencement of the assignment, if the assignment was not reasonably foreseeable, a designated representative of the district and the classroom teacher so assigned shall mutually develop a written plan which provides necessary assistance to the teacher so assigned and which provides for a reasonable amount of planning and study time associated specifically with the out-of-endorsement classroom assignment.

- (b) No classroom teacher shall be assigned in any one semester or trimester to more than one preparation in one out-of-endorsement grade level or subject area and for no more than two periods of not more than sixty minutes each per day unless the school building in which such teacher is assigned has a preexisting policy of assigning classroom teachers to "block programs," which for the purpose of this section shall be defined as the same teacher assigned to teach two or more subject areas to the same group of students. However, in order to be eligible for assignment to block programs, the teacher so assigned must be endorsed in one of the subject areas within the block program and must meet the criterion in subsection (2)(b) of this section in each of the additional subject areas within the block program.

- (c) Any observation conducted in the out-of-endorsement grade level or subject area will not be utilized by the district as evidence to support probation of the teacher so assigned pursuant to RCW ((28A-67-065)) 28A.405.100 or nonrenewal of such teacher pursuant to RCW ((28A-67-070)) 28A.405.210.

- (d) A second or third year assignment to an out-of-endorsement grade level or subject area will be made only pursuant to WAC 180-16-224 and in no case will the teacher be assigned to the same out-of-endorsement grade level or subject area during more than three school

years at any time in which the teacher serves within the same school district; hence, this provision applies to assignments in consecutive or nonconsecutive school years.

(4) The board of directors shall submit to the office of superintendent of public instruction as part of its annual report required by WAC 180-16-195, a list which indicates all assignments for the previous school year in out-of-endorsement grade levels or subject areas. Such list shall include:

(a) The name and certification number of each teacher so assigned, the out-of-endorsement grade levels or subject areas and the number of such periods taught by such teacher, and the dates upon which such assignment(s) commenced and concluded.

(b) The reason for each such assignment.

(c) The reason why the particular teacher was selected for the out-of-endorsement grade level or subject area.

(d) A dated copy of each plan of assistance required pursuant to WAC 180-16-223 (3)(a). Such copy shall not contain any personal information the disclosure of which would violate the named teacher's right to privacy pursuant to RCW 42.17.310(b).

(e) An assurance that each such assignment was made in compliance with WAC 180-16-221 through 180-16-224.

(5) PROVIDED, That the provisions of subsections (2)(a) and (b) and (3)(b) of this section shall be waived for a period of three consecutive school years for each proposed out-of-endorsement assignment by the state board of education if:

(a) The board of directors of the school district adopts a resolution for each proposed out-of-endorsement assignment which states that the district has made a good faith effort to comply with the provision(s) for which it is requesting a waiver. Such resolution must recite the actions that the school district has taken to comply. Upon adoption and transmission of such resolution to the superintendent of public instruction, the district shall be authorized to assign each such classroom teacher affected to the proposed out-of-endorsement assignment until the state board of education makes its determination under (c) of this subsection.

(b) The superintendent of public instruction presents the resolution at a meeting of the state board of education and documents to the board the stated efforts of the district.

(c) The state board of education determines, based on the evidence received, that a good faith effort to comply has been made.

AMENDATORY SECTION (Amending Order 2-84, filed 5/17/84)

WAC 180-16-240 COMPLIANCE WITH OTHER PROGRAM REQUIREMENTS. (1) Each school district superintendent shall file each year a statement that, pursuant to WAC 180-16-220(4), the school district has adopted a procedure ensuring awareness of and compliance with other statutory requirements as specified in subsection (2) of this section. Such statement shall be included as Part II of the annual basic education allocation entitlement program data report(s) required by WAC 180-16-195 and shall be submitted at the same time this annual report is submitted. Deviation from these requirements shall not result in the withholding of any of a district's basic education allocation funds. The deviations shall be made available to the public separately or as a portion of the annual district guide published pursuant to RCW ((28A-58-758)) 28A.150.230(3) and this section.

(2) Other program requirements are as follows:

(a) Appropriate measures are taken to safeguard all student and school district permanent records against loss or damage. See, e.g., RCW 40.14.070 regarding the preservation and destruction of local government agency records.

(b) Provision is made for the supervision of instructional practices and procedures.

(c) Current basic instructional materials are available for required courses of study.

(d) A program of guidance, counseling and testing services is maintained for students in all grades offered by that school district.

(e) A learning resources program is maintained pursuant to chapter 180-46 WAC and WAC 392-190-055, each as now or hereafter amended.

(f) The physical facilities of each district are adequate and appropriate for the educational program offered.

(g) There is adequate provision for the health and safety of all pupils within the custody of the school district. See, e.g., RCW ((28A-04-120)) 28A.305.130(11) regarding emergency exit instruction and drills and the rules or guidelines implementing the statute; the building code requirements of chapter 19.27 RCW and local building and fire

code requirements; chapter 70.100 RCW regarding eye protection and the rules or guidelines implementing the chapter; RCW ((28A-31-010)) 28A.210.010 regarding contagious diseases and the rules, chapters 248-100 and 248-101 WAC, implementing the statute; RCW 43-20.050 regarding environmental conditions in schools and the rules, chapter 248-64 WAC, implementing the statute; and local health codes.

(h) A current policy statement pertaining to the administration and operation of the school district is available in each district's administrative office including, but not limited to, policies governing the school building and classroom visitation rights of nonstudents.

(i) Chapters 49.60 and ((28A-85)) 28A.640 RCW are complied with. These statutes prohibit unequal treatment of students on the basis of race, sex, creed, color, and national origin in activities supported by common schools.

(j) A descriptive guide to the district's common schools is published annually by the school district's board of directors, pursuant to RCW ((28A-58-758)) 28A.150.230(3), and is made available at each school in the district for examination by the public.

(k) Within each school, the school principal has determined that appropriate student discipline is established and enforced. The school principal has conferred with the certificated employees in the school building in order to develop and/or review building disciplinary standards and the uniform enforcement of those standards, pursuant to RCW ((28A-58-201)) 28A.400.110.

(l) Written high school graduation requirements and rules have been adopted by the school district board of directors in accordance with chapter 180-56 WAC.

AMENDATORY SECTION (Amending Order 8-75, filed 7/22/75)

WAC 180-20-100 USE OF SCHOOL BUSES—PROMULGATION. Consistent with its responsibilities as defined in RCW ((28A-24-055)) 28A.160.010, the state board of education hereby adopts and promulgates the regulations in WAC 180-20-105 pertaining to state board of education authorization of the use of school buses for official designated school activities.

AMENDATORY SECTION (Amending Order 8-75, filed 7/22/75)

WAC 180-20-105 USE OF SCHOOL BUSES—DEFINITION OF CURRICULAR AND EXTRACURRICULAR USE. (1) Curricular use. The term "to and from school" is interpreted to mean the transportation of students from home to an assigned school building and return and/or to and from that building to other places of learning for the purpose of engaging in regular curricular activity. Although regular curricular activity may include the transportation of team participants in school athletics, music, dramatics, class field trips and similar projects, when these activities are judged integral to the curricular program by directors of the school district, state transportation reimbursement will be limited to those costs stipulated in chapter 392-141 WAC.

(2) Extracurricular use. All legal use of school buses other than as defined in subsection (1) above shall be considered "extracurricular" and shall be subject to the conditions as stated in chapter ((28A-24)) 28A.160 RCW.

AMENDATORY SECTION (Amending Order 10-81, filed 9/21/81)

WAC 180-20-106 SCHOOL BUS OPERATION FOR EXTRACURRICULAR USE. (1) Limitations. Under provisions of RCW ((28A-24-055)) 28A.160.010, school buses may be used for extracurricular activities only when commercial service is "not reasonably available," and when school buses are used, districts must charge users an amount sufficient to reimburse the district for its complete cost incurred by reason of such use. Users of such school bus service shall be limited to those directly involved in extracurricular activities sponsored by the school district.

(2) Approval conditions. For practical administration of the law, approval of the state board of education is hereby granted for the use of school buses for extracurricular activities when such use is determined by the board of directors of the school district to meet the following conditions:

(a) Commercial service is not physically available at the required time; or

(b) The quoted cost for commercial service exceeds the actual costs of the school district operated buses.

(3) School district computation procedure. For the purpose of determining whether the quoted charge for the use of a commercial charter bus is "reasonable" within the intent of RCW ((28A-24-055)) 28A.160.010, the school district shall calculate estimated trip costs using all direct and indirect costs associated with the use of the district buses.

When the cost so computed is less than the commercial charter bus quoted cost, the school district may use its school district bus for the district-sponsored extracurricular activity. The charge to the users of such service shall be as provided in subsection (1) above.

AMENDATORY SECTION (Amending Order 8-75, filed 7/22/75)

WAC 180-20-200 TRAINING AND QUALIFICATIONS OF SCHOOL BUS DRIVERS—PROMULGATION. Consistent with its responsibilities defined in RCW ((28A-04-131)) 28A.160.210, the state board of education hereby adopts and promulgates the regulations pertaining to the training and qualifications of school bus drivers hereinafter in WAC 180-20-205 through 180-20-230 set forth.

AMENDATORY SECTION (Amending Order 9-84, filed 10/4/84)

WAC 180-22-100 AUTHORITY. The authority for this chapter is RCW ((28A-21-020)) 28A.310.020 which authorizes the state board of education to make changes in the number and boundaries of educational service districts.

AMENDATORY SECTION (Amending Order 4-84, filed 5/17/84)

WAC 180-23-037 AUTHORITY. The authority for this chapter is RCW ((28A-21-031)) 28A.310.080 which authorizes the state board of education to adopt rules and regulations for the conduct of election for members of boards of educational service districts.

AMENDATORY SECTION (Amending Order 4-84, filed 5/17/84)

WAC 180-23-043 ELECTION OFFICER. In accordance with RCW ((28A-21-033)) 28A.310.100, the secretary to the state board of education shall serve as the election officer for the coordination and conduct of the election of members of boards of educational service districts.

AMENDATORY SECTION (Amending Order 4-84, filed 5/17/84)

WAC 180-23-065 CANDIDATES—ELIGIBILITY—FILING. (1) Eligibility. A person is eligible to be a candidate for membership on an educational service district board if he or she is a registered voter and a resident of the board-member district for which the candidate files. Restriction on other service pursuant to RCW ((28A-21-0306)) 28A.310.070.

(2) Forms for filing. A person who desires to file for candidacy shall complete:

(a) A declaration of candidacy and affidavit form provided for in WAC 180-23-070; and

(b) The biographical form required by WAC 180-23-075: PROVIDED, That a declarant may elect not to submit biographical data.

(3) Filing period. The filing period for candidates for any position on an educational service district board is from September first through September sixteenth. Any declaration of candidacy that is not received by the secretary to the state board of education on or before 5:00 p.m. September sixteenth shall not be accepted and such a declarant shall not be a candidate: PROVIDED, That any declaration that is postmarked on or before midnight September sixteenth and received by mail prior to the printing of ballots shall be accepted: PROVIDED FURTHER, That any declaration received pursuant to the United States mail on or before 5:00 p.m. September twenty-first that is not postmarked or legibly postmarked shall also be accepted.

AMENDATORY SECTION (Amending Order 4-84, filed 5/17/84)

WAC 180-23-077 WITHDRAWAL OF CANDIDACY. Any candidate may withdraw his or her declaration of candidacy by delivering a written, signed and notarized statement of withdrawal to the secretary to the state board of education on or before 5:00 p.m. September twenty-first. A candidate's failure to withdraw as prescribed above shall result in the inclusion of the candidate's name on the appropriate election ballot.

A board-member district position shall be stricken from the ballot if no candidate files for the position within the timelines specified in WAC 180-23-065.

Board-member district positions which become vacant after the call of election specified in WAC 180-23-060 shall be filled by appointment by the educational service district pursuant to RCW ((28A-21-0305)) 28A.310.060 and the appointee shall serve until his or her successor has been elected at the next election called by the secretary to the state board of education.

AMENDATORY SECTION (Amending Order 4-84, filed 5/17/84)

WAC 180-23-090 VOTING—MARKING AND RETURN OF BALLOTS. (1) The election shall be conducted in strict accordance with the requirements of RCW ((28A-21-033)) 28A.310.100.

(2) Marking of ballots. Each member of a public school district board of directors may vote for one of the candidates in each board-member district named on his or her ballot by placing an "X" or other mark in the space provided next to the name of a candidate.

(3) Return of ballots. Each member of a public school district board of directors shall complete voting by:

(a) Placing his or her marked official ballot in the smaller, unmarked envelope and sealing the same;

(b) Placing the smaller envelope containing the ballot in the larger preaddressed envelope marked "official ballot" and sealing the same;

(c) If not already designated, completing the following information on the face of the official ballot envelope: Name, mailing address, identification of school district and educational service district.

(d) Placing the official ballot envelope in the United States mail to the secretary to the state board of education.

AMENDATORY SECTION (Amending Order 4-84, filed 5/17/84)

WAC 180-23-120 SPECIAL ELECTIONS. If no candidate receives a majority of the votes cast, a second election provided for in RCW ((28A-21-033)) 28A.310.100 shall be conducted in accordance with the pertinent procedural and substantive provisions of this chapter, including the time schedules governing the conduct of elections, as modified by the secretary to the state board of education to accommodate the special nature of the election and special statutory dates and requirements.

AMENDATORY SECTION (Amending Order 1-87, filed 2/4/87)

WAC 180-24-003 AUTHORITY. The general authority for this chapter is RCW ((28A-04-120)) 28A.305.130(9) which authorizes the state board of education to carry out powers and duties relating to the organization and reorganization of school districts under chapter ((28A-57)) 28A.315 RCW. This authority is supplemented by the following specific statutes:

(1) RCW ((28A-04-130)) 28A.305.150 which requires the state board of education to prescribe regulations governing the classification and numbering system of school districts;

(2) RCW ((28A-57-055)) 28A.315.120 which authorizes the state board of education to establish standards and considerations to be utilized by regional committees and the state board of education for approval of proposals for changes in the organization of school districts, including any equitable adjustment of the assets and liabilities of the districts involved in the reorganization;

(3) RCW ((28A-57-032)) 28A.315.060 which empowers the state board of education to establish regulations for the conduct of elections for membership on regional committees.

AMENDATORY SECTION (Amending Order 1-87, filed 2/4/87)

WAC 180-24-007 PURPOSE. The purpose of this chapter is to set forth policies and procedures of the state board of education related to the implementation of its authority pursuant to chapter ((28A-57)) 28A.315 RCW, Organization and reorganization of school districts, and its related authority within RCW ((28A-04-130)) 28A.305.150 pertaining to the classification and numbering of school districts.

AMENDATORY SECTION (Amending Order 1-87, filed 2/4/87)

WAC 180-24-008 CONSTITUTIONAL AND STATUTORY FRAMEWORK. Under the constitutional framework and the laws of the state of Washington, local school districts are political subdivisions of the state and, consequently, the organization of such districts—including the powers, duties, and boundaries thereof—may be altered or

abolished by laws of the state of Washington. Current laws provide three alternative methods for changing district boundaries. They are:

(1) Consolidation of existing districts into a new district, pursuant to RCW ((28A-57-170)) 28A.315.270, which requires ratification by a majority of the registered voters within each district affected by the consolidation proposal;

(2) Transfer of territory from one district to another, pursuant to RCW ((28A-57-180)) 28A.315.280, and which requires ratification by a majority of the registered voters within the area to be transferred only if ten percent or more of the common school population within the district of the territory proposed to be transferred are affected;

(3) Dissolution and annexation of a district to one or more contiguous districts under conditions stated in RCW ((28A-57-190 and 28A-57-200)) 28A.315.290 and 28A.315.320. Such conditions may require dissolution and annexation or may require the regional committee to give consideration to such action; but, in either case, no ratification by the registered voters within the dissolved school district is required.

AMENDATORY SECTION (Amending Order 1-87, filed 2/4/87)

WAC 180-24-013 STATE POLICY—THE PREFERRED FOUR-PART TEST. The state board of education is vested with the final administrative power and duty to judge and approve or disapprove recommended changes in the organization and extent of school districts as defined in RCW ((28A-57-020)) 28A.315.020 (hereafter referred to as a change in school district organization). Prior to acting upon a recommended change in school district organization, the state board of education shall consider the regional committee report required by WAC 180-24-115. No single consideration or combination of considerations necessarily warrants a change in school district organization. It, however, shall be the policy of the state board of education to favor those recommended changes in school district organization which in the board's judgment meet the following four-part test:

(1) Part one—Geographic accessibility. The first part of the test is that a recommended change in school district organization involves populated areas, and either (a) the area recommended for transfer from one school district to another is significantly more geographically accessible for school program purposes to the school district to which transfer is proposed, or (b) in the case of a recommended annexation or consolidation, the area or areas of the proposed enlarged or new district or districts taken as a whole is generally geographically accessible for school program purposes.

Whether or not geographic accessibility warrants a favorable consideration of a recommended change in school district organization shall be judged based upon the factors set forth in WAC 180-24-016.

(2) Part two—Significant detrimental effects, if any, on operational efficiency. The second part of the test is that at a minimum the recommended change in school district organization is not likely to have a significant detrimental effect upon the operational efficiency of any affected school district.

The likely effects of a recommended change in school district organization upon the operational efficiency of the affected school districts shall be judged based upon the factors set forth in WAC 180-24-017.

Part two of the test involves a minimum or threshold consideration respecting operational efficiency, and is not intended to disregard the desirability of effecting improvements in the organization and operation of school districts above and beyond a significant increase in geographic accessibility. Accordingly, the likely positive effects upon operational efficiency shall also be judged in accordance with the third part of the test.

(3) Part three—Overall satisfactory improvement in the school system. The third part of the test is that the likely positive and negative effects of a recommended change in school district organization respecting (a) geographic accessibility and (b) operational efficiency taken as a whole provide for a satisfactory improvement in the school district system of the counties and the state.

Part three of the test involves a judgmental weighing of the various degrees of the likely positive and negative effects of a recommended change in school district organization. In making this judgment the state board of education may consider such additional matters as the state board deems pertinent including, but not limited to, the region involved, the state's instructional and building programs, and economic patterns.

(4) Part four—Equitable adjustment of assets and liabilities. If the recommended change in school district organization necessarily involves a consideration of an adjustment in school district assets and liabilities, the fourth part of the test is that an equitable adjustment of assets and liabilities is provided for.

AMENDATORY SECTION (Amending Order 1-87, filed 2/4/87)

WAC 180-24-021 STATUTORY FRAMEWORK FOR IMPLEMENTATION OF MODIFICATION IN SCHOOL DISTRICT ORGANIZATION. The provisions of chapter ((28A-57)) 28A.315 RCW govern the procedures for modification of school district organization. Key provisions of that chapter regarding the allocation of responsibility are:

(1) RCW ((28A-57-050)) 28A.315.110 which sets forth the powers and duties of regional committees to:

(a) Approve proposals for organization which provide for the satisfactory improvements in the school district system;

(b) Make proposals for the equitable adjustment of assets and liabilities of districts affected by the organization proposal; and

(c) Hold hearings on the above proposals.

(2) RCW ((28A-57-110)) 28A.315.200 which requires the superintendent of public instruction to provide personnel to assist the regional committees in the performance of their respective duties.

(3) RCW ((28A-57-060)) 28A.315.140 which requires the state board of education to judge whether proposals for organization are satisfactory and/or whether proposals for adjustment of assets and liabilities are equitable.

AMENDATORY SECTION (Amending Order 1-87, filed 2/4/87)

WAC 180-24-080 NOTIFICATION TO SUPERINTENDENT OF PUBLIC INSTRUCTION OF REGIONAL COMMITTEE MEETINGS. The secretary of each regional committee—i.e., the educational service district superintendent—shall notify the superintendent of public instruction of all meetings of the regional committee called pursuant to RCW ((28A-57-040)) 28A.315.100 and all proposals pursuant to RCW ((28A-57-050)) 28A.315.110.

AMENDATORY SECTION (Amending Order 1-87, filed 2/4/87)

WAC 180-24-115 REPORT OF REGIONAL COMMITTEE TO STATE BOARD OF EDUCATION. Upon conclusion of the regional committee's favorable consideration for a change in the organization and extent of school districts, the regional committee shall transmit to the state board of education a report which contains all information required by RCW ((28A-57-050)) 28A.315.110 and the following additional information:

(1) The factual basis as to why the regional committee concluded that the proposed change in organization made a satisfactory improvement in the school district system;

(2) The factual basis as to why the regional committee concluded that the proposed adjustment in the assets and liabilities of the school districts affected would be equitable;

(3) A list of the public hearings held to consider the aforementioned proposals;

(4) A copy of the organizational impact statement required by WAC 180-24-101.

AMENDATORY SECTION (Amending Order 1-87, filed 2/4/87)

WAC 180-24-120 SUPERINTENDENT OF PUBLIC INSTRUCTION REVIEW OF REGIONAL COMMITTEE PROPOSALS. Reports of regional committees, pursuant to WAC 180-24-115, shall be reviewed by the superintendent of public instruction for compliance with the provisions of this chapter. The superintendent of public instruction shall present to the state board of education the results of such review as well as recommended action to be taken by the state board of education in response to the regional committee's report. The superintendent of public instruction's recommendations shall be made prior to final action by the state board of education pursuant to RCW ((28A-57-060)) 28A.315.140.

AMENDATORY SECTION (Amending Order 1-87, filed 2/4/87)

WAC 180-24-125 STATE BOARD OF EDUCATION STANDARDS FOR DETERMINING WHETHER A REGIONAL COMMITTEE REPORT FOR ORGANIZATION IS SATISFACTORY. The considerations to be utilized by the state board of education in determining whether or not to approve the recommendation of a regional committee pursuant to RCW ((28A-57-060)) 28A.315.140 shall include but not be limited to the following:

(1) Compliance by the regional committee with the applicable provisions of chapter ((28A-57)) 28A.315 RCW and the implementing regulations of the state board of education;

(2) Sufficiency of the factual basis reported by the regional committee for its conclusion that the proposed change in the organization made a satisfactory improvement in the school system;

(3) Validity of the conclusion by the regional committee that the factual basis supported a conclusion that the proposed change in organization made a satisfactory improvement in the school district system.

AMENDATORY SECTION (Amending Order 1-87, filed 2/4/87)

WAC 180-24-130 STATE BOARD OF EDUCATION STANDARDS FOR DETERMINING WHETHER A REGIONAL COMMITTEE REPORT FOR ADJUSTMENT OF ASSETS AND LIABILITIES IS EQUITABLE. The considerations to be utilized by the state board of education in determining whether a regional committee report for adjustment of assets pursuant to RCW ((28A-57-060)) 28A.315.140 and liabilities is equitable include but are not necessarily limited to the following:

(1) Compliance by the regional committee with the applicable provisions of chapter ((28A-57)) 28A.315 RCW, particularly the equity considerations stated in RCW ((28A-57-050)) 28A.315.110(2), and the implementing regulations of the state board of education;

(2) Sufficiency of the factual basis reported by the regional committee for its conclusion that the proposed plan for adjustment of assets and liabilities is equitable;

(3) Validity of the conclusion by the regional committee that the factual basis supported a conclusion that the proposed plan for the adjustment of assets and liabilities is equitable.

AMENDATORY SECTION (Amending Order 1-87, filed 2/4/87)

WAC 180-24-140 DISAPPROVAL ACTION BY STATE BOARD OF EDUCATION. If the state board of education, pursuant to RCW ((28A-57-060)) 28A.315.140, judges that the regional committee's proposal for a change in the organization and extent of districts is unsatisfactory or that its proposal for adjustment of assets and liabilities is inequitable, the state board of education shall state the reasons for its action and return the proposal to the regional committee pursuant to RCW ((28A-57-060)) 28A.315.140. In the event the proposal is rejected a second time by the state board of education following its resubmission, the rejection shall be final unless otherwise qualified by the board.

AMENDATORY SECTION (Amending Order 1-87, filed 2/4/87)

WAC 180-24-200 NUMBERING SYSTEM OF SCHOOL DISTRICTS. (1) Authority for rules. Pursuant to authority contained in RCW ((28A-04-130)) 28A.305.150, the state board of education hereby establishes the rules and regulations hereinafter set forth to govern the numbering system of school districts.

(2) Intent. It is the intent of the state board of education to establish a procedure by which school districts which currently have duplicate numbers and all new or consolidated districts may have the opportunity, consistent with these rules, to obtain a unique number.

(3) New or consolidated school district. Each proposal for the formation of a new school district when submitted to the state board of education for consideration shall be assigned a unique number by the superintendent of public instruction. In the event such proposal fails to receive state board approval or is rejected by the voters, the unused number shall remain available for reassignment.

(4) Renumbering of school districts to eliminate duplication. Application for renumbering of a school district to eliminate duplication shall be made by the superintendent of the school district concerned to the superintendent of public instruction, a copy of which shall be submitted to the educational service district superintendent for his information. Assignment of a unique number shall be made by the superintendent of public instruction.

(5) Exception to rules. In accordance with RCW ((28A-57-150)) 28A.315.250, the educational service district superintendent has the authority to designate the number in case of the incorporation of a city or town containing territory lying in two or more school districts or of the uniting of two or more cities or towns not located in the same school district, except where the incorporation or consolidation would affect a district or districts of the first class.

(6) Superintendent of public instruction to administer numbering system. Consistent with the regulations hereinbefore set forth and pursuant to RCW ((28A-03-030)) 28A.300.040, the superintendent of

public instruction hereby is authorized to act for the state board of education in the numbering and/or renumbering of school districts and to establish a procedure for administration of the numbering system.

AMENDATORY SECTION (Amending WSR 89-22-005, filed 10/20/89, effective 11/20/89)

WAC 180-24-205 CLASSIFICATION SYSTEM OF SCHOOL DISTRICTS. (1) Authority. The authority for this section is RCW ((28A-04-130)) 28A.305.150 which authorizes the state board of education to establish the classification system for school districts.

(2) Purpose. The purpose of this section is to set forth the definitions for the classification of a school district as either a high school or a nonhigh school district.

(3) High school district. A high school district is one which conducts a ninth through twelfth grade program for district residents eligible to enroll therein which:

(a) Has been approved by the state board of education as may be required by RCW ((28A-04-120)) 28A.305.130(7); and

(b) Meets the basic education program requirements set forth in chapter 180-16 WAC.

(4) Nonhigh school district. A nonhigh school district is one that is not classified as a high school district under subsection (3) of this section.

(5) Applicability. The classifications of school districts established in subsections (3) and (4) of this section shall apply for the purposes of chapter ((28A-44)) 28A.545 RCW, RCW 84.52.0531, and the application of other laws under which a district's classification as either a high school or nonhigh school district is material.

AMENDATORY SECTION (Amending Order 1-87, filed 2/4/87)

WAC 180-24-305 ELECTION OF REGIONAL COMMITTEE MEMBERS—ELECTION OFFICER. In accordance with RCW ((28A-57-032)) 28A.315.060, the educational service district superintendent shall serve as the election officer for the coordination and conduct of the election of members of the respective regional committees of the educational service districts.

AMENDATORY SECTION (Amending Order 1-87, filed 2/4/87)

WAC 180-24-312 ELECTION OF REGIONAL COMMITTEE MEMBERS—TENTATIVE CERTIFICATION OF ELECTORS. On September twenty-first of each year or if such date is a Saturday, Sunday, or holiday the state working day immediately preceding such date, the educational service district superintendent shall certify a tentative list of electors consisting of all persons eligible to vote, per RCW ((28A-57-032)) 28A.315.060, if the election were held on that date.

AMENDATORY SECTION (Amending Order 1-87, filed 2/4/87)

WAC 180-24-320 ELECTION OF REGIONAL COMMITTEE MEMBERS—CANDIDATES—ELIGIBILITY—FILING. (1) Eligibility. A person is eligible to be a candidate for membership on the regional committee if he or she is a registered voter and a resident of the committee member district for which the candidate files. Eligibility, due to other service, is restricted pursuant to RCW ((28A-57-031)) 28A.315.050.

(2) Forms for filing. A person who desires to be a candidate shall complete:

(a) The declaration of candidacy and affidavit form provided for in WAC 180-24-325; and

(b) The biographical data form provided for in WAC 180-24-327: PROVIDED, That a declarant may elect not to submit biographical data.

(3) Filing period. The filing period for candidates for a position on a regional committee is from October first through October fifteenth. Any declaration of candidacy that is not received by the educational service district superintendent on or before 5:00 p.m. October fifteenth shall not be accepted and such a declarant shall not be a candidate: PROVIDED, That any declaration that is postmarked on or before midnight October fifteenth and received by mail on or before 5:00 p.m. October twentieth shall be accepted: PROVIDED FURTHER, That any declaration received pursuant to the United States mail on or before 5:00 p.m. October twentieth that is not postmarked or legibly postmarked shall also be accepted.

AMENDATORY SECTION (Amending Order 1-87, filed 2/4/87)

WAC 180-24-330 ELECTION OF REGIONAL COMMITTEE MEMBERS—WITHDRAWAL OF CANDIDACY. Any candidate may withdraw his or her declaration of candidacy by delivering a written, signed and notarized statement of withdrawal to the educational service district superintendent on or before 5:00 p.m. October twentieth. A candidate's failure to withdraw as prescribed above shall result in the inclusion of the candidate's name on the appropriate election ballot.

A regional committee member district position shall be stricken from the ballot if no candidate files for the position within the time-limits specified in WAC 180-24-320.

Board-member district positions which become vacant after the call of election specified in WAC 180-24-315 shall be filled by appointment by the regional committee pursuant to RCW ((28A-57-033)) 28A.315.070 and the appointee shall serve until his or her successor has been elected at the next election called by the educational service district superintendent.

AMENDATORY SECTION (Amending Order 1-87, filed 2/4/87)

WAC 180-24-335 ELECTION OF REGIONAL COMMITTEE MEMBERS—CERTIFICATION OF ELECTORS. The list of eligible voters as authorized by RCW ((28A-57-032)) 28A.315.060(3) shall remain open for changes and deletions until 5:00 p.m. October twenty-sixth or, in the event such date is a Saturday, Sunday, or holiday, until 5:00 p.m. the working day immediately following such date. The educational service district superintendent as soon thereafter as is practical shall certify the list of electors.

AMENDATORY SECTION (Amending Order 1-87, filed 2/4/87)

WAC 180-24-350 ELECTION OF REGIONAL COMMITTEE MEMBERS—VOTING—MARKING AND RETURN OF BALLOTS. (1) The election shall be conducted in strict accordance with the requirements of RCW ((28A-57-032)) 28A.315.060.

(2) Marking of ballots. Each member of a public school district board of directors may vote for one of the candidates in each regional committee district named on his or her ballot by placing an "X" or other mark in the space provided next to the name of a candidate.

(3) Return of ballots. Each member of a public school district board of directors shall complete voting by:

(a) Placing his or her marked official ballot in the smaller, unmarked envelope and sealing the same;

(b) Placing the smaller envelope containing the ballot in the larger preaddressed envelope marked "official ballot" and sealing the same;

(c) If not already designated, completing the following information on the face of the official ballot envelope: Name, mailing address, identification of school district, and educational service district;

(d) Placing the official ballot envelope in the United States mail to the superintendent of the educational service district.

AMENDATORY SECTION (Amending Order 9-83, filed 10/17/83)

WAC 180-25-005 AUTHORITY. This chapter is adopted pursuant to RCW ((28A-47-830)) 28A.525.200 which authorizes the state board of education to prescribe rules and regulations governing the administration, control, terms, conditions, and disbursements of moneys to school districts to assist them in providing school facilities. In accordance with RCW ((28A-47-830)) 28A.525.200, the only provisions of chapter ((28A-47)) 28A.525 RCW currently applicable to state assistance for school facilities are RCW ((28A-47-073, 28A-47-075, 28A-47-080, 28A-47-801 through 28A-47-809)) 28A.525.030, 28A.525.040, 28A.525.050, 28A.525.162 through 28A.525.178.

AMENDATORY SECTION (Amending Order 9-83, filed 10/17/83)

WAC 180-25-015 DEFINITION—SCHOOL FACILITIES. As used in this chapter, and in chapters 180-26 through 180-33 WAC, the term "school facilities" means school plant facilities, school plant projects, school buildings, common school facilities and the grounds as those terms are utilized in chapter ((28A-47)) 28A.525 RCW. Any structure not placed on a permanent foundation shall be excluded from this definition.

AMENDATORY SECTION (Amending Order 10-83, filed 10/17/83)

WAC 180-26-005 AUTHORITY. This chapter is adopted pursuant to RCW ((28A-47-830)) 28A.525.200 relating to authority of the state board of education to prescribe rules and regulations governing the administration, control, terms, conditions, and disbursements of allocations to school districts to assist them in providing school facilities. In accordance with RCW ((28A-47-830)) 28A.525.200, the only provisions of chapter ((28A-47)) 28A.525 RCW currently applicable to state assistance for school facilities are RCW ((28A-47-073, 28A-47-075, 28A-47-080, and 28A-47-801 through 28A-47-809)) 28A.525.030, 28A.525.040, 28A.525.050, and 28A.525.162 through 28A.525.178.

AMENDATORY SECTION (Amending Order 11-83, filed 10/17/83)

WAC 180-27-005 AUTHORITY. This chapter is adopted pursuant to RCW ((28A-47-830)) 28A.525.200 relating to authority of the state board of education to prescribe rules and regulations governing the administration, control, terms, conditions, and disbursements of allotments to school districts to assist them in providing school facilities. In accordance with RCW ((28A-47-830)) 28A.525.200, the only provisions of chapter ((28A-47)) 28A.525 RCW currently applicable to state assistance for school plant facilities are RCW ((28A-47-073, 28A-47-075, 28A-47-080, and 28A-47-801 through 28A-47-809)) 28A.525.030, 28A.525.040, 28A.525.050, and 28A.525.162 through 28A.525.178.

AMENDATORY SECTION (Amending WSR 90-01-076, filed 12/19/89, effective 12/19/89)

WAC 180-27-015 STATE BOARD POLICY. (1) In the interpretation of the regulations in this chapter, the superintendent of public instruction shall be guided by the following state board of education policy:

(a) To equate insofar as possible the efforts by districts to provide capital moneys;

(b) To equalize insofar as possible the educational opportunities for the students of the state;

(c) To establish a level of state support for the construction and modernization of school facilities consistent with moneys available;

(d) To recognize that districts may find it necessary to apply local moneys in excess of state matching funds in order to provide facilities commensurate with their respective educational specifications; and

(e) To recognize that districts may have reasons to remove district facilities from current inventories and provide consistent state-wide policies for removal.

(2) Nonhigh district participation in financing the cost of secondary school facilities shall be established pursuant to the provisions of chapter ((28A-56)) 28A.540 RCW.

AMENDATORY SECTION (Amending Order 11-83, filed 10/17/83)

WAC 180-27-020 RELATED FACTORS AND FORMULA FOR DETERMINING AMOUNT OF STATE ASSISTANCE. (1) The amount of state assistance to a school district to provide school facilities shall be determined on the basis of component factors, as hereinafter set forth in this chapter, relating to:

(a) The number of unhouseed students;

(b) Space allocations;

(c) Reduction of the number of operating schools as per chapter 180-33 WAC;

(d) Area cost allowance;

(e) Allowances for furniture and equipment purchases;

(f) The amount of insurance, federal, or other nontax source local moneys applied to a school facilities project;

(g) Certain specified costs which must be financed directly by the school district; and

(h) The amount of fees for professional services.

(2) State assistance for an approved project shall be derived by multiplying the percentage of state assistance determined pursuant to RCW ((28A-47-803)) 28A.525.166 by the following:

(a) The eligible construction cost which shall be calculated by multiplying the approved square foot area of the project as set forth in WAC 180-27-035 by the area cost allowance as set forth in WAC 180-27-060;

(b) The cost of preparing educational specifications as set forth in WAC 180-27-065;

(c) The cost of basic architectural and engineering services as set forth in WAC 180-27-070;

(d) The cost of preparing the energy conservation report as set forth in WAC 180-27-075;

(e) The cost of a value engineering study during design as set forth in WAC 180-27-080;

(f) The construction cost savings—sharing incentive as set forth in WAC 180-27-085;

(g) The cost of furniture and equipment as set forth in WAC 180-27-095; and

(h) The cost of special inspections and testing as set forth in WAC 180-27-100.

Any cost in excess of the maximum allowable shall be financed entirely by the school district.

AMENDATORY SECTION (Amending Order 11-83, filed 10/17/83)

WAC 180-27-025 STATE MATCHING PERCENTAGE—GENERAL. (1) The percentage of state assistance for which a school district is eligible, if otherwise qualified under prevailing statutory provisions and rules and regulations of the state board of education, shall be determined in accordance with the matching formula set forth in RCW ((~~28A-47-803~~)) 28A.525.166.

(2) In the event the percentage of state assistance to any school district computed in accordance with RCW ((~~28A-47-803~~)) 28A.525.166(2) is less than twenty percent and such school district otherwise is eligible for state assistance under statutory provisions and state board of education regulations, the percentage for such district shall be twenty percent of the matchable cost of the project.

(3) In addition to the computed percent of state assistance as stated above, a school district as provided in RCW ((~~28A-47-803~~)) 28A.525.166(3), shall be entitled to additional percentage points determined by the average percentage of growth for the past three years. One percent shall be added to the computed percent of state assistance for each average percent of student growth for the past three years, with a maximum addition of twenty percent. In no case shall the state dollars matched exceed one hundred percent of the maximum allowable cost of the project.

AMENDATORY SECTION (Amending Order 11-83, filed 10/17/83)

WAC 180-27-030 APPLICABLE STATE MATCHING PERCENTAGE FOR PROJECT. Pursuant to provisions of RCW ((~~28A-47-803~~)) 28A.525.166, the percentage of state assistance prevailing at the time the voters of the school district authorize the issuance of bonds and/or the levying of excess taxes to meet the statutory and state board of education fiscal requirements for state assistance in providing school facilities shall be the percentage used for the allocation of state moneys: PROVIDED, That in the event a higher percentage of state assistance prevails at the time of state board of education project approval or at the superintendent of public instruction construction and other document approval as set forth in WAC 180-29-030 and 180-29-085, then that higher percentage of state assistance shall govern the project.

AMENDATORY SECTION (Amending WSR 90-01-076, filed 12/19/89, effective 12/19/89)

WAC 180-27-115 SUPPORT LEVEL—ADDITIONAL ASSISTANCE. State assistance in addition to the amount determined pursuant to WAC 180-27-020 and 180-27-055 may be allowed for the purposes and in accordance with the requirements set forth in this section: PROVIDED, That in no case shall the state assistance exceed one hundred percent of the amount calculated for matching purposes: PROVIDED FURTHER, That for projects that would qualify for additional state assistance under subsections (1) through (8) of this section, for which the local match was secured or for which the local match special bond or levy election was filed with the county auditor prior to January 27, 1989, shall receive additional state assistance at ninety percent of the approved square foot cost allowance. In each of the following exceptions, either at the time the project is approved pursuant to WAC 180-25-040 or at any time prior to receiving secured funding status pursuant to WAC 180-29-107, state board of education approval is required:

(1) Act of condemnation of a building.

A school district required to replace a school facility determined to be hazardous to the safety and health of school children and staff—as evidenced by reports of architects or engineers licensed to practice in the state of Washington, the health agency having jurisdiction, and/or the fire marshal and building official having jurisdiction—shall be eligible for additional assistance if the voters of the school district authorize the issuance of bonds and/or the levying of excess taxes to meet the statutory limits. If the state board of education determines that the voters of the school district have authorized the issuance of bonds to its legal limit, the board shall provide state financial assistance for the remaining cost of the building to a level not exceeding the area cost allowance set forth in WAC 180-27-060.

(2) Loss of building by fire.

A school district which has lost a school facility by fire shall be eligible for additional state assistance consideration if the district first applies toward the project all insurance payments received for the loss of the structure and the voters of the school district authorize the issuance of bonds and/or the levying of excess taxes to meet the statutory limits. If the state board of education determines that the district is deficient in capital moneys and cannot legally bond for the moneys needed to replace the number of square feet for which it is eligible, the state board of education shall provide state financial assistance for the remaining cost of the project to a level not exceeding the area cost allowance set forth in WAC 180-27-060.

(3) Facilities for handicapped children.

A school district which admits handicapped children from without the district shall be eligible for additional state assistance in construction of school facilities: PROVIDED, That (a) handicapped children who spend less than one hundred minutes per school day in a facility designated by the school district board of directors as special purpose space shall not be counted, and (b) the additional allocation shall be seventy-five percent of the approved square foot cost allowance for out-of-district handicapped students.

(4) Vocational-technical facilities.

A school district which has a vocational-technical institute shall be eligible for additional state assistance in construction of vocational-technical institute facilities: PROVIDED, That the additional assistance in excess of the amount allocable under the statutory formula shall be seventy-five percent of the total approved project cost determined to be eligible for state matching purposes.

(5) Interdistrict cooperative centers.

In the financing of interdistrict cooperative projects as set forth in chapter 180-31 WAC, the state board of education shall allocate at seventy-five percent of the total approved project cost determined eligible for state matching purposes if the planned school facility meets the following criteria:

(a) Provides educational opportunities, including vocational skills programs, not otherwise provided;

(b) Avoids unnecessary duplication of specialized or unusually expensive educational programs or facilities; or

(c) Improves racial balance within and among participating districts.

(6) School housing emergency.

A school district found by the state board of education to have a school housing emergency requiring an allocation of state moneys in excess of the amount allocable under the statutory formula may be considered for an additional allocation of moneys: PROVIDED, That the school district must have authorized the issuance of bonds to its legal capacity to meet the statutory and state board of education fiscal requirements for state assistance in providing school facilities.

The total amount of state moneys allocated shall be the total approved project cost determined eligible for state matching purposes multiplied by the districts' regular match rate as calculated pursuant to RCW ((~~28A-47-803~~)) 28A.525.166 plus twenty percent and not to exceed ninety percent in total: PROVIDED FURTHER, That at any time thereafter when the state board of education finds that the financial position of such district has improved, the amount of such additional allocation shall be deducted, under conditions prescribed by the state board of education from any future state school facility construction funds which might otherwise be provided to such district.

(7) Improved school district organization.

If two or more school districts reorganize into a single school district and the construction of new school facilities results in the elimination of a small high school with a full-time equivalent enrollment in grades 9-12 of less than four hundred students and/or an elementary school

with a full-time equivalent enrollment of less than one hundred students, the state board of education shall match the total approved cost of the project at seventy-five percent.

(8) Racial imbalance.

Any school district that contains a school facility which is racially imbalanced as defined in WAC 180-26-025 or which contains a school facility that would have been racially imbalanced as defined in WAC 180-26-025 but for a transportation program designed to eliminate racial imbalance shall receive seventy-five percent of the total approved cost of construction if the building project meets one of the following standards:

(a) In the case of a school district which contains a racially imbalanced school facility the district must demonstrate that, as a result of new construction or modernization, the particular school facility will no longer be racially imbalanced, that the combined minority enrollment in the particular school facility will be reduced by more than ten percentage points, and that the above stated results will be obtained as a direct result of increased enrollment of nonminority students in the particular school facility.

(b) In the case of a school district which contains a school facility that would have been racially imbalanced but for a transportation program designed to eliminate racial imbalance, the district must demonstrate that, as a result of new construction or modernization, the district will continue to contain no school plant facility which is racially imbalanced and that the expense of transportation within the district for a stated period of years will be significantly less than without the new construction or modernization. For the purpose of demonstrating eligibility of a particular school plant facility pursuant to this subsection, a district shall demonstrate that a particular school plant facility would have been racially imbalanced but for a transportation program by producing demographic data that demonstrate what the racial balance for its population would have been within the proximity attendance area of the particular school plant facility. For the purpose of demonstrating that the expense of transportation within the district for a stated period of time will be significantly less pursuant to this subsection, a district shall demonstrate savings in to and from transportation costs, as the term "to and from" transportation is defined in WAC 392-141-120, by comparing expenses for such transportation for the school year immediately preceding the school year in which approval by the state board of education pursuant to this subsection with the amount that would have been expended for such transportation for the previous school year if the new construction or modernization was in place. In the alternative, the district shall demonstrate savings in to and from transportation by comparing such previous year's expenditures with the amount that would have been expended for such transportation if the particular school plant facility was closed. In either case, in order to demonstrate the amount of savings necessary to qualify for additional state assistance pursuant to this subsection, the district must demonstrate savings in to and from transportation for the school year of comparison equal to or exceeding five percent of the additional state assistance resulting from application of this subsection to modernization of such school plant facility or equal to or exceeding two and one-half percent of the additional state assistance resulting from application of this subsection to new construction, including new construction authorized pursuant to the replacement option of WAC 180-33-042.

When an improvement in racial balance within a school district pursuant to this section involves construction or modernization of one or more school facilities, all such school facilities shall be included in the application.

AMENDATORY SECTION (Amending WSR 90-01-076, filed 12/19/89, effective 12/19/89)

WAC 180-27-405 INSTRUCTIONAL SPACE INVENTORY OF SCHOOL FACILITIES—ELIGIBILITY. For purposes of determining district eligibility for state financial assistance for the new construction of school facilities, except for the new construction of school facilities for which an acceptable Form D-3 project request was on file with the superintendent of public instruction and local matching funds were secured prior to March 31, 1989, the superintendent of public instruction shall establish and maintain an instructional space inventory of all school facilities within the state of Washington. Such listing shall consist of the following:

(1) Facility name;

(2) Location (address);

(3) Gross square footage;

(4) Gross square footage of available instructional space (if different than subsection (3) of this section);

(5) Date of construction, additions, and/or modernizations; and

(6) Grade spans served in the facility.

School facilities that are surplus and under lease per the provision of RCW ((~~28A.58.033~~) 28A.335.040) are considered to be available for instructional activities and shall be included in the instructional space inventory.

AMENDATORY SECTION (Amending WSR 90-01-076, filed 12/19/89, effective 12/19/89)

WAC 180-27-415 REMOVAL FROM INSTRUCTIONAL SPACE INVENTORY—SALE OR LONG-TERM LEASE OF BUILDING. A school facility shall be removed from the superintendent of public instruction's active instructional space inventory five years after it has been sold or long-term leased under the following conditions:

(1) The facility is determined to be surplus to the needs of the district by the local school board.

(2) The sale is in compliance with the requirements of chapter ((~~28A.58~~) 28A.335) RCW.

For purposes of this section a long-term lease having a term of no less than forty years constitutes a sale of the building.

AMENDATORY SECTION (Amending Order 12-83, filed 10/17/83)

WAC 180-29-005 AUTHORITY. This chapter is adopted pursuant to RCW ((~~28A.47.830~~) 28A.525.200) relating to authority of the state board of education to prescribe rules and regulations governing the administration, control, terms, conditions, and disbursements of allotments to school districts to assist them in providing school facilities. In accordance with RCW ((~~28A.47.830~~) 28A.525.200), the only provision of chapter ((~~28A.47~~) 28A.525) RCW currently applicable to state assistance for school plant facilities are RCW ((~~28A.47.073; 28A.47.075; 28A.47.080; and 28A.47.801 through 28A.47.809~~) 28A.525.030, 28A.525.040, 28A.525.050, and 28A.525.162 through 28A.525.178.)

AMENDATORY SECTION (Amending Order 12-83, filed 10/17/83)

WAC 180-29-080 CONSTRUCTION DOCUMENTS—BIDS AND CONTRACT PROVISIONS. The construction documents shall include the following bid and contract provisions:

(1) Separate or combined bids. The school district shall determine if the bids for general, mechanical, or electrical are to be separate or combined.

(2) Combination projects. For those projects which include a combination of both new construction and modernization, bid documents shall provide for separate and distinct bids for each and shall, when combined, be the low bid for the project.

(3) Ineligible items. Items ineligible for state matching shall be bid separate or as an alternate.

(4) Bid law. All items included in the construction documents shall be bid in accordance with RCW ((~~28A.58+35~~) 28A.335.190) and 43.19.1906.

(5) Fire insurance. Provision for fire insurance is mandatory for all school facilities under construction. The insurance shall cover at a minimum the amount of the work in place and materials to be used in the project which is in place and on the site. Evidence shall be submitted to the superintendent of public instruction that insurance is provided for by the contractor or the school district. Only costs for insurance provided for in the construction documents will be matched.

AMENDATORY SECTION (Amending Order 12-83, filed 10/17/83)

WAC 180-29-105 BIDS—ADVERTISEMENT. In accordance with RCW ((~~28A.58+35~~) 28A.335.190) and 43.19.1906, school districts shall advertise for bids once each week for two consecutive weeks in a trade journal of general circulation and a like number of times in a publication of general circulation throughout the area.

AMENDATORY SECTION (Amending Order 12-83, filed 10/17/83)

WAC 180-29-110 BIDS—DATA AND DOCUMENT REQUIREMENTS. School districts shall demonstrate that they have complied with RCW ((28A-58-135)) 28A.335.190 and 43.19.1906 and shall not enter into contract((s))(s) for construction until the following certified copies have been submitted and approved by the superintendent of public instruction:

- (1) Each advertisement for bid;
- (2) Tabulated statement of all bids received;
- (3) Recommendation of the board of directors for award of contract(s) on the basis of bids received, including all accepted alternates;
- (4) Alternate bids;
- (5) Names and addresses of all bidders;
- (6) Certified statement of costs for special inspections and testing;
- (7) Certified statement of amount of local and/or other disburseable funds available specifically for the project, exclusive of state funds, with the source of funds identified, including identity and amount of nonhigh school district funds when applicable.

If the recommended contractor is not the low bidder, the school district shall give reasons pursuant to statutory provisions set forth in RCW 43.19.1911.

AMENDATORY SECTION (Amending Order 5-75, filed 5/27/75)

WAC 180-30-015 POLICIES AND PRINCIPLES—POLICIES AND PRINCIPLES RELATING TO NONHIGH SCHOOL DISTRICTS CONTEMPLATING ESTABLISHMENT OF HIGH SCHOOLS AND TO DISTRICTS OPERATING SMALL HIGH SCHOOLS. (1) Response to legislative mandate. The policy of the state board of education with respect to state assistance in school building construction to nonhigh school districts contemplating establishment of high schools and to school districts operating small high schools is the state board's response to the legislative mandate that such assistance must be considered in light of "the need for improvement of school administrative units and school attendance areas among or within such districts."

(2) Small high schools—Effectiveness and remoteness. In administering the program of state assistance to school districts in providing school plant facilities consideration will be given to (a) the effectiveness of the small high school when considered from the point of view of curriculum offerings and per capita expenditures required for operations and for facilities, and (b) the advisability of providing high school services in areas so remote or isolated that students residing therein could not live at home and attend other high schools.

Except in rare instances, it is inadvisable for nonhigh school districts to establish high schools or for existing high schools with limited enrollment to be continued because they are unnecessary from the viewpoint of convenience and the educational opportunities of students—the primary factors to be considered in determining if a new high school is to be established or an existing high school is to be continued.

(3) Purposes and objectives. The program of state assistance in providing school plant facilities shall be administered in conformity with the policies and principles hereinbefore set forth and in accordance with the following purposes and objectives:

(a) To encourage the establishment of a single area high school through the unification of two or more existing high school districts wherever physical features, travel time for students and other conditions permit.

(b) To allot state funds to nonhigh school districts for construction of secondary school facilities only upon prior approval by the state board of education pursuant to provisions of RCW ((28A-04-120)) 28A.305.130(5) for the establishment of a new secondary program or any new grade in grades nine through twelve.

(c) To allot state funds to high school districts for use in providing school plant facilities only when such allotments will not result in the continuation of small high schools in cases where (i) the students involved or affected can be served without undue inconvenience in a neighboring high school or schools of larger size or (ii) the operating district can be united with another district or districts for the purpose of establishing a high school of more acceptable size. In such cases an allotment may be made only for providing necessary additional elementary school facilities.

(d) To make high school operations possible in areas that are found to be remote or isolated, and likely to remain so, because of physical features, distance from population centers, lack of transportation and

other factors related thereto. Eligibility for an allotment of state funds on the basis of remoteness must be determined in the light of (i) the situation, with respect to the items hereinbefore mentioned, which prevails at the time of the application; (ii) the best obtainable information about possible future changes in the situation aforesaid; and (iii) the number of high school students living in the area who cannot reside at home and attend another high school.

AMENDATORY SECTION (Amending Order 3-75, filed 2/4/75)

WAC 180-30-105 BASIC STATE SUPPORT LEVEL—STATE MATCHING PERCENTAGE. (1) The percentage of state assistance to a school district, if otherwise qualified under prevailing statutory provisions and rules and regulations of the state board of education, shall be determined in accordance with the state matching formula as in RCW ((28A-47-803)) 28A.525.166 set forth: PROVIDED, That in the event the percentage of state assistance to any school district computed as herein provided is less than twenty per cent and such school district otherwise is eligible for state assistance under statutory provisions and state board regulations, the percentage for such district shall be twenty percent of the matchable cost of the project.

(2) Pursuant to provisions of RCW ((28A-47-804)) 28A.525.168, the value of the taxable property of the school district and the percentage of state assistance prevailing at the time the voters of the school district authorize the issuance of bonds and/or the levying of excess taxes to meet the statutory and state board of education fiscal requirements for state assistance in providing school facilities shall be the value and the percentage used for the purpose of determining the eligibility of the district for an allotment of state funds and the amount or amounts of such allotments, respectively, for all projects for which the voters authorized the capital funds as aforesaid: PROVIDED, That in the event a higher percentage of state assistance prevails on the date that preliminary plan approval or final plan approval for assistance in financing a project is granted by the state board of education, then that higher percentage of state assistance shall govern the project.

AMENDATORY SECTION (Amending Order 7-71, filed 10/13/71)

WAC 180-30-220 ADDITIONAL STATE ASSISTANCE—IMPROVED SCHOOL DISTRICT ORGANIZATION. Additional state assistance in school building construction to provide for improvement in school district organization may be allowed when it is found by the state board of education that through the formation of larger units of administration and areas of attendance there is need for such additional state assistance to achieve improvement and equalization of educational opportunities of pupils, economies in the administration and operation of schools and equalization among school districts of the tax burden for general fund and capital purposes through a reduction in disparities in per-pupil valuation.

Eligibility for and the amount of such additional state assistance shall be determined in accordance with the provisions hereinafter set forth.

(1) Acceptable administrative unit a prerequisite for additional state assistance consideration. Determination by the state board of education that a plan for the formation of a new school district constitutes an acceptable administrative unit shall be a prerequisite for additional state assistance consideration. For the purpose of this section, an acceptable administrative unit shall be defined as a single school district comprising grades kindergarten through twelve offering an educational program recognized by the division of curriculum and instruction of the office of superintendent of public instruction as a comprehensive program.

(2) Resolution of intent to form a new school district and evidence of need for additional state assistance to provide facilities. When the boards of directors of two or more school districts, at least one of which shall be a high school district, contemplate the formation of a new school district in accordance with the provisions of chapter ((28A-57)) 28A.315 RCW and subsequent to such formation to make application for additional state assistance under the provisions of this section, the respective boards of directors shall file with the state board of education a joint resolution of intent which shall set forth the proposed organizational pattern and evidence of the need for additional state assistance, including but not limited to the following:

- (a) Map of the proposed new school district.
- (b) Current and projected enrollment for a five-year period.
- (c) Number of secondary school students, grades seven through twelve, in each component district of the proposed new district.

(d) Reasons why existing buildings cannot satisfactorily house the projected enrollment of the proposed new district.

(e) Financial status of the proposed new district.

(f) Number of school buses currently in operation by the component districts and number required subsequent to formation of the new district.

(g) Analysis of the improvement in educational opportunities through the formation of the proposed new district.

(h) Statement of impetus new facilities would provide in effecting the formation of the proposed new district.

(i) Complete description of the site for proposed new facility or modernization, including but not limited to its location with respect to pupils to be served, size and adequacy.

(j) Such additional data as the boards of directors deem pertinent to a thorough analysis of the proposal.

(3) Approval of proposed administrative unit and need for additional state assistance. When in the judgment of the state board of education a proposal for the formation of a new school district will provide an acceptable administrative unit as defined in subsection (1) above and the state board has determined that additional state assistance is necessary to achieve the objectives in this section set forth, the state board shall notify the boards of directors of the component districts (a) of its approval of the proposed school district organizational pattern, and (b) that upon approval by the voters of the proposal for formation of the new school district, an application by the board of directors of the newly formed school district for state assistance in construction or modernization of school facilities and additional state assistance for improvement in school district organization will receive favorable consideration, the amount of such state assistance to be determined in accordance with provisions of subsections (4) through (7) hereinafter set forth.

(4) Regulations governing. In addition to the regulations herein prescribed, the regulations governing the basic state assistance program shall be applied to an application for additional state assistance for improvement of school district organization except as hereinafter in subsections (5) and (6) provided.

(5) Eligibility on basis of number of unhouseed pupils. For the purpose of this section, the pertinent requirements of WAC 180-30-030 and 180-30-110(3) relating to eligibility on the basis of number of unhouseed pupils, as determined by the state board of education, shall not be applied: PROVIDED, That the component school districts furnish evidence of utilization and/or disposition of facilities to be vacated as the result of construction or modernization of facilities satisfactory to the state board of education.

(6) School district effort to provide capital funds. For the purpose of this section, the bonded and/or excess tax levy requirements as set forth in WAC 180-30-035 may be reduced or waived as determined by the state board of education to constitute a reasonable local effort to achieve improvement in school district organization: PROVIDED, That the newly formed school district shall be required to apply local funds toward the financing of the total project cost eligible for state matching purposes an amount currently collectible of not less than one-fourth of one percent of the value of its taxable property and, in addition thereto, provide the total cost of site acquisition, site improvement and equipment.

(7) Determination of amount of additional state assistance. When in the judgment of the state board of education an improvement in school district organization will be achieved and additional state assistance in financing school construction or modernization is necessary to provide for such improvement, additional state assistance may be allowed in an amount to be determined by the state board: PROVIDED, That the total amount allotted shall not exceed ninety percent of the total project cost determined eligible for state matching purposes.

AMENDATORY SECTION (Amending Order 5-75, filed 5/27/75)

WAC 180-30-450 NONHIGH SCHOOL DISTRICT PARTICIPATION IN FINANCING COST OF SECONDARY SCHOOL FACILITIES—BASIC POLICY. The state board of education construes the intent and purpose of chapter ((28A-56)) 28A.540 RCW to be that nonhigh school districts which choose to retain their identity as school administrative units shall be placed in the same position with respect to responsibility for providing secondary facilities as are former nonhigh school districts that elected to become a part of a high school district. It shall be the policy of the state board of education therefore to approve a proposed plan for participative financing prepared in accordance with provisions of chapter ((28A-56)) 28A.540 RCW when it

provides for equitable contributions by the nonhigh school districts and by the high school district.

AMENDATORY SECTION (Amending Order 7-71, filed 10/13/71)

WAC 180-30-460 INTERDISTRICT COOPERATION IN FINANCING CONSTRUCTION OF SCHOOL PLANT FACILITIES—STATUTORY AUTHORITY. Pursuant to authority under RCW ((28A-58-075)) 28A.335.160, approval of a cooperative financing plan for the construction or modernization of school plant facilities by two or more school districts shall be subject to compliance with the rules and regulations hereinafter in WAC 180-30-465 through 180-30-495 set forth.

AMENDATORY SECTION (Amending Order 11-75, filed 10/28/75)

WAC 180-30-495 INTERDISTRICT COOPERATION IN FINANCING SCHOOL CONSTRUCTION—PROJECT CONSTRUCTION APPROVAL REQUIRED—RULES AND REGULATIONS GOVERNING. A project to be constructed under interdistrict cooperative financing pursuant to provisions of RCW ((28A-58-075)) 28A.335.160 shall be subject to approval by the state board of education irrespective of whether state funds are involved in the financing thereof and shall be in conformity with the applicable rules and regulations hereinafter prescribed. The applicant school district shall be responsible for compliance with said rules and regulations.

(1) Projects financed entirely with school district local funds. All rules and regulations promulgated by the state board of education relating to school building construction as in chapter 180-30 WAC set forth shall govern the approval of a project financed entirely with interdistrict cooperative funds except those rules relating to determination of amount of state assistance and such other rules deemed by the superintendent of public instruction to be inapplicable to the said construction.

(2) Projects financed with state assistance.

(a) All rules and regulations promulgated by the state board of education relating to school building construction as in chapter 180-30 WAC set forth shall govern the approval of an application for state assistance in financing an interdistrict cooperative project except such rules deemed by the superintendent of public instruction to be inapplicable to the said construction: PROVIDED, That in the interest of program improvement and/or improvement in equalization of educational opportunities, the pertinent requirements of WAC 180-30-030 and 180-30-110(3) relating to eligibility on the basis of number of unhouseed children may be waived as shall be determined by the state board of education.

(b) In determination of the amount of state assistance the principle to be applied shall be that each participating district, otherwise eligible for state assistance, shall receive such assistance on the basis of the computed area ratio. The amount that each participating district shall provide may be the percentage proportion that the value of its taxable property bears to the total value of taxable property of all participating districts or such other amounts as set forth in the contract submitted as are accepted and approved by the state board of education.

(3) Application for additional state assistance. In the financing of interdistrict cooperative projects, applications for state assistance in addition to the amount determined allocable under basic state support level provisions shall be judged by the state board of education on the basis of the need for said facilities for the expressed purpose of (a) providing educational opportunities, including vocational skills programs, not otherwise provided, (b) avoiding unnecessary duplication of specialized or unusually expensive educational programs or facilities, or (c) improving racial balance within and among participating districts.

(4) Determination of amount of additional state assistance. When in the judgment of the state board of education an expressed need exists for an interdistrict cooperative project to achieve one or more of the expressed purposes as set forth in subsection (3) above and additional state assistance in financing said joint construction is necessary to meet such need, additional state assistance may be allowed in an amount to be determined by the state board: PROVIDED, That the total amount allotted shall not exceed ninety percent of the total project cost determined eligible for state matching purposes: PROVIDED FURTHER, That the total funds available to the state board for the biennial period are sufficient to meet state-wide needs for state assistance in providing necessary school facilities to individual school districts as well as for this purpose.

AMENDATORY SECTION (Amending Order 5-75, filed 5/27/75)

WAC 180-30-725 DISBURSEMENT OF FUNDS FOR CONSTRUCTION OF SCHOOL PLANT FACILITIES—PAYMENTS FROM SCHOOL DISTRICT LOCAL FUNDS—REQUIREMENTS AND PROCEDURES. (1) General provisions. Disbursements of school district local funds shall be made in accordance with school district procedures and regulations not inconsistent with applicable rules and regulations of the state board of education, pertinent statutory provisions and regulations of such county officials as have responsibilities in the matter of school district funds.

(2) Certification of total disbursements to be submitted to state superintendent. At such time as the total amount of school district local funds obligated by the district for its share of the cost of the building project has been fully expended, a certified statement of the said disbursements shall be submitted to the superintendent of public instruction, such statement to comprise a listing of all payments to architects, contractors, and when applicable escrow agents, including warrant numbers, dates of payments, names of payees and amounts of payments. The certification for first-class school districts shall be made by the appropriate school district official, and the certification for second- and third-class school districts shall be made by the county auditor: PROVIDED, That the certification for second- and third-class school districts shall be made by the appropriate school district official in such districts drawing and issuing warrants pursuant to provisions of RCW ((28A.60.328)) 28A.330.230.

AMENDATORY SECTION (Amending Order 13-83, filed 10/17/83)

WAC 180-31-005 AUTHORITY. This chapter is adopted pursuant to RCW ((28A.47.830)) 28A.525.200 relating to authority of the state board of education to prescribe rules and regulations governing the administration, control, terms, conditions and disbursements of allotments to school facilities. In accordance with RCW ((28A.47.830)) 28A.525.200, the only provisions of chapter ((28A.47.830)) 28A.525. RCW currently applicable to state assistance for school plant facilities are RCW ((28A.47.073, 28A.47.075, 28A.47.080, and 28A.47.801 through 28A.47.809)) 28A.525.030, 28A.525.040, 28A.525.050, and 28A.525.162 through 28A.525.178.

AMENDATORY SECTION (Amending Order 15-83, filed 10/17/83)

WAC 180-32-005 AUTHORITY. This chapter is adopted pursuant to RCW ((28A.47.830)) 28A.525.200 which authorizes the state board of education to prescribe rules and regulations governing the administration, control, terms, conditions, and disbursements of moneys to school districts to assist them in providing school facilities. In accordance with RCW ((28A.47.830)) 28A.525.200, the only provisions of chapter ((28A.47.830)) 28A.525 RCW currently applicable to state assistance for school facilities are RCW ((28A.47.073, 28A.47.075, 28A.47.080, and 28A.47.801 through 28A.47.809)) 28A.525.030, 28A.525.040, 28A.525.050, and 28A.525.162 through 28A.525.178.

AMENDATORY SECTION (Amending Order 16-83, filed 10/17/83)

WAC 180-33-005 AUTHORITY. This chapter is adopted pursuant to RCW ((28A.47.830)) 28A.525.200 which authorizes the state board of education to prescribe rules and regulations governing the administration, control, terms, conditions, and disbursements of moneys to school districts to assist them in providing school facilities. In accordance with RCW ((28A.47.830)) 28A.525.200, the only provisions of chapter ((28A.47.830)) 28A.525 RCW currently applicable to state assistance for school facilities are RCW ((28A.47.073, 28A.47.075, and 28A.47.801 through 28A.47.809)) 28A.525.030, 28A.525.040, and 28A.525.162 through 28A.525.178.

AMENDATORY SECTION (Amending Order 16-83, filed 10/17/83)

WAC 180-33-020 FORMULA FOR DETERMINING THE AMOUNT OF STATE ASSISTANCE. State assistance in an approved modernization project shall be derived by applying the percentage of state assistance determined pursuant to provisions of RCW ((28A.47.803)) 28A.525.166 and WAC 180-27-025 to the eligible cost which shall be calculated by multiplying the approved square foot area of the modernization project by the area cost allowance for state

support by the factor in WAC 180-33-040 set forth, any cost in excess thereof shall be financed entirely by the school district.

AMENDATORY SECTION (Amending Order 26-85, filed 11/27/85)

WAC 180-33-030 CERTIFICATION OF CONTINUED USE. Any school facilities modernized under WAC 180-33-015 must be used for at least five years beyond the completion of modernization. School directors will pass a resolution and submit it to the state board of education that the modernized facility will be used for instructional purposes for five years after the completion of the project. If the school facility is not used for instructional purposes during this five-year period, the amount of state money allocated and spent for the modernization project must be returned to the state school building construction fund. The five-year use requirement and the five year prohibition against additional modernization funding shall be waived in the event that a facility is rendered permanently unusable before the end of the five-year period by an unforeseen natural event. The definition of "unforeseen natural event" shall be as set forth in RCW ((28A.41.170)) 28A.150.290.

AMENDATORY SECTION (Amending Order 3-76, filed 3/23/76)

WAC 180-34-005 AUTHORITY AND PURPOSE. The purpose of this chapter is to establish the terms and conditions governing sales of school district surplus real property pursuant to real estate sales contracts as authorized by RCW ((28A.58.045)) 28A.335.120.

AMENDATORY SECTION (Amending Order 3-76, filed 3/23/76)

WAC 180-34-010 GENERAL CONDITIONS. When in the judgment of the board of directors of a school district a greater amount may be received for surplus real property and the sale facilitated by selling pursuant to a real estate sales contract, the board of directors may do so consistent with the provisions of this chapter. Any school district that sells real property pursuant to a real estate sales contract shall have the proposed contract approved in advance by the county prosecuting attorney or a private attorney as to legal propriety and compliance with (1) the laws of the state of Washington including, but not limited to, RCW ((28A.58.045)) 28A.335.120 and (2) the provisions of this chapter.

AMENDATORY SECTION (Amending Order 2-83, filed 6/2/83)

WAC 180-36-005 AUTHORITY AND PURPOSE. The purposes of this chapter are to implement RCW ((28A.58.040)) 28A.335.100 and establish the conditions pursuant to which certain associations established by school districts may purchase real and personal property and create a purchase money security interest therein.

AMENDATORY SECTION (Amending Order 20-85, filed 9/25/85)

WAC 180-38-005 AUTHORITY. The authority for this chapter is RCW ((28A.31.118)) 28A.210.160 which authorizes the state board of education to adopt rules which establish the procedural and substantive due process requirements governing the exclusion of students from public and private schools for failure to comply with the immunization requirement of the state of Washington.

AMENDATORY SECTION (Amending Order 20-85, filed 9/25/85)

WAC 180-38-025 DEFINITION—CHIEF ADMINISTRATOR. As used in this chapter, the term "chief administrator" shall mean the same as defined in RCW ((28A.31.102)) 28A.210.070(1), to wit: "Chief administrator" shall mean 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 hereafter be designated in writing for the purposes of . . . [this chapter] by the statutory or corporate board of directors of the school district, 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 . . ." This definition of chief administrator is unique to this chapter and in application may or may not include the principal or headmaster of a school depending on the degree of authority delegated to such principal or headmaster and whether the responsibility has been delegated to another school official.

AMENDATORY SECTION (Amending Order 20-85, filed 9/25/85)

WAC 180-38-030 DEFINITION—FULL IMMUNIZATION. As used in this chapter, the term "full immunization" shall mean the same as defined in RCW ((~~28A.31.102~~) 28A.210.070(2), to wit: "Full immunization" shall mean immunization against certain vaccine-preventable diseases in accordance with schedules and with immunizing agents approved by the state board of health." This definition of full immunization is unique to this chapter and includes immunization only against diseases as required by rules of the state board of health.

AMENDATORY SECTION (Amending Order 20-85, filed 9/25/85)

WAC 180-38-040 DEFINITION—CERTIFICATE OF EXEMPTION. As used in this chapter, the term "certificate of exemption" shall mean the filing with the chief administrator of the school, on a form prescribed by the department of social and health services, which complies with RCW ((~~28A.31.106~~) 28A.210.090, to wit:

"(1) A written certification signed by any physician licensed to practice medicine pursuant to chapter 18.71 or 18.57 RCW that a particular vaccine required by rule of the state board of health is, in his or her judgment, not advisable for the . . . [student]: PROVIDED, That when it is determined that this particular vaccine in no longer contraindicated, the . . . [student] will be required to have the vaccine; or

(2) A written certification signed by any parent or legal guardian of the . . . [student] or any adult in loco parentis to the . . . [student] that the religious beliefs of the signator are contrary to the required immunization measures; or

(3) A written certification signed by any parent or legal guardian of the . . . [student] or any adult in loco parentis to the . . . [student] that the signator has either a philosophical or personal objection to the immunization of the . . . [student]."

AMENDATORY SECTION (Amending Order 20-85, filed 9/25/85)

WAC 180-38-045 ATTENDANCE CONDITION UPON COMPLIANCE. It is the public policy of this state, as codified in RCW ((~~28A.31.104~~) 28A.210.080, that "[t]he attendance of every . . . [student] in the state . . . shall be conditioned upon the presentation before or on each . . . [student's] first day of attendance at a particular school . . . , of proof of . . . [.] (1) full immunization, (2) the initiation of and compliance with a schedule of immunization, as required by rules of the state board of health, or (3) a certificate of exemption as provided for in RCW ((~~28A.31.106~~) 28A.210.090. [See WAC 180-38-040]"

The statutory scheme requires exclusion from school prior to a termination hearing on the implied basis that such students are an immediate and continuing danger to themselves or others—i.e., the constitutional basis for an emergency expulsion from public schools and the exemption from providing a pretermination due process hearing.

AMENDATORY SECTION (Amending Order 20-85, filed 9/25/85)

WAC 180-38-050 NOTICE PRIOR TO EXCLUSIONS FROM SCHOOL. It is the public policy of this state, as codified in RCW ((~~28A.31.114~~) 28A.210.120, that "each school . . . shall provide written notice to the parent(s) or legal guardian(s) of each . . . [student] or to the adult(s) in loco parentis to each . . . [student] who is not in compliance with . . . [the public policy stated in WAC 180-38-045]," prior to the exclusion of such student.

AMENDATORY SECTION (Amending Order 5-83, filed 6/2/83)

WAC 180-39-005 AUTHORITY AND PURPOSE. This chapter is adopted pursuant to authority vested in the state board of education by RCW ((~~28A.58.190~~) 28A.225.160 which authorizes the state board of education to establish uniform entry qualifications.

AMENDATORY SECTION (Amending Order 5-83, filed 6/2/83)

WAC 180-39-020 KINDERGARTEN EXPERIENCE QUALIFICATION FOR FIRST GRADE. Any child not otherwise eligible for entry to first grade who successfully has completed a kindergarten program in a public or private school shall be permitted entry to the school program: PROVIDED, That the kindergarten program standards substantially equaled or exceeded the applicable basic education program requirements of RCW ((~~28A.58.754~~) 28A.150.220 and

WAC 180-16-200 through 180-16-220, each as now or hereafter amended: PROVIDED FURTHER, That if the district of entry has reason to believe that an individual child so qualified may not succeed in the district's first grade program, the district shall have the option of placing the child in either kindergarten or the first grade for evaluation in the areas specified in WAC 180-39-025 and a final determination of the child's appropriate grade level placement no later than the thirtieth calendar day following the child's first day of attendance.

AMENDATORY SECTION (Amending Order 4-82, filed 10/1/82)

WAC 180-40-200 PURPOSE AND APPLICATION. The purpose of this chapter is to implement RCW ((~~28A.04.132~~) 28A.305.160 by prescribing the substantive and procedural due process rights of students served by any program or activity conducted by or in behalf of a common school district: PROVIDED, That the enforcement of rules promulgated by the Washington interscholastic activity association and like organizations that govern the participation of students in interschool activities, and appeals in connection therewith, shall be governed by rules of the organization that have been adopted pursuant to RCW ((~~28A.58.125~~) 28A.600.200 and approved by the state board of education—not by this chapter. The procedures and standards set forth in this chapter and those adopted by a school district in conformance with this chapter shall govern the imposition of corrective action or punishment (i.e., discipline, suspension, and expulsion) upon any student by a school district and its agents.

The provisions of this chapter are intended to establish the minimum procedural and substantive due process rights of students. School districts are free to establish additional due process requirements and limitations and shall do so as necessary to accommodate the constitutional rights of students as now or hereafter established.

For rules regarding student conduct which supplement this chapter see chapter 392-145 WAC governing the operation of school buses, particularly WAC 392-145-015(4) regarding the responsibility of bus drivers and certificated staff members who accompany students for the behavior of students, and WAC 392-145-035 regarding the duty to adopt and post rules, including rules of conduct, governing school bus passengers.

AMENDATORY SECTION (Amending Order 6-77, filed 6/2/77, effective 8/1/77)

WAC 180-40-210 STUDENT RESPONSIBILITIES AND DUTIES. The mission of the common school system is to provide learning experience which will assist all students to develop skills, competencies, and attitudes that are fundamental to an individual's achievement as a responsible, contributing citizen. In order to maintain and advance this mission, it shall be the responsibility and duty of each student to pursue his/her course of studies, comply with written rules of a common school district which are adopted pursuant to and in compliance with WAC 180-40-225 and RCW ((~~28A.58.101~~) 28A.600.010, and submit to reasonable corrective action or punishment imposed by a school district and its agents for violation(s) of such rules. The provisions of this chapter do not lessen the foregoing responsibilities and duties of each student. This chapter is intended to assure that corrective action or punishment is imposed for just cause and in a fair and just manner.

AMENDATORY SECTION (Amending Order 11-80, filed 8/4/80)

WAC 180-40-225 SCHOOL DISTRICT RULES DEFINING MISCONDUCT—DISTRIBUTION OF RULES. (1) It shall be the responsibility and duty of each school district to adopt, publish, and make available to all students and parents written rules which state with reasonable clarity the types of misconduct for which discipline, suspension, and expulsion may be imposed. In addition, written procedures for administering corrective action shall be developed and reviewed periodically as follows:

(a) Each school district shall provide for the development with parent and community participation of written procedures for administering corrective action at each school as required by RCW ((~~28A.58.101~~) 28A.600.020(3).

(b) In a manner consistent with the district procedures developed pursuant to (a) above, the principal and certificated employees in each school building shall confer at least annually for the purpose of developing, or reviewing, or both, building discipline standards and the uniform enforcement of those standards, as required by RCW ((~~28A.58.201~~) 28A.400.110.

(2) Rules that establish types of misconduct pursuant to this section must have a real and substantial relationship to the lawful maintenance and operation of the school district including, but not limited to, the preservation of the health and safety of students and employees and the preservation of an educational process which is conducive to learning.

(3) The rules set forth in this chapter, the rules of a school district that establish types of misconduct pursuant to subsection (1) above, and the written procedures of a district for administering corrective action adopted pursuant to subsection (1)(a) above, shall be published and made available to all students and parents on an annual basis. If a school district chooses not to distribute such rules to all students and parents, then notice which describes the contents of such rules and specifies the person(s) to contact for a copy thereof shall be provided to students and parents on an annual basis in a manner reasonably calculated to come to their attention.

AMENDATORY SECTION (Amending Order 14-85, filed 6/5/85)

WAC 180-40-245 SHORT-TERM SUSPENSION—CONDITIONS AND LIMITATIONS. A short-term suspension may be imposed upon a student for violation of school district rules adopted pursuant to WAC 180-40-225, subject to the following limitations or conditions, the prior informal conference procedures set forth in WAC 180-40-250, and the grievance procedures set forth in WAC 180-40-255:

(1) The nature and circumstances of the violation must be considered and must reasonably warrant a short-term suspension and the length of the suspension imposed. This requirement does not preclude school districts (that is, the boards of directors of school districts) from establishing the nature and extent of the corrective actions and/or punishments which, as a general rule, must be imposed as a consequence of proscribed misconduct. Such advance notice to students is advisable, and the imposition of such preestablished corrective action and/or punishment is permissible as long as (a) disciplinarians and hearing officers are allowed to grant exceptions in cases involving extenuating and/or exceptional circumstances, and (b) short-term suspension is not established as the corrective action or punishment for a student's first time offense other than for offenses involving exceptional misconduct as defined in subsection (2) of this section.

(2) As a general rule, no student shall be suspended for a short term unless another form of corrective action or punishment reasonably calculated to modify his or her conduct has previously been imposed upon the student as a consequence of misconduct of the same nature. A school district may, however, elect to adopt rules providing for the immediate resort to short-term suspension in cases involving exceptional misconduct as long as disciplinarians and hearing officers may grant exceptions in cases involving extenuating and/or exceptional circumstances, notwithstanding the fact prior alternative corrective action or punishment has not been imposed upon the student(s) involved. For the purpose of this rule, "exceptional misconduct" means misconduct other than absenteeism which a school district has judged following consultation with an ad hoc citizens committee to (a) be of such frequent occurrence, notwithstanding past attempts of district personnel to control such misconduct through the use of other forms of corrective action and/or punishment, as to warrant an immediate resort to short-term suspension, and/or (b) be so serious in nature and/or so serious in terms of the disruptive effect upon the operation of the school(s) as to warrant an immediate resort to short-term suspension (for example, misconduct judged by a school district to be the same or of the same nature as a violation of the state's drug or controlled substances laws). The ad hoc citizens committee required by this section shall be composed of three or more persons chosen by the school district or the administrative designee(s) of the district, and shall be constituted with the intent and purpose of representing various socio economic, minority and majority populations of the school district to the extent deemed practical.

(3) No student subject to compulsory attendance pursuant to chapter ((28A-27)) 28A.225 RCW, as now or hereafter amended, shall be suspended by reason, in whole or part, of one or more unexcused absences unless the school district has first imposed an alternative corrective action or punishment reasonably calculated to modify his or her conduct and, in addition:

(a) Provided notice to the student's parent(s) or guardian(s) or custodial parent(s) in writing in English or, if different, the primary language of the parent(s), guardian(s) or custodial parent(s) that the student has failed to attend school without valid justification, and by other means reasonably necessary to achieve notice of such fact;

(b) Scheduled a conference or conferences with the parent(s) or guardian(s) or custodial parent(s) and the student at a time and place reasonably convenient to all persons included to analyze the causes for the student's absence, the analysis to determine by appropriate means whether the student should be made a focus of concern for placement in a special education or other special program designed for his/her educational success; and

(c) Taken steps to reduce the student's absence which include, where appropriate in the judgment of local school officials and where possible, discussed with the student, parent(s), guardian(s) or custodial parent(s), adjustments of the student's school program or school or course assignment or assisting the student or parent to obtain supplementary services that might ameliorate the cause(s) for the student's absence from school.

(4) Kindergarten through grade four—No student in grades kindergarten through four shall be subject to short-term suspensions for more than a total of five school days during any single semester or trimester as the case may be, and no loss of academic grades or credit shall be imposed by reason of the suspension of such a student.

(5) Grade five and above program—No student in the grade five and above program shall be subjected to short-term suspensions for more than a total of fifteen school days during any single semester or ten school days during any single trimester, as the case may be.

(6) Any student subject to a short-term suspension shall be provided the opportunity upon his or her return to make up assignments and tests missed by reason of the short-term suspension if:

(a) Such assignments or tests have a substantial effect upon the student's semester or trimester grade or grades, or

(b) Failure to complete such assignments or tests would preclude the student from receiving credit for the course or courses.

(7) Any student who has been suspended shall be allowed to make application for readmission at any time. Each school district board of directors shall adopt written rules which provide for such an application for readmission and set forth the procedures to be followed.

AMENDATORY SECTION (Amending Order 14-85, filed 6/5/85)

WAC 180-40-260 LONG-TERM SUSPENSION—CONDITIONS AND LIMITATIONS. A long-term suspension may be imposed upon a student for violation of school district rules adopted pursuant to WAC 180-40-225, subject to the following limitations or conditions and the notice requirements set forth in WAC 180-40-265 and the hearing requirements set forth in WAC 180-40-270:

(1) The nature and circumstances of the violation must be considered and must reasonably warrant a long-term suspension and the length of the suspension imposed. This requirement does not preclude school districts (that is, the boards of directors of school districts) from establishing the nature and extent of the corrective actions and/or punishments which, as a general rule, must be imposed as a consequence of proscribed misconduct. Such advance notice to students is advisable, and the imposition of such preestablished corrective action and/or punishment is permissible as long as (a) disciplinarians and hearing officers are allowed to grant exceptions in cases involving extenuating and/or exceptional circumstances, and (b) long-term suspension is not established as the corrective action or punishment for a student's first time offense other than for offenses involving exceptional misconduct as defined in subsection (2) of this section.

(2) As a general rule, no student shall be suspended for a long term unless another form of corrective action or punishment reasonably calculated to modify his or her conduct has previously been imposed upon the student as a consequence of misconduct of the same nature. A school district may, however, elect to adopt rules providing for the immediate resort to long-term suspension in cases involving exceptional misconduct as long as disciplinarians and hearing officers are allowed to grant exceptions in cases involving extenuating and/or exceptional circumstances, notwithstanding the fact prior alternative corrective action or punishment has not been imposed upon the student(s) involved. For the purpose of this rule, "exceptional misconduct" means misconduct other than absenteeism which a school district has judged following consultation with an ad hoc citizens committee to (a) be of such frequent occurrence, notwithstanding past attempts of district personnel to control such misconduct through the use of other forms of corrective action and/or punishment, as to warrant an immediate resort to long-term suspension, and/or (b) be so serious in nature and/or so serious in terms of the disruptive effect upon the operation of the school(s) as to warrant an immediate resort to long-term suspension (for example, misconduct judged by a school district to be the same or

of the same nature as a violation of the state's drug or controlled substances laws). The ad hoc citizens committee required by this section shall be composed of three or more persons chosen by the school district or the administrative designee(s) of the district, and shall be constituted with the intent and purpose of representing various socio economic, minority and majority populations of the school district to the extent deemed practical.

(3) No student subject to compulsory attendance pursuant to chapter ((28A-27)) 28A.225 RCW, as now or hereafter amended, shall be suspended by reason, in whole or part, of one or more unexcused absences unless the school district has first imposed an alternative corrective action or punishment reasonably calculated to modify his or her conduct and, in addition:

(a) Provided notice to the student's parent(s) or guardian(s) or custodial parent(s) in writing in English or, if different, the primary language of the parent(s), guardian(s) or custodial parent(s) that the student has failed to attend school without valid justification, and by other means reasonably necessary to achieve notice of such fact;

(b) Scheduled a conference or conferences with the parent(s) or guardian(s) or custodial parent(s) and the student at a time and place reasonably convenient to all persons included to analyze the causes for the student's absence, the analysis to determine by appropriate means whether the student should be made a focus of concern for placement in a special education or other special program designed for his/her educational success; and

(c) Taken steps to reduce the student's absence which include, where appropriate in the judgment of local school officials and, where possible, discussed with the student, parent(s), guardian(s) or custodial parent(s), adjustments of the student's school program or school or course assignment or assisting the student or parent to obtain supplementary services that might ameliorate the cause(s) for the student's absence from school.

(4) Kindergarten through grade four—No student in grades kindergarten through four shall be subject to short-term and long-term suspensions for more than a total of ten school days during any single semester or trimester, as the case may be, and no loss of academic grades or credit shall be imposed by reason of the suspension of such a student.

(5) Grade five and above program—No single long-term suspension shall be imposed upon a student in the grade five and above program in a manner which causes the student to lose academic grades or credit for in excess of one semester or trimester, as the case may be, during the same school year.

(6) Any student who has been suspended shall be allowed to make application for readmission at any time. Each school district board of directors shall adopt written rules which provide for such an application for readmission and set forth the procedures to be followed.

(7) All long-term suspensions and the reasons therefor shall be reported in writing to the superintendent of the school district or his or her designee within twenty-four hours after the imposition of the suspension.

AMENDATORY SECTION (Amending Order 14-79, filed 10/16/79)

WAC 180-40-275 EXPULSION—CONDITIONS AND LIMITATIONS. A student may be expelled for violation of school district rules adopted pursuant to WAC 180-40-225, subject to the following limitations or conditions, the notice requirements set forth in WAC 180-40-280, and the hearing requirements set forth in WAC 180-40-285:

(1) The nature and circumstances of the violation must reasonably warrant the harshness of expulsion.

(2) No student shall be expelled unless other forms of corrective action or punishment reasonably calculated to modify his or her conduct have failed or unless there is good reason to believe that other forms of corrective action or punishment would fail if employed.

(3) In addition to the alternative corrective action requirement of subsection (2) of this section, no student subject to compulsory attendance pursuant to chapter ((28A-27)) 28A.225 RCW, as now or hereafter amended, shall be expelled by reason, in whole or part, of one or more unexcused absences unless the school district has also first:

(a) Provided notice to the student's parent(s) or guardian(s) or custodial parent(s) in writing in English or, if different, the primary language of the parent(s), guardian(s) or custodial parent(s) that the student has failed to attend school without valid justification, and by other means reasonably necessary to achieve notice of such fact;

(b) Scheduled a conference or conferences with the parent(s) or guardian(s) or custodial parent(s) and the student at a time and place reasonably convenient to all persons included to analyze the causes for the student's absence, the analysis to determine by appropriate means whether the student should be made a focus of concern for placement in a special education or other special program designed for his/her educational success; and

(c) Taken steps to reduce the student's absence which include, where appropriate in the judgment of local school officials and, where possible, discussed with the student, parent(s), guardian(s) or custodial parent(s), adjustments of the student's school program or school or course assignment or assisting the student or parent to obtain supplementary services that might ameliorate the cause(s) for the student's absence from school.

(4) Once a student has been expelled in compliance with this chapter the expulsion shall be brought to the attention of appropriate local and state authorities including, but not limited to, juvenile authorities acting pursuant to chapter 13.04 RCW in order that such authorities may address the student's educational needs.

(5) Any student who has been expelled shall be allowed to make application for readmission at any time. Each school district board of directors shall adopt written rules which provide for such an application for readmission and set forth the procedures to be followed.

(6) All expulsions and the reasons therefor shall be reported in writing to the superintendent of the school district or his or her designee within twenty-four hours after the imposition of the expulsion.

AMENDATORY SECTION (Amending Order 10-70, filed 10/22/70)

WAC 180-41-010 EVACUATION OF BUILDINGS IN SUDDEN EMERGENCY—REGULATORY PROVISIONS RELATING TO RCW ((28A-04-120)) 28A.305.130(11). Pursuant to RCW ((28A-04-120)) 28A.305.130(11), all pupils in the public and private schools of the state carrying out a kindergarten through twelve program, or any part thereof, shall receive instruction so that in case of sudden emergency they shall be able to leave their particular building in the shortest possible time, or take such other steps as the particular emergency demands, and without confusion or panic. Instruction of pupils, training of school personnel and preparatory measures with respect to the building and equipment shall include but not be limited to the provisions hereinafter in WAC 180-41-015 through 180-41-040 set forth.

AMENDATORY SECTION (Amending Order 2-80, filed 2/5/80)

WAC 180-43-005 PURPOSE AND APPLICATION. The purpose of this chapter is to establish rules and regulations which implement RCW ((28A-58-125)) 28A.600.200 (1) and (3).

AMENDATORY SECTION (Amending Order 2-80, filed 2/5/80)

WAC 180-43-010 ANNUAL REPORT. The Washington interscholastic activities association and any other voluntary nonprofit entities which have been delegated powers by a school district pursuant to RCW ((28A-58-125)) 28A.600.200, shall submit an annual report to the state board of education of student appeal determinations, assets, and financial receipts and disbursements.

(1) The annual report shall be delivered to the secretary of the board not later than November 1 of each calendar year.

(2) The annual report shall include the standard financial statement for the preceding fiscal year of the association or entity, prepared in accordance with generally accepted accounting principles. The financial statements shall include adequate information to inform the state board of education of the activities of the interscholastic activities association during the year reported upon. At a minimum, the certified financial statements as prepared by a certified public accountant or licensed public accountant shall list all assets and liabilities in a statement of financial position; a statement of cash receipts and disbursements; and other exhibits detailing salary expenses, office expenses, state tournament finances, and the basis for distributing profits to the school districts.

(3) The annual report shall include a section summarizing student eligibility appeal cases by local interscholastic activities association districts for the preceding school year (September 1 through August 31). Details of the summary shall include student's first name and surname initial, school, the rule and factual issue involved, interscholastic

activities association district disposition and date, and if ruled ineligible at the district level, interscholastic activities association executive board disposition and date.

AMENDATORY SECTION (Amending Order 2-80, filed 2/5/80)

WAC 180-43-015 **RULES AND POLICIES.** All rules and policies applied by the Washington interscholastic activities association and any other voluntary nonprofit entities which have been delegated powers by a school district pursuant to RCW ((~~28A.58.125~~)) 28A.600.200 and which govern student participation in any interschool activity, shall be written and subject to the annual review and approval of the state board of education.

No such rule or policy shall be valid and enforceable during any school year unless first approved by the state board for that particular school year. All such rules shall be submitted annually by the association and other nonprofit entities to the state board office on or before March 1 for initial review at the board's March meeting and, if subsequently revised, again on or before May 1 for final action by the board at its May meeting. The state board may modify the foregoing schedule of submissions and actions in its discretion at the request of the association or other nonprofit entity.

AMENDATORY SECTION (Amending Order 7-77, filed 6/1/77)

WAC 180-44-005 **REGULATORY PROVISIONS RELATING TO RCW** ((~~28A.04.120~~)) 28A.305.130(6) AND ((~~28A.58.101~~)) 28A.600.010. Pursuant to authority vested in the state board of education under provisions of RCW ((~~28A.04.120~~)) 28A.305.130(6) and ((~~28A.58.101~~)) 28A.600.010 to prescribe rules and regulations for the government of the common schools, pupils and teachers, the state board of education hereby adopts rules and regulations provided in WAC 180-44-007 through 180-44-060 relating to teachers.

AMENDATORY SECTION (Amending Order 1-76, filed 2/3/76)

WAC 180-46-005 **PURPOSE.** The purpose of this chapter is to implement RCW ((~~28A.04.134~~)) 28A.305.180, through the adoption of rules and regulations establishing minimum standards for integrating school district library and media services into learning resources centers.

AMENDATORY SECTION (Amending Order 12-84, filed 10/4/84)

WAC 180-50-100 **AUTHORITY.** The general authority for this chapter is RCW ((~~28A.04.120~~)) 28A.305.130(6) which authorizes the state board of education to prepare an outline of study for the common schools and RCW ((~~28A.04.120~~)) 28A.305.130(8) which authorizes the state board of education to adopt rules and regulations to meet the educational needs of students. Where applicable, specific statutory authority is cited within sections of this chapter.

AMENDATORY SECTION (Amending Order 12-84, filed 10/4/84)

WAC 180-50-105 **PURPOSES.** The purposes of this chapter are to:

- (1) Implement RCW ((~~28A.04.120~~)) 28A.305.130 (6) and (8) by prescribing state requirements for a course of study in the common schools;
- (2) Implement courses of study specifically required by statutes;
- (3) Establish procedural and substantive requirements for the granting of credit for equivalent courses of study which may be in conjunction with or as a substitution for courses of study in common schools.

AMENDATORY SECTION (Amending Order 12-84, filed 10/4/84)

WAC 180-50-115 **MANDATORY AREAS OF STUDY IN THE COMMON SCHOOL.** (1) Pursuant to RCW ((~~28A.05.010~~)) 28A.230.020 all school districts shall provide instruction in reading, penmanship, spelling, mathematics, geography, English grammar, physiology, hygiene, and history of the United States.

(2) Pursuant to RCW ((~~28A.05.015~~)) 28A.230.030, unless instruction in a language other than English will aid the educational advancement of the student, all students shall be taught in English.

(3) Pursuant to RCW ((~~28A.05.070~~)) 28A.230.130, after July 1, 1986, each school district offering a high school program shall provide a course of study which includes the preparation for uniform college and university entrance requirements as published by the council of postsecondary education.

(4) In addition to the requirements in the above subsections, each such school district shall offer all required courses for a high school diploma as provided in chapter 180-51 WAC and shall provide an opportunity for high school students to take at least one course in the following areas of study:

- (a) Art;
- (b) Career education;
- (c) Computer education;
- (d) Consumer education;
- (e) Economics;
- (f) Environmental education;
- (g) Foreign language;
- (h) Health education;
- (i) Home and family life;
- (j) Music;

(k) Remedial education, including at least, remedial education in reading, language arts, and mathematics.

(5) Districts shall make available to all high school students enrolled therein the areas of study enumerated above either within the district or by alternative means which shall include equivalent education programs set forth in this chapter, interdistrict cooperative programs as permitted by RCW ((~~28A.58.240~~)) 28A.225.220, and/or the full-time or part-time release of such students to attend nonresident districts pursuant to chapter 392-137 WAC.

AMENDATORY SECTION (Amending Order 13-85, filed 6/3/85)

WAC 180-50-120 **WASHINGTON STATE HISTORY AND GOVERNMENT REQUIREMENTS.** (1) Grades 1-6. A one semester course—i.e., 90 (50 minute) hours of instruction—or its equivalent in Washington state history and government shall be required in the common schools in grades one through six.

(2) Grades 7-12. A one semester course—i.e., 90 (50 minute) hours of instruction—or its equivalent in Washington state history and government shall be required in the common schools in grades seven through twelve. Such course shall include a study of the Washington state Constitution. Pursuant to RCW ((~~28A.02.080, 28A.05.050, and 28A.05.060~~)) 28A.230.170, 28A.230.060, and 28A.230.090 this course also shall be required for high school graduation unless waived pursuant to WAC 180-51-075.

AMENDATORY SECTION (Amending Order 12-84, filed 10/4/84)

WAC 180-50-125 **UNITED STATES HISTORY—HIGH SCHOOL REQUIREMENT.** A one year course—i.e., 180 (50 minute) hours of instruction—or its equivalent in United States history shall be required in the common schools in the high school (grades 9-12) program. Such course shall include a study of the United States Constitution. Pursuant to RCW ((~~28A.02.080, 28A.05.050, and 28A.05.060~~)) 28A.230.170, 28A.230.060, and 28A.230.090 this course also shall be required for high school graduation.

AMENDATORY SECTION (Amending Order 12-84, filed 10/4/84)

WAC 180-50-130 **SOCIAL STUDIES COURSE—HIGH SCHOOL REQUIREMENT.** A one year course—i.e., 180 (50 minute) hours of instruction—or its equivalent in contemporary world history, geography and problems and/or specific course in economics, sociology, civics, political science, international relations, or related social studies with emphasis on current problems shall be required in the common schools in the high school (grades 9-12). Pursuant to RCW ((~~28A.05.060~~)) 28A.230.090 this course also shall be required for high school graduation.

AMENDATORY SECTION (Amending Order 19-85, filed 9/24/85)

WAC 180-50-135 **PHYSICAL EDUCATION—GRADE SCHOOL AND HIGH SCHOOL REQUIREMENT.** (1) Grades 1-8. An average of at least twenty instructional minutes per day per year in physical education shall be required of all pupils in the common schools in the grade school (grades 1-8) program unless waived pursuant to RCW ((~~28A.05.030~~)) 28A.230.040.

(2) Grades 9-12. A one year course—i.e., 180 (50 minute) hours of instruction—or its equivalent shall be offered in physical education for each grade (grades 9-12) in the high school program. Pursuant to RCW ((~~28A.05.040 and 28A.05.060~~)) 28A.230.050 and 28A.230.090, two credits in physical education also shall be required for high school graduation unless waived pursuant to RCW ((~~28A.05.040~~)) 28A.230.050.

AMENDATORY SECTION (Amending Order 11-86, filed 9/29/86)

WAC 180-51-005 AUTHORITY. The authority for this chapter is RCW ((~~28A-05-062~~) 28A.230.100) which authorizes the state board of education to establish high school graduation requirements or equivalencies for students who commence the ninth grade subsequent to July 1, 1985.

AMENDATORY SECTION (Amending Order 12-85, filed 6/5/85)

WAC 180-51-075 SOCIAL STUDIES REQUIREMENT—MANDATORY COURSES—EQUIVALENCIES. The social studies requirement in WAC 180-51-060 shall consist of the following mandatory courses or equivalencies:

(1) Pursuant to the provisions of RCW ((~~28A-02-080, 28A-05-050, and 28A-05-060~~) 28A.230.170, 28A.230.060, and 28A.230.090), one credit shall be required in United States history and government which shall include study of the Constitution of the United States. No other course content may be substituted as an equivalency for this requirement;

(2) Pursuant to the provisions of RCW ((~~28A-02-080, 28A-05-050, and 28A-05-060~~) 28A.230.170, 28A.230.060, and 28A.230.090), one-half credit shall be required in Washington state history and government which shall include study of the Constitution of the state of Washington. The provisions of WAC 180-51-030 notwithstanding, the Washington state history and government course requirement may be fulfilled by students in grades seven or eight or both. Credits earned in grades seven or eight shall not be applied toward the minimum number of credits required for high school graduation. For students who transfer from without the state, northwest history and government may serve as an equivalent course for Washington state history and government in grades seven through twelve if such course included the study of the Constitution of the state of Washington pursuant to RCW ((~~28A-02-080~~) 28A.230.170) or if this statutory requirement is fulfilled through an alternative learning experience. The Washington state history and government requirement for twelfth grade students who transfer from without the state who have or will have earned two credits in social studies at graduation but who will not be able to make normal progress toward graduation with their class without an exception may have this requirement waived by their principal;

(3) Pursuant to the provision of chapter ((~~28A-05~~) 28A.230) RCW, one credit shall be required in contemporary world history, geography, and problems. Courses in economics, sociology, civics, political science, international relations, or related courses with emphasis on current problems may be accepted as equivalencies.

AMENDATORY SECTION (Amending Order 12-85, filed 6/5/85)

WAC 180-51-080 OCCUPATIONAL EDUCATION REQUIREMENT. The one credit occupational education requirement may be met by any approved vocational education course or any course which qualifies as a work skill pursuant to RCW ((~~28A-58-754~~) 28A.150.220) (1)(b).

AMENDATORY SECTION (Amending Order 12-85, filed 6/5/85)

WAC 180-51-085 PHYSICAL EDUCATION REQUIREMENT—EXCUSE. The two credit physical education requirement shall be met by physical education courses. The content of courses shall be determined locally pursuant to WAC 180-51-025. Students shall be excused from physical education pursuant to RCW ((~~28A-05-040~~) 28A.230.050). Such excused students shall be required to substitute equivalency credits in accordance with policies of boards of directors of districts.

AMENDATORY SECTION (Amending Order 12-85, filed 6/5/85)

WAC 180-51-100 TEMPORARY EXEMPTION FROM 1985 COURSE AND CREDIT REQUIREMENTS. The board of directors of any school district may petition the state board of education for temporary exemption from the course requirements specified in RCW ((~~28A-05-060~~) 28A.230.090):

(1) A delay of one year may be granted if such board states within its petition that the high school affected has fewer than four hundred students and does not have within its staff certified persons qualified to teach the additional courses required by the 1985 graduation requirements;

(2) A delay of one year may be granted if such board states within its petition that the implementation of the 1985 requirements would be

disruptive to the scheduling of classes and the assignment of teachers due to a reorganization of the district's grade configuration from a grade ten through twelve high school program to a grade nine through twelve program;

(3) The state board of education may grant annual exemptions to the definition of an annualized high school credit upon the request of a public or approved private school which offers evidence that delineates content, time, or competency assessments which are substantially equivalent to the definition stated in WAC 180-51-050.

AMENDATORY SECTION (Amending Order 7-84, filed 5/17/84)

WAC 180-51-105 EXCEPTIONS TO GRADUATION REQUIREMENTS FOR FORMER EDUCATIONAL CLINIC STUDENTS. Pursuant to the provisions of RCW ((~~28A-97-030~~) 28A.205.030) and chapter 392-184 WAC, the provisions of this chapter are modified in order to provide for the exemptions required by RCW ((~~28A-97-030~~) 28A.205.030) for former educational clinic students.

AMENDATORY SECTION (Amending Order 7-84, filed 5/17/84)

WAC 180-51-115 PROCEDURES FOR GRANTING HIGH SCHOOL GRADUATION CREDITS FOR STUDENTS WITH SPECIAL EDUCATIONAL NEEDS. No student shall be denied the opportunity to earn a high school diploma solely because of limitations on the student's ability. The board of directors of districts granting high school diplomas shall develop rules, including procedures, for meeting the unique limitations of each student. Such procedures may provide for:

(1) The extension of time the student remains in school up to and including the school year in which such student reaches twenty-one years of age;

(2) A special education program in accordance with chapter ((~~28A-113~~) 28A.155) RCW if the student is eligible; and

(3) Special accommodations for individual students, or in lieu thereof, exemption from any requirement in this chapter, if such requirement impedes the student's progress toward graduation and there is a direct relationship between the failure to meet the requirement and the student's limitation.

AMENDATORY SECTION (Amending Order 7-83, filed 8/1/83)

WAC 180-52-015 PUPIL TESTS AND RECORDS—AUTHORITY. Pursuant to authority under provisions of RCW ((~~28A-04-120~~) 28A.305.130), the state board of education, hereby prescribes the rules and regulations relating to pupil tests and records hereinafter in WAC 180-52-020, 180-52-025, 180-52-030 and 180-52-035 set forth.

AMENDATORY SECTION (Amending Order 12-86, filed 9/29/86)

WAC 180-53-005 AUTHORITY. The authority for this chapter is RCW ((~~28A-58-085~~) 28A.320.200), which authorizes the state board of education to develop rules and regulations governing procedural criteria for a self-study process of educational quality for all public schools within each district.

AMENDATORY SECTION (Amending Order 2-85, filed 3/26/81)

WAC 180-55-005 STATUTORY AUTHORITY. Pursuant to provision of RCW ((~~28A-04-120~~) 28A.305.130(4)), the state board of education hereby establishes standards and procedures for accreditation of all schools as hereinafter set forth.

AMENDATORY SECTION (Amending Order 8-84, filed 5/17/84)

WAC 180-55-015 DEFINITIONS. (1) An accredited school is a public or an approved private school that meets all statutory provisions for schools in the state of Washington and all regulations established by the state board of education, and one that has completed either self-study or standards-only accreditation procedures described by the state superintendent of public instruction pursuant to RCW ((~~28A-04-120~~) 28A.305.130(4)) and WAC 180-55-005 through 180-55-135.

(2) "Accredited" status shall be assigned to public or approved private schools that:

(a) Complete and meet fully the requirements for self-study accreditation procedures as described in WAC 180-55-040 through 180-55-065, or;

(b) Complete and meet substantially the requirements for standards-only accreditation procedures as described in WAC 180-55-070 through 180-55-135; or

(c) Participate and qualify in accordance with standards and procedures established by the Northwest Association of Schools and Colleges (NWASC).

(3) "Self-study" shall mean an approved comprehensive set of needs-assessment and program improvement plan procedures as described in WAC 180-55-040 through 180-55-065.

(4) "Standards-only" shall mean an appraisal whereby requirements established by the state board of education are applied to an individual school as described in WAC 180-55-070 through 180-55-135.

(5) "Plan for program improvement" shall mean a formal document produced as a result of the self-study procedure for implementation at an accredited school.

(6) "Validation" shall mean an objective, external review of self-study or standards-only activities for the purposes of establishing their correctness, accuracy and thoroughness, and in the case of self-study accreditation procedures, an objective, external review of the plan for program improvement in terms of its feasibility of operation, as described in WAC 180-55-035.

(7) "Northwest Association of Schools and Colleges alternative" shall mean the secondary and vocational-technical institute school accreditation activities provided through school membership in the NWASC and shall be accepted by the state board of education in lieu of state board accreditation procedures as described in WAC 180-55-025 through 180-55-135.

(8) "Approved private school" shall mean a school approved by the state board of education pursuant to chapter 180-90 WAC.

(9) "Vocational-technical institute" shall mean a specialized area nongraded vocational education facility established and operated for the purpose of offering comprehensive courses primarily oriented to the job market area for persons sixteen years of age or older without regard to residence, pursuant to laws and rules and regulations pertaining to the maintenance, operation, and funding of vocational-technical institutes. In applying the provisions of this chapter the terms "school" and "principal" shall mean a vocational-technical institute and director of such institute, respectively.

AMENDATORY SECTION (Amending Order 6-76, filed 6/1/76)

WAC 180-56-205 NEW SECONDARY PROGRAM OR NEW GRADES NINE THROUGH TWELVE—REGULATORY PROVISIONS PURSUANT TO RCW ((28A-04-120)) 28A.305.130(5). Pursuant to provisions of RCW ((28A-04-120)) 28A.305.130(5), the state board of education hereby establishes rules and regulations as hereinafter set forth in WAC 180-56-210 through 180-56-270 to govern the establishment in any existing nonhigh school district of any secondary program or any new grades in grades nine through twelve.

AMENDATORY SECTION (Amending Order 6-76, filed 6/1/76)

WAC 180-56-260 NEW SECONDARY PROGRAM OR NEW GRADES NINE THROUGH TWELVE—SCHOOL DISTRICT ORGANIZATION. The proposal for establishment of a new secondary school must be consistent with sound, comprehensive planning for secondary school facilities and services and shall be in agreement with provisions of chapter ((28A-57)) 28A.315 RCW and any subsequent statutory provisions or policies established by the state board of education pertaining thereto.

AMENDATORY SECTION (Amending Order 18-84, filed 12/10/84)

WAC 180-57-005 AUTHORITY. The authority for this chapter is RCW ((28A-04-155)) 28A.305.220 which authorizes the state board of education to develop a standardized high school transcript and to establish definitions for credits and hours for use by all common school districts.

AMENDATORY SECTION (Amending Order 18-84, filed 12/10/84)

WAC 180-57-100 TRANSCRIPT RELEASE PROCEDURES. All common school districts shall adopt written procedures for the release of official student transcripts. Such procedures shall recognize the limited exception to the release of transcripts provided in RCW ((28A-87-120)) 28A.635.060 and shall provide that student transcripts are released to persons other than the student or the student's parents

or guardians only upon the written authorization of the student or the student's parents or guardians, whichever is applicable, or as set forth in the Family Educational Rights and Privacy Act of 1974 and subsequent amendments. Except as provided in RCW ((28A-87-120)) 28A.635.060, all common school districts shall provide or make available to students upon request complete copies of their high school transcripts, with graduation noted thereon, within forty-five calendar days following the student's graduation from high school.

AMENDATORY SECTION (Amending Order 10-71, filed 12/13/71)

WAC 180-58-015 GENERAL STATEMENT OF PURPOSE. The basic purpose of section 1, chapter 285, Laws of 1971 ex. sess., authorizing the state board of education to offer vocational education programs in the elementary and secondary schools and to adopt rules and regulations for programs authorized by RCW ((28A-58-245)) 28A.225.250 and 28B.50.770 is to unify the vocational education delivery system in this state in order to provide the optimum educational opportunities to children and adults, to eliminate duplication of effort and expenditures, and to serve the population and the economy of the state most effectively.

AMENDATORY SECTION (Amending Order 10-71, filed 12/13/71)

WAC 180-58-075 INTERDISTRICT COOPERATION VOCATIONAL EDUCATION PROGRAMS—OPERATIONAL REQUISITES. Those rules and regulations as promulgated and set forth by the superintendent of public instruction in chapter 192-15 WAC pursuant to authority under RCW ((28A-58-245)) 28A.225.250 shall control for purposes of this chapter.

AMENDATORY SECTION (Amending Order 9-89, filed 4/17/89)

WAC 180-59-005 AUTHORITY. The authority for this chapter is RCW ((28A-34-120)) 28A.215.320 which directs the state board of education to establish standards and procedures for voluntary accreditation of all public and nonpublic preschools.

AMENDATORY SECTION (Amending Order 9-89, filed 4/17/89)

WAC 180-59-035 PUBLIC SCHOOLS—DEFINITION. As used in this chapter, the term "public schools" shall mean those schools maintained at public expense as defined in RCW ((28A-01-055 and 28A-01-060)) 28A.150.010 and 28A.150.020.

AMENDATORY SECTION (Amending Order 9-89, filed 4/17/89)

WAC 180-59-145 APPEALS. Pursuant to RCW ((28A-34-120)) 28A.215.320 any preschool may appeal the actions of the superintendent of public instruction or state board of education as provided in chapter ((34-04)) 34.05 RCW and chapter 180-08 WAC.

AMENDATORY SECTION (Amending Order 14-84, filed 10/4/84)

WAC 180-72-045 AUTHORITY—REGULATORY PROVISIONS RECOGNIZE INTENT OF SPECIFIC ACTS. The policies, rules and regulations hereinafter in WAC 180-72-050 through 180-72-075 set forth recognize the intent of (1) chapter 28B.50 RCW to (a) place major responsibility for adult education in the community colleges, (b) provide for the conduct of adult education programs by the common schools under arrangements between the appropriate community college and common school district, (c) permit the issuance of high school diplomas by the community colleges under rules and regulations promulgated by the superintendent of public instruction and the state board of education, and (d) provide for the administration of certain federally supported adult education programs by the superintendent of public instruction in cooperation with the state director of community colleges; (2) RCW ((28A-58-240)) 28A.225.220 to permit boards of directors of common school districts to make arrangements with adults wishing to attend school; and (3) chapter ((28A-05)) 28A.305 RCW which provides that the state board of education shall prescribe course requirements for high school completion.

AMENDATORY SECTION (Amending WSR 89-22-010, filed 10/20/89, effective 11/20/89)

WAC 180-75-003 AUTHORITY. The authority for this chapter is RCW ((28A-70-005)) 28A.410.010 which authorizes the state board

of education to establish, publish, and enforce rules and regulations determining eligibility for and certification of personnel employed in the common schools of this state. (Note: RCW ((~~28A.02.201~~)) 28A.195.010 (3)(a) requires most private school classroom teachers to hold appropriate Washington state certification with few exceptions.)

AMENDATORY SECTION (Amending WSR 89-22-010, filed 10/20/89, effective 11/20/89)

WAC 180-75-065 FEE FOR CERTIFICATION. (1) In accordance with provisions of RCW ((~~28A.70.110 and 28A.71.100~~)) 28A.410.060 and 28A.415.010, the fee for certificates which are valid for more than one year, issued by authority of the state of Washington and authorizing the holder to serve in the common schools of the state, shall be as follows:

- (a) The continuing certificate is seventy dollars;
 - (b) The reinstatement, additional endorsement on the certificate, duplicate certificates, substitute certificates, and certificates issued for the purpose of showing a name change is fifteen dollars; and
 - (c) Any other certificate or credential or any renewal thereof shall be five dollars for each year of validity:
- (d) **PROVIDED**, That the fee for all vocational certificates shall be one dollar.
- (2) The fee for any other certificate/credential, or for any renewal thereof, issued by the authority of the state of Washington and authorizing the holder to serve in the common schools of the state, shall be five dollars.

(3) Officials authorized to collect certification fees are educational service district superintendents, local school district superintendents, deans and directors of education at colleges and universities, and designees of program units. The fee must accompany the application for a certificate and shall be transmitted by the receiving district, college or university, or program unit designee at least quarterly to the educational service district within which the application is filed for disposition in accordance with provisions of RCW ((~~28A.70.110~~)) 28A.410.060. The fee shall not be refunded unless the application is withdrawn before it is finally considered (i.e., the issuance of a certificate or a written communication denying such issuance) by the superintendent of public instruction or his or her designee. Fees not refunded shall apply as a credit to a reapplication for the same or one or more other certificates if such applicant reapplies within twenty-four months of the date of denial. Moneys accrued from certification fees within the boundaries of an educational service district shall be divided in the following manner:

- (a) Local school districts employing more than one hundred teachers and other professional staff and collecting certification fees may retain one dollar of each fee in order to hold a professional training institute. If such district does not hold an institute all such moneys shall be placed to the credit of the educational service district.
- (b) No less than fifty percent of the funds accruing within the boundaries of an educational service district shall be used to support program activities related to state-wide precertification professional preparation and evaluation.
- (c) The remaining funds shall be used to support professional in-service training programs and evaluations thereof.

AMENDATORY SECTION (Amending WSR 89-22-010, filed 10/20/89, effective 11/20/89)

WAC 180-75-085 GENERAL REQUIREMENTS—TEACHERS, ADMINISTRATORS, EDUCATIONAL STAFF ASSOCIATES. The following requirements are to be met by candidates for certification as teachers, administrators, or educational staff associates:

- (1) Age. No person who is less than eighteen years of age shall receive a certificate to serve in the public or nonpublic schools of Washington state.
- (2) Character. Applicants for certificates in Washington state who are not holders of a valid Washington state teacher's, administrator's, educational staff associate's, or vocational certificate must give evidence of good moral character and personal fitness as specified in WAC 180-75-082 and must make arrangements with the Washington state patrol for a background check as required by RCW ((~~28A.70.005~~)) 28A.410.010: **PROVIDED**, That applicants for vocational teaching certificates who do not make such an arrangement with the state patrol shall have placed on such certificates by the superintendent of public instruction a provision which restricts the certificate holder to

the teaching of vocational technical institute students who are sixteen years of age or older.

(3) Academic. A candidate for certification shall have successfully completed an approved professional preparation program within the state of Washington and hold appropriate degrees, licenses, and additional course work as prescribed in chapter 180-79 WAC or have qualified under WAC 180-79-245.

(4) Program completion. A candidate for an initial or continuing certificate shall provide verification that he or she has completed an approved professional preparation program.

Subsections (3) and (4) of this section shall not apply to vocational or limited certificates. Vocational certificates are issued under academic and experience requirements set forth in chapter 180-77 WAC. Limited certificates are issued pursuant to WAC 180-79-230.

AMENDATORY SECTION (Amending WSR 89-22-010, filed 10/20/89, effective 11/20/89)

WAC 180-75-087 REINSTATEMENT OF CERTIFICATES. Only a continuing certificate may be reinstated. A holder of a lapsed, surrendered, or revoked continuing professional certificate at the time of application for reinstatement of such certificate must submit the following:

(1) Character evidence as required by WAC 180-75-085(2) for candidates for certification.

(2) An affidavit that he or she has not intentionally and knowingly practiced with an expired, lapsed, surrendered, or revoked certificate in a professional position for which certification is required under the rules of the state board of education or the submission of a statement why such practice, if conducted, should not reflect on such applicant's good moral character or personal fitness at the time of application.

(3) In accordance with RCW ((~~28A.70.100~~)) 28A.410.110, a revoked certificate may not be reinstated within one calendar year from the date of revocation.

(4) **PROVIDED**, That no certificate may be reinstated if more than five calendar years has passed since the date of lapsing, surrender, or revocation; however, such applicants may apply pursuant to WAC 180-75-061 for a new certificate under standards in effect at the time of application.

(5) **PROVIDED FURTHER**, That notwithstanding any regulation to the contrary, any person whose Washington state initial or provisional certificate has expired for any reason may apply prior to August 31, 1990, and be issued an initial certificate under the rules in effect at the time of application upon submission of the following:

- (a) The character evidence required in subsection (1) of this section.
- (b) The affidavit or statement required in subsection (2) of this section.
- (c) Evidence of completion of fifteen quarter hours (ten semester hours) of course work at an accredited college or university within the seven years prior to the application for reinstatement.

AMENDATORY SECTION (Amending WSR 89-22-010, filed 10/20/89, effective 11/20/89)

WAC 180-75-100 CERTIFICATION OF OUT-OF-STATE TRAINED EDUCATIONAL PERSONNEL—INTERSTATE EDUCATIONAL PERSONNEL CONTRACTS. The superintendent of public instruction is authorized to enter into interstate educational personnel contracts with states party to the interstate agreement on qualifications of educational personnel in accordance with provisions of RCW ((~~28A.93.010 and 28A.93.020~~)) 28A.690.010 and 28A.690.020 which authorize on an interstate basis Washington state certification of persons of other states having preparation and qualifications comparable even though not identical to Washington state board of education standards.

AMENDATORY SECTION (Amending Order 3-87, filed 4/3/87)

WAC 180-78-003 AUTHORITY. The authority for this chapter is RCW ((~~28A.70.005~~)) 28A.410.010 which authorizes the state board of education to establish, publish, and enforce rules and regulations determining eligibility and certification of personnel employed in the common schools of this state. This authority is supplemented by RCW ((~~28A.04.120~~)) 28A.305.130 (1) and (2) which authorizes the state board of education to approve professional preparation programs in institutions of higher education.

AMENDATORY SECTION (Amending Order 26-88, filed 12/14/88)

WAC 180-78-010 DEFINITION OF TERMS. The following definitions shall be used in this chapter:

(1) "College or university" means any regionally accredited baccalaureate degree granting Washington institution of higher learning or cooperative group of such institutions which has or develops professional programs of preparation in education which are submitted to the state board of education for approval.

(2) "Endorsement" means a specification placed on a certificate to indicate the subject area, grade level, and/or specialization for which the individual is prepared to teach or serve as an administrator or educational staff associate.

(3) "Interstate compact" means the contractual agreement among several states authorized by RCW ((~~28A.93.010 and 28A.93.020~~) 28A.690.010 and 28A.690.020 which facilitates interstate reciprocity.

(4) "Program approval" means the approval by the state board of education of a professional preparation program within Washington state.

(5) "Field experience" means a sequence of learning experiences which occur in actual school settings or clinical or laboratory settings. Such learning experiences are related to specific program outcomes and are designed to integrate educational theory, knowledge, and skills in actual practice under the direction of a qualified supervisor.

AMENDATORY SECTION (Amending Order 7-88, filed 3/3/88)

WAC 180-78-130 SUBSTITUTE PAY FOR MEMBERS OF PROFESSIONAL EDUCATION ADVISORY BOARDS. Service on professional education advisory boards by certificated employees is deemed by the state board of education as a committee formed for the purpose of furthering education within the state; and, the superintendent of public instruction, in conformance with the provisions of RCW ((~~28A.41.180~~) 28A.160.220, shall make payments to school districts for needed substitutes.

AMENDATORY SECTION (Amending Order 7-88, filed 3/3/88)

WAC 180-78-225 SPECIAL CONSIDERATION FOR CERTAIN FORMER TEACHER AIDES. If a former teacher aide presents evidence to the college or university that such candidate has served as a teacher aide in public or approved private school within the previous seven calendar years and that at least fifty percent of the candidate's work as a teacher's aide was involved in instructional activities with children under the supervision of a certificated teacher and that the candidate worked a minimum of six hundred thirty hours for any one school year, the college or university must weigh the following evidence:

(1) The written joint assessment of the candidate performance, required by RCW ((~~28A.04.120~~) 28A.305.130 (3)(b), which was prepared and submitted by the supervising teacher and building principal.

(2) Any other information which the college or university determines relevant to its individual determination.

AMENDATORY SECTION (Amending Order 29-88, filed 12/14/88)

WAC 180-81-003 AUTHORITY. The authority for this chapter is RCW 28A.04.172 which authorizes the state board of education to develop the standards for a masters in teaching degree. (Note: RCW 28A.04.172 has been decodified by section 602, chapter 33, Laws of 1990.)

AMENDATORY SECTION (Amending Order 23-85, filed 12/2/85)

WAC 180-90-105 AUTHORITY. The authority for this chapter is RCW ((~~28A.02.240~~) 28A.195.040 which authorizes the state board of education to promulgate rules and regulations for the approval of private schools for the purpose of implementing RCW ((~~28A.27.010~~) 28A.225.010.

AMENDATORY SECTION (Amending Order 7-87, filed 4/14/87)

WAC 180-90-125 DEFINITIONS-EXCEPTIONAL CASE, UNUSUAL COMPETENCE, AND GENERAL SUPERVISION. As used in this chapter the term:

(1) "Exceptional case" means that a circumstance exists within a private school in which:

(a) A certified teacher is not available for employment for the school year or remainder thereof and documents related to unsuccessful efforts to recruit a certified teacher are on file in the school records and will be forwarded to the superintendent of public instruction upon request; and

(b) The educational program offered by the private school either will be significantly impaired without the employment of the noncertified employee or will be significantly improved with the employment of the noncertified employee; and

(c) The school which employs a noncertified employee or employees pursuant to this subsection employs at least one person certified pursuant to rules of the state board of education to every twenty-five FTE students enrolled in grades one through twelve.

(2) "Unusual competence":

(a) As applied to an exceptional case wherein the educational program as specified in RCW ((~~28A.02.201~~) 28A.195.010(7) and WAC 180-90-160(7) will be significantly impaired without the employment of a noncertified employee, means that the noncertified employee possesses a minimum of forty-five quarter credits beyond the baccalaureate degree with a minimum of forty-five quarter credits in courses in the subject matter to be taught or in courses closely related to the subject matter to be taught; or

(b) As applied to an exceptional case wherein the educational program will be significantly improved with the employment of a noncertified employee, means that the noncertified employee possesses a minimum of three calendar years of experience in a specialized field. For purposes of this subsection, the term "specialized field" means a specialized area of the curriculum where skill or talent is applied and where entry into an occupation in such field generally does not require a baccalaureate degree, including, but not limited to the fields of art, drama, dance, music, physical education, and vocational or occupational education.

(3) "General supervision" means that:

(a) A certified teacher or administrator shall be generally available at the school site to observe and advise the noncertified employee; and

(b) The noncertified employee shall be evaluated pursuant to policies of the private school.

(4) PROVIDED, That the noncertified employee of the private school, employed pursuant to this section, and as verified by the private school:

(a) Meets the age, good moral character, and personal fitness requirements of WAC 180-75-085 (1) and (2); and

(b) Has not had his or her teacher's certificate revoked by any state or foreign country; and

(c) Is not eligible for an initial or continuing teacher's certificate in the state of Washington.

(5) PROVIDED FURTHER, That the provisions of this section shall not be applicable until the state board of education takes action to approve private schools for the 1988-89 school year.

AMENDATORY SECTION (Amending Order 23-85, filed 12/2/85)

WAC 180-90-150 APPEALS. Pursuant to RCW ((~~28A.02.230~~) 28A.195.030 any private school may appeal the actions of the superintendent of public instruction or state board of education as provided in chapter ((~~34.04~~) 34.05 RCW and chapter 180-08 WAC.

AMENDATORY SECTION (Amending Order 23-88, filed 12/14/88)

WAC 180-90-160 MINIMUM STANDARDS AND CERTIFICATE FORM. The annual certificate required by WAC 180-90-130 shall be in substantial compliance with the form and substance of the following:

CERTIFICATE OF COMPLIANCE
WITH STATE STANDARDS

ESD/County/Public
School District
Private School/
District Address

I,, do hereby certify that I am the principal or chief administrator of the above named school; that said school is located at the address listed above, and conducts grades through with a projected enrollment of; and that said school

is scheduled to meet throughout the school year, the following standards with the exception only of such deviations, if any, as are set forth in an attachment to this certificate of compliance

or

I,, do hereby certify that I am the superintendent of the above named private school district; and that the private schools under my jurisdiction are scheduled to meet throughout the school year, the following standards with the exception only of such deviations as are set forth in an attachment to this certificate of compliance; and that a list of such schools, including the grades conducted and the projected enrollment for each school, accompanies this certificate:

(1) The minimum school year for instructional purposes consists of no less than 180 school days or the equivalent in annual minimum program hour offerings as prescribed in RCW ((28A.58.754)) 28A.150.220.

(2) On each school day, pupils enrolled in the school are provided the opportunity to be engaged in educational activity planned by and under the direction of the staff, as directed by the administration and/or governing board; and that pupils are provided a total program hour offering as prescribed in RCW ((28A.58.754)) 28A.150.220 except that the percentages for basic skills, work skills, and optional subjects and activities prescribed in RCW ((28A.58.754)) 28A.150.220 do not apply to private schools and that the total program hour offering, except as otherwise specifically provided in RCW ((28A.58.754)) 28A.150.220, made available is at least:

- (a) 2700 hours for students in grades one through three.
(b) 2970 hours for students in grades four through six.
(c) 1980 hours for students in grades seven and eight.
(d) 4320 hours for students in grades nine through twelve.

(3) All classroom teachers hold appropriate Washington State certification except for:

(a) Teachers for religious courses or courses for which no counterpart exists in the public schools: PROVIDED, That a religious course is a course of study separate from the courses of study defined in RCW ((28A.02.20+)) 28A.195.010 including occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of the appreciation of art and music all in sufficient units for meeting state board of education graduation requirements; and/or

(b) A person of unusual competence who is not certified but who will teach students in an exceptional case under the general supervision of a certified teacher or administrator pursuant to WAC 180-90-125. The noncertified employee, the certified person who will supervise, and the exceptional circumstances are listed on the addendum to this certificate: PROVIDED, That if a noncertified person is employed subsequent to the filing of this certificate, this same information shall be forwarded to the superintendent of public instruction within thirty days from the date of employment.

(4) If the school operates an extension program for parents, guardians, or persons having legal custody of a child to teach children in their custody, the extension program meets the following requirements:

(a) The parent, guardian, or custodian is supervised by a person certified under chapter ((28A.70)) 28A.410 RCW and who is employed by the school;

(b) The planning by the certified person and the parent, guardian, or person having legal custody includes objectives consistent with this subsection and subsections (1), (2), (5), (6), and (7) of this section;

(c) The certified person spends a minimum average each month of one contact hour per week with each student under his or her supervision who is enrolled in the extension program;

(d) Each student's progress is evaluated by the certified person; and
(e) The certified person does not supervise more than thirty students enrolled in the approved private school's extension program.

(5) Measures have been taken to safeguard all permanent records against loss or damage through either the storage of such records in fire-resistant containers or facilities, or the retention of duplicates in a separate and distinct area;

(6) The physical facilities of the school are adequate to meet the program offered, and all school facilities and practices are in substantial compliance with reasonable health and fire safety standards, as substantiated by current inspection reports of appropriate health and fire safety officials which are on file in the chief administrator's office;

(7) The school's curriculum includes instruction in the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of appreciation of art and music in sufficient units for meeting state board

of education graduation requirements, as set forth in chapter 180-51 WAC;

(8) The school or its organized district maintains up-to-date policy statements related to the administration and operation of the school or district;

(9) The school does not engage in a policy of racial segregation or discrimination;

(10) The governing authority of this private school or private school district has been apprised of the requirements of chapter 180-90 WAC relating to the minimum requirements for approval of private schools and such governing authority has further been apprised of all deviations from the rules and regulations of the state board of education and the standards contained in chapter 180-90 WAC. I have reported all such deviations herewith.

(11) Approval by the state board of education is contingent upon on-going compliance with the standards certified herein. The superintendent of public instruction shall be notified of any deviation from these standards which occurs after the action taken by the state board of education. Such notification shall be filed within thirty days of occurrence of the deviation.

(12) Failure to comply with the requirements of this chapter may result in the revocation of the approval of the private school and shall be considered in subsequent application for approval as a private school.

DATED this day of, 19...

(signed)
(title)
(phone number)

AMENDATORY SECTION (Amending Order 2-78, filed 2/8/78)

WAC 180-95-005 PURPOSE. The purpose of this chapter is to implement RCW ((28A.97.010, 28A.97.020, 28A.97.030, 28A.97.040, 28A.97.050)) 28A.205.010, 28A.205.020, 28A.205.030, 28A.205.040, 28A.205.050 and to establish the criteria and procedures to be used in certification of an educational clinic.

AMENDATORY SECTION (Amending Order 2-78, filed 2/8/78)

WAC 180-95-010 DEFINITIONS. The following definitions shall apply to terms used in this chapter:

(1) "Educational clinic" shall mean a private educational institution certified by the state board of education which employs a clinical, client-centered approach and is devoted to (a) teaching the basic academic skills including specific attention to improvement of student motivation for achieving and (b) employment orientation: PROVIDED, That no educational clinic certified by the state board of education pursuant to this section shall be deemed a common school under RCW ((28A.01.060)) 28A.150.020 or a private school for the purposes of RCW ((28A.02.20+)) 28A.195.010 through ((28A.02.250)) 28A.195.050, or proprietary school under chapter 18.82 RCW.

(2) "Basic academic skills" shall mean the study of mathematics, speech, language, reading and composition, science, history, literature and political science or civics; it shall not include courses of a vocational training nature and courses deemed nonessential to the accrediting of common schools or the approval of private schools under RCW ((28A.04.120)) 28A.305.130.

(3) "A clinical, client-centered basis" shall mean an approach to education which includes the individual diagnosis of the person's educational abilities, determining and setting of individual goals, prescribing and providing individual programs of instruction, and evaluating the individual student's progress in his or her educational program.

(4) "Individual diagnostic procedure" shall mean the individual assessment by a certified teacher, or when deemed necessary, by a psychometrist, psychologist, and/or another professional who is appropriately certificated or licensed to conduct specific diagnostic evaluations and to prescribe an individual educational and instructional program in conjunction with the teacher, student, parents, and others as necessary.

(5) "General educational development (GED) tests" shall mean that battery of tests designed and published by the GED testing service of the American council on education to measure the major outcomes and

concepts generally associated with four years of high school education. Each GED testing center must have a current contract with the American council on education and be authorized by the state superintendent of public instruction.

(6) "Educational gain" shall mean (a) measurable increases in the student's achievement, (b) increased motivation for achieving, and/or (c) increased knowledge and skills relevant to employment orientation as defined in (8) below: PROVIDED, That consideration is given to the student's background in determining the extent of such gain.

(7) "Eligible common school dropout" shall be defined as set forth in WAC 392-185-010(2).

(8) "Employment orientation" shall normally include, but not be restricted to instruction and practical experience in the following areas: Job applications, interview techniques, expectations for attendance and production, learning to translate skills and abilities in terms of job needs, examination by the student of job descriptions and exploration of the student's ability to fulfill the job needs.

AMENDATORY SECTION (Amending Order 21-88, filed 12/14/88)

WAC 180-96-005 AUTHORITY. The authority for this chapter is RCW ((28A-04-135)) 28A.305.190 which authorizes the state board of education to adopt regulations governing the conditions by and under which a certificate of educational competence may be issued.

AMENDATORY SECTION (Amending Order 21-88, filed 12/14/88)

WAC 180-96-050 RIGHT TO APPEAL. The following shall govern the finality of decisions of the designated employee:

(1) If the decision of the designated employee is that the applicant has a substantial and warranted reason for leaving the regular high school education program, the decision of such designated employee shall be final.

(2) If the decision of the designated employee is to deny the existence of a substantial and warranted reason for leaving the regular high school education program, the applicant shall have the right to appeal the decision to such board of directors in accordance with procedures adopted by the board of directors. The board of directors shall issue a decision within thirty calendar days of receipt of any appeal.

(3) If a decision has been made by the board of directors of the district, such decision shall be final subject to an appeal to a court of law pursuant to RCW ((28A-88-010)) 28A.645.010.

AMENDATORY SECTION (Amending Order 6-88, filed 2/19/88)

WAC 180-110-010 AUTHORITY. The authority for this chapter is RCW ((28A-100-054)) 28A.630.210.

AMENDATORY SECTION (Amending Order 8-88, filed 4/4/88)

WAC 180-115-005 AUTHORITY. The authority for this chapter is RCW ((28A-70-400)) 28A.410.150, which authorizes the state board of education to develop rules to establish student teaching pilot projects.

WSR 90-13-084
PERMANENT RULES
DEPARTMENT OF HEALTH
 [Order 066—Filed June 20, 1990, 1:59 p.m.]

Date of Adoption: June 18, 1990.

Purpose: To establish licensing fees for naturopathic physicians.

Citation of Existing Rules Affected by this Order: Amending WAC 308-34-170.

Statutory Authority for Adoption: RCW 43.70.250.

Pursuant to notice filed as WSR 90-08-101 on April 4, 1990.

Effective Date of Rule: Thirty-one days after filing.
 May 18, 1990
 Pam Campbell Mead
 for Kristine M. Gebbie
 Secretary

AMENDATORY SECTION (Amending Order 029, filed 2/7/90)

WAC 308-34-170 NATUROPATHIC PHYSICIAN LICENSING FEES. (1) The following fees are payable to the department of health.

Title of fee	Amount
Application/examination/reexamination	\$((715.00)) 550.00
Pregraduate basic science examination	((540.00)) 300.00
License renewal	((715.00)) 550.00
Late renewal penalty	((715.00)) 300.00
Duplicate license	50.00
Certification	50.00
Application for reciprocity	((715.00)) 550.00

(2) Fees submitted to and processed by the department are nonrefundable.

Reviser's note: RCW 34.05.395 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 90-13-085
PROPOSED RULES
INSURANCE COMMISSIONER
 [Filed June 20, 1990, 2:55 p.m.]

Original Notice.

Title of Rule: Medicare supplement insurance, regulating only "guaranteed renewable" policies with effective dates prior to January 1, 1989.

Purpose: Amend portions of chapter 284-55 WAC to conform that chapter to the recently adopted chapter 284-66 WAC (which regulates Medicare supplemental insurance policies which have effective dates after December 31, 1988 and all Medicare supplemental insurance policies which are not "guaranteed renewable").

Other Identifying Information: Insurance Commissioner Matter No. R 90-7.

Statutory Authority for Adoption: RCW 48.02.060.

Statute Being Implemented: RCW 48.66.041.

Summary: WAC 284-55-010 and 284-55-020 will be amended to make it clear that chapter 284-55 WAC is limited to regulating guaranteed renewable Medicare supplemental insurance policies with effective dates prior to January 1, 1989. "Guaranteed renewable" is defined at WAC 284-55-030. Sections of chapter 284-55 WAC which were scheduled to be effective in 1990 and 1991 are repealed.

Reasons Supporting Proposal: To conform chapter 284-55 WAC to the recently adopted chapter 284-66 WAC.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: David H. Rodgers, Insurance Building, Olympia, Washington, (206) 753-7302.

Name of Proponent: Dick Marquardt, Insurance Commissioner, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: In late 1989 congress repealed the Medicare Catastrophic Coverage Act of 1988. Early in 1990, the commissioner adopted chapter 284-66 WAC to regulate all Medicare supplemental insurance policies with effective dates after December 31, 1988. All policies in force on that date which are not "guaranteed renewable" are also regulated by the provisions of chapter 284-66 WAC. Those Medicare supplemental insurance policies with effective dates prior to January 1, 1989 and which are "guaranteed renewable" continue to be regulated by the provisions of chapter 284-55 WAC which was in effect when those policies were sold.

Proposal Changes the Following Existing Rules: These amendments limit the scope of chapter 284-55 WAC to only those Medicare supplemental insurance policies which are both "guaranteed renewable" and have effective dates prior to January 1, 1989.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

These amendments merely limit the scope of chapter 284-55 WAC. No action by any insurer or other business is required upon adoption of these amendments.

Hearing Location: Office of Insurance Commissioner, Insurance Building, Olympia, Washington, on August 1, 1990, at 10:00 a.m.

Submit Written Comments to: Insurance Commissioner, Insurance Building, AQ-21, Olympia, Washington 98504-0321, by August 1, 1990.

Date of Intended Adoption: August 10, 1990.

June 20, 1990
Dick Marquardt
Insurance Commissioner
By David H. Rodgers
Chief Deputy
Insurance Commissioner

AMENDATORY SECTION (Amending Order R 88-9, filed 11/1/88)

WAC 284-55-010 LIMITED PURPOSE OF THIS CHAPTER.

(1) Regulation of Medicare supplemental insurance policies under chapter 284-55 WAC is limited to those guaranteed renewable policies which were delivered to residents of this state prior to January 1, 1989. Such guaranteed renewable policies shall also be subject to the requirements of chapter 284-66 WAC as provided at WAC 284-66-020 (2)(a). All Medicare supplemental insurance policies delivered to residents of this state after December 31, 1988, are regulated by the provisions of chapter 284-66 WAC, adopted March 16, 1990. Policies that are not guaranteed renewable and which were delivered to residents of this state prior to January 1, 1990, are also subject to the provisions of chapter 284-66 WAC.

(2) The purpose of this regulation, chapter 284-55 WAC, is to effectuate the provisions of RCW 48.20.450, 48.20.460 and 48.20.470,

and to supplement the requirements of chapter 48.66 RCW, the Medicare Supplemental Health Insurance Act, by establishing minimum standards for benefits and specific standards for Medicare supplement insurance, by prescribing the "outline of coverage" to be used in the sale of Medicare supplemental insurance, by establishing other disclosure requirements, by prohibiting the use of certain provisions in Medicare supplement insurance policies, by defining and prohibiting certain practices as unfair acts and practices, and establishing loss ratio requirements; to assure the orderly implementation and conversion of Medicare supplement insurance benefits and premiums due to changes in the federal Medicare program; to provide for the reasonable standardization of the coverage, terms, and benefits of Medicare supplement insurance policies; to eliminate policy provisions which may duplicate Medicare benefits; and to provide for refunds of premiums associated with benefits duplicating Medicare program benefits.

AMENDATORY SECTION (Amending Order R 88-9, filed 11/1/88)

WAC 284-55-020 APPLICABILITY AND SCOPE. (1) (~~Except as otherwise specifically provided, this regulation shall apply to~~) This chapter applies to guaranteed renewable Medicare supplemental insurance policies delivered to residents of this state prior to January 1, 1989, including every such group and individual policy of disability insurance and to every such subscriber contract of an insurer, fraternal benefit society, health care service contractor, or health maintenance organization, which relates its benefits to Medicare, or which is advertised, marketed, or designed primarily as a supplement to reimbursements under Medicare for the hospital, medical or surgical expenses of persons eligible for Medicare by reason of age. Such policy or contract is referred to in this ((regulation)) chapter as "Medicare supplemental insurance" or "Medicare supplement insurance policy."

(2) Except as required by federal law, this regulation shall not apply to:

(a) A policy or contract of one or more employers or labor organizations, or of the trustees of a fund established by one or more employers or labor organizations, or combination thereof, for employees or former employees, or combination thereof, or for members or former members, or combination thereof, of the labor organizations;

(b) A policy or contract of any professional, trade, or occupational association for its members or former members, or combination thereof, if such association:

(i) Is composed of individuals all of whom are or have been actively engaged in the same profession, trade or occupation;

(ii) Has been maintained in good faith for purposes other than obtaining insurance; and

(iii) Has been in existence for at least two years prior to the date of initial offering of such policy or plan to its members;

(c) Individual policies or contracts issued pursuant to a conversion privilege under a policy or contract of group or individual insurance when such group or individual policy or contract includes provisions which are inconsistent with the requirements of this regulation;

(d) Policies issued to employees or members as additions to franchise plans in existence on the effective date of this regulation, or

(e) Health maintenance organization contracts specified in RCW 48.66.160, to the extent they may be in conflict with this regulation.

AMENDATORY SECTION (Amending Order R 88-9, filed 11/1/88)

WAC 284-55-030 DEFINITIONS. For purposes of this regulation:

(1) "Applicant" means:

(a) In the case of an individual Medicare supplement insurance policy or subscriber contract, the person who seeks to contract for insurance benefits, and

(b) In the case of a group Medicare supplement insurance policy or subscriber contract, the proposed certificate holder.

(2) "Certificate" means any certificate issued under a group Medicare supplement insurance policy, which policy has been delivered or issued for delivery in this state.

(3) "Insurer" includes insurance companies, fraternal benefit societies, health care service contractors and health maintenance organizations.

(4) "Direct response insurer" means an insurer who, as to a particular transaction, is transacting insurance directly with a potential insured without solicitation by, or the intervention of, a licensed insurance agent.

(5) "Guaranteed renewable" means a Medicare supplemental insurance policy or certificate which is renewable solely at the option of the insured by the timely payment of premiums, except that the insurer may make changes in premium rates by classes.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 284-55-172 FORM OF ANNUAL ADJUSTMENT NOTICE—POLICY CHANGES EFFECTIVE JANUARY 1, 1990.
- WAC 284-55-177 FORM OF ANNUAL ADJUSTMENT NOTICE—POLICY CHANGES EFFECTIVE JANUARY 1, 1991.

WSR 90-13-086
PROPOSED RULES
HUMAN RIGHTS COMMISSION
 [Filed June 20, 1990, 3:00 p.m.]

Original Notice.

Title of Rule: Procedural changes for withdrawing complaints; for completing and approving findings and investigations; and on settlement of complaints filed.

Purpose: See Summary below.

Other Identifying Information: Some changes will have no procedural or substantive effect, but are being made to correct problems with rule organization and ease of comprehension by the public.

Statutory Authority for Adoption: RCW 49.60.120(3).

Statute Being Implemented: RCW 49.60.240.

Summary: Rules regarding the withdrawal of complaints, the different types of findings following an investigation, and the settlement of cases are being revised to make the rules easier to understand and follow. The method for approving findings is being changed to make the approval procedure more efficient. The requirement for a commission order approving a "prefinding settlement" is being eliminated because the order was not required by statute.

Reasons Supporting Proposal: Improve public service through increased efficiency and use of "plain English."

Name of Agency Personnel Responsible for Drafting: Merry A. Kogut, 402 Evergreen Plaza Building, Olympia, Mailstop FJ-41, 753-6770; **Implementation:** Sherri Apilado, 402 Evergreen Plaza Building, Olympia, Mailstop FJ-41, 753-6770; and **Enforcement:** Alan Momohara, Executive Director (ACT), 402 Evergreen Plaza Building, Olympia, Mailstop FJ-41, 753-6770.

Name of Proponent: Washington State Human Rights Commission, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: See above, no ascertainable fiscal impact.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: See Summary, Reasons and other material above.

Proposal Changes the Following Existing Rules: WAC 162-08-091, eliminated, text/purpose combined with current WAC 162-08-099(2) Withdrawal of complaint; WAC 162-08-098, changes to make approval-

process faster and more efficient, and to make text of rules easier to understand and follow; WAC 162-08-099, changes to make text of rules easier to understand and follow. Eliminates requirement for commission to issue order approving prefinding settlement, because such order is neither required nor authorized by law; and WAC 162-08-106, brings procedure for approving conciliated agreement authorized by RCW 49.60.240 into compliance and makes text of rule easier to follow and understand.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Holiday Inn, 9 North 9th Street; Yakima, WA, on July 26, 1990, at 2:00 p.m.

Submit Written Comments to: Sherri Apilado, Commission Clerk, by 5:00 p.m., July 24, 1990.

Date of Intended Adoption: August 1, 1990.

June 20, 1990

Alan Momohara

Acting Executive Director

AMENDATORY SECTION (Amending WSR 89-23-020, filed 11/7/89, effective 12/8/89)

WAC 162-08-098 FINDINGS. (1) General. The findings document shall contain (a) findings of fact, and (b) an ultimate finding of reasonable cause or no reasonable cause for believing that an unfair practice has been or is being committed, or a finding on jurisdiction, as provided in (2) of this section.

(2) Jurisdictional dispositions. When the facts found show that the matter is not within the jurisdiction of the commission, the ultimate finding shall be "no jurisdiction" rather than "reasonable cause" or "no reasonable cause." In extraordinary circumstances where the commission technically has jurisdiction but for overriding reasons of law or policy is unable to properly exercise its jurisdiction, the ultimate finding may be "jurisdiction declined." An example of such an extraordinary circumstance is a complaint against the commission itself. As set forth in subsection (5) of this section, a finding of "no jurisdiction" or "jurisdiction declined" shall be reported to the commissioners and thereafter stand as the action of the commission.

(3) ((Scope of)) Reasonable cause finding.

(a) Scope. A finding of reasonable cause shall specify the unfair practice found and, as nearly as possible, the person or persons against whom the unfair practice has been or is being committed. If the facts show an unfair practice against a class of persons, the class shall be indicated to the extent possible.

(b) Use of reasonable cause finding by commission staff. Once reasonable cause is found, the staff shall endeavor to eliminate the unfair practices by conference, conciliation, and persuasion.

(4) ((Action by commissioners.)) As set forth in subsection (5) of this section, findings of no reasonable cause shall be reported to the commissioners ((at a meeting.)) and shall thereafter stand as the action of the commission ((unless the commissioners vote to set aside a particular finding. Findings of reasonable cause shall be used by the staff for the purpose of endeavoring to eliminate the unfair practices by conference, conciliation, and persuasion. Proposed findings of "no jurisdiction" or "jurisdiction declined" shall be reported to the commissioners and shall become commission action when approved by vote of the commissioners at a meeting)).

(5) Approval of findings by commissioners.

(a) Ratification of findings. Findings shall be submitted to the commissioners following approval by the commission's executive director. Unless one or more commissioners question(s) a finding within ten working days, the findings shall be issued. This action shall stand as the action of the commissioners following ratification at the next commission meeting.

(b) Alternate procedure for approval of findings. If one or more commissioners question(s) a finding in a case, he or she shall notify the executive director within ten working days after receipt of the finding. The commissioners shall discuss the case and vote to approve or disapprove the finding at the commission's next regularly scheduled meeting.

(6) Effect of findings. A finding that there is or is not reasonable cause for believing that an unfair practice has been or is being committed is not an adjudication of whether or not an unfair practice has been or is being committed, that there is or is not jurisdiction, or that jurisdiction should or should not be declined.

AMENDATORY SECTION (Amending WSR 89-23-020, filed 11/7/89, effective 12/8/89)

WAC 162-08-099 **TERMINATION OF A CASE WITHOUT FINDINGS OF FACT.** (1) Authorized. The commission in appropriate circumstances may terminate its action on a case without making findings of fact pursuant to RCW 49.60.240. This section provides procedures in some of the circumstances.

(2) Withdrawal of complaint. ~~((No findings or other procedures in RCW 49.60.240 and 49.60.250 are necessary when the complainant has requested withdrawal of the complaint and the commissioners have consented to the withdrawal pursuant to WAC 162-08-091.))~~

(a) A complaint or any part thereof may be withdrawn by the complainant at any time. The commission may continue with the investigation at its discretion.

(b) Form of withdrawal request. A request for withdrawal of a complaint may be made in writing, be dated, state the commission's case number, be signed by the complainant or the complainant's attorney, and state in full the reasons why withdrawal is requested. The request for withdrawal may be made in a letter to the commission or by completing a form available at all commission offices.

(3) Settled before finding. A case may be settled before findings of fact are made(;) when the commission's staff and ((a)) the respondent have entered into a written settlement agreement (prefinding settlement). It is desirable but not necessary for the complainant to be a party to the prefinding settlement agreement in cases where full relief has been offered to the complainant and where the alleged discriminatory practice has been corrected. Prefinding settlement agreements shall be presented to the commissioners by commission staff as set forth in WAC 162-08-098(5). ~~((The commissioners, if they approve, shall enter an order setting forth the terms of the agreement, using the same procedure as if the agreement were presented to the commissioners under RCW 49.60.240 and WAC 162-08-106 after findings of fact)).~~ A prefinding settlement agreement is not binding on the commission until the commissioners ~~((vote to accept))~~ approve it ~~((and issue their order))~~ as set forth in WAC 162-08-098(5).

(4) Administrative closure. A case may be administratively closed ~~((by vote of the commissioners))~~ following the procedure set forth in WAC 162-08-098(5) when the complaint has been resolved informally, or is being or has been adjudicated in another forum, or has become moot, or cannot be investigated because the complainant or respondent cannot be ~~((found))~~ located, or when other circumstances justify administrative closure. Administrative closure is an official termination of work on a complaint prior to completion of the entire statutory process, letting the complaint lie in its present posture. A case that has been administratively closed can be administratively reopened by vote of the commissioners.

AMENDATORY SECTION (Amending WSR 89-23-020, filed 11/7/89, effective 12/8/89)

WAC 162-08-106 **APPROVAL OF CONCILIATION AGREEMENTS IN ACCORDANCE WITH RCW 49.60.240 SUBSEQUENT TO FINDING REASONABLE CAUSE.** ~~((An agreement reached between the commission's staff and a respondent under RCW 49.60.240 shall be reduced to writing, signed by the respondent and a member of the commission's staff, and presented to the commissioners at a meeting. The agreement is not binding on the commission until the commissioners vote to accept it.))~~ (1) Form of and parties to conciliation agreement. A conciliation agreement must be in writing and be signed by representatives of the commission and the respondent. A complainant is not required to be a signatory to the agreement in cases where full relief is provided and where the alleged discriminatory practice has been corrected.

(2) Procedure for commission approval. The conciliation agreement shall be presented to the commissioners in the same manner described in WAC 162-08-098(5). The commissioners, if they approve, shall enter an order setting forth the terms of the agreement.

(3) An order shall be considered "entered," and the conciliation agreement effective and binding, on the day that the order has been signed by a quorum of the commission.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 162-08-091 WITHDRAWAL OF COMPLAINT.

WSR 90-13-087

PROPOSED RULES SUPERINTENDENT OF PUBLIC INSTRUCTION [Filed June 20, 1990, 3:45 p.m.]

Original Notice.

Title of Rule: WAC 392-193-055 Nonimmigrant alien permits—Requirements.

Purpose: To establish policies and procedures for the issuance of an alien permit and the conversion of certain alien permits to a regular teaching certificate.

Statutory Authority for Adoption: RCW 28A.67.020.

Statute Being Implemented: RCW 28A.67.020.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Superintendent of Public Instruction, Old Capitol Building, (206) 753-2298; Implementation: Ted Andrews, Superintendent of Public Instruction, Old Capitol Building, (206) 753-3222; and Enforcement: Doyle Winter, Superintendent of Public Instruction, Old Capitol Building, (206) 753-1880.

Name of Proponent: Superintendent of Public Instruction, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Superintendent of Public Instruction, Wanamaker Conference Room, Old Capitol Building, Olympia, Washington 98504, on August 10, 1990, at 9:00 a.m.

Submit Written Comments to: Richard M. Wilson, Superintendent of Public Instruction, Legal Services, Olympia, Washington 98504, by August 7, 1990.

Date of Intended Adoption: August 15, 1990.

June 20, 1990
Judith A. Billings
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 85-11, filed 10/11/85)

WAC 392-193-055 **NONIMMIGRANT ALIEN PERMITS—REQUIREMENTS.** The superintendent of public instruction shall grant a nonimmigrant alien permit to each nonimmigrant alien applicant who is qualified to teach in the common schools of the state under regulations established by the state board of education, ~~((who subscribes to the oath or affirmation required by RCW 28A.67.020.))~~ and who offers sufficient proof that such applicant has been:

(1) Admitted to the United States for purpose of serving as an exchange teacher. Such nonimmigrant permit for exchange teachers shall be valid for one school year and may be renewed ~~((once))~~; or

(2) Employed for the sole purpose of serving as a foreign language teacher. Such nonimmigrant permit for a foreign language teacher shall be valid for the same period of time as would be the case if the applicant sought certification solely under the applicable regulations established by the state board of education.

WSR 90-13-088
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Order 15—Filed June 20, 1990, 3:48 p.m.]

Date of Adoption: June 20, 1990.

Purpose: To set forth policies and procedures related to the general apportionment of state moneys for the operation of common schools within the state of Washington. This section shall apply for apportionment purposes only and shall not apply to program approval standards for basic education entitlement.

Citation of Existing Rules Affected by this Order: Amending WAC 392-121-260 and 392-121-270; and [new section] WAC 392-121-261.

Statutory Authority for Adoption: RCW 28A.41.055 and 28A.41.170.

Pursuant to notice filed as WSR 90-10-095 on May 2, 1990.

Effective Date of Rule: Thirty-one days after filing.

June 20, 1990

Judith A. Billings
 Superintendent of
 Public Instruction

AMENDATORY SECTION (Amending Order 89-3, filed 6/20/89)

WAC 392-121-260 DEFINITION—TOTAL ELIGIBLE CREDITS EFFECTIVE FOR THE 1989-90 SCHOOL YEAR. For the 1989-90 school year as used in this chapter, "total eligible credits" means the number of credits determined as follows:

(1) For an employee whose highest degree is a bachelor's degree, sum academic and in-service credits as defined in WAC 392-121-255 and 392-121-257.

(2) For an employee whose highest degree is a master's degree, sum academic and in-service credits as defined in WAC 392-121-255 and 392-121-257 earned after the awarding or conferring of the master's degree.

NEW SECTION

WAC 329-121-261 DEFINITION—TOTAL ELIGIBLE CREDITS EFFECTIVE FOR THE 1990-91 SCHOOL YEAR AND THEREAFTER. For the 1990-91 school year and thereafter as used in this chapter, "total eligible credits" means the number of credits determined as follows:

(1) For an employee whose highest degree is a bachelor's degree, sum academic and in-service credits.

(2) For an employee whose highest degree is a master's degree, sum:

(a) Academic and in-service credits in excess of forty-five earned after the awarding or conferring of the

bachelor's degree and prior to the awarding or conferring of the master's degree; and

(b) Academic and in-service credits earned after the awarding or conferring of the master's degree.

(3) Notwithstanding WAC 392-121-255 and 392-121-257, total eligible credits shall also include academic and in-service credits earned after October 1, 1991, and prior to January 1, 1992, if:

(a) The employee's highest degree is a bachelor's degree;

(b) The employee's total eligible credits earned prior to October 1, 1991, are less than one hundred thirty-five; and

(c) The credits earned between October 1, 1991, and January 1, 1992, bring the employee's total credits to one hundred thirty-five or more.

AMENDATORY SECTION (Amending Order 88-8, filed 1/11/88)

WAC 392-121-270 PLACEMENT OF CERTIFICATED INSTRUCTIONAL STAFF WITH DEGREES ON THE STATE-WIDE SALARY ALLOCATION SCHEDULE AND ON LEAP DOCUMENT 1. Each certificated instructional employee with a degree shall be placed on the state-wide salary allocation schedule and on LEAP Document 1 based on the employee's years of experience, highest degree level, and total eligible credits as defined in this chapter.

(1) If an employee holds more than one degree of the same level, additional credits shall be counted after the first degree.

(2) A certificated instructional employee who holds a valid vocational certificate acquired as the result of industrial experience rather than college training, and who also has earned a college degree which is incidental to or not related to the vocational certificate shall be reported by the school district as holding no degree.

(3) For placement on the state-wide salary allocation schedule and on LEAP Document 1, years of experience and total eligible credits shall be rounded to the nearest whole number. One-half year or credit shall be rounded to the next highest year or credit.

(4) Effective for the 1992-93 school year and thereafter, an employee whose highest degree is a bachelor's degree, whose total eligible credits are ninety or greater, and whose total eligible credits earned prior to January 1, 1992, were less than one hundred thirty-five shall be placed on the BA + 90 column of the state-wide salary allocation table and LEAP Document 1.

WSR 90-13-089
PERMANENT RULES
DEPARTMENT OF ECOLOGY
 [Order 90-03A—Filed June 20, 1990, 4:16 p.m.]

Date of Adoption: June 19, 1990.

Purpose: Readoption of the shoreline master program amendment for San Juan County because the proposed amendments to Policy Section 6 of the San Juan County

shoreline master program relating to residential development were inadvertently omitted from the May 16, 1990, final filing as WSR 90-11-072.

Citation of Existing Rules Affected by this Order: Amending WAC 173-19-360 San Juan County.

Statutory Authority for Adoption: RCW 90.58.200.

Pursuant to notice filed as WSR 90-08-122 on April 4, 1990.

Changes Other than Editing from Proposed to Adopted Version: The revision proposed has been modified to clarify the administrator's responsibilities in granting administrative variances for accessory structures to single family residences.

Effective Date of Rule: Thirty-one days after filing.

June 19, 1990

Fred Olson

Deputy Director

AMENDATORY SECTION (Amending Order DE 88-22, filed 4/19/89)

WAC 173-19-360 SAN JUAN COUNTY. San Juan County master program approved May 28, 1976. Revision approved October 29, 1976. Revision approved April 13, 1981. Revision approved October 30, 1984. Revision approved April 19, 1989. Revision approved March 14, 1990. Revision approved June 19, 1990.

Reviser's note: RCW 34.05.395 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 90-13-090

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Filed June 20, 1990, 4:20 p.m.]

Original Notice.

Title of Rule: WAC 173-19-450 Whatcom County shoreline master program.

Purpose: Adoption of revised shoreline master program into state master program, chapter 173-19 WAC.

Statutory Authority for Adoption: RCW 90.58.200.

Statute Being Implemented: Chapter 90.58 RCW, Shoreline Management Act of 1971.

Summary: The amendment revises the shoreline master program for Whatcom County.

Reasons Supporting Proposal: Shoreline master programs and revisions thereto are developed by local governments and submitted to the department for approval. The programs do not become effective until adopted by the department in accordance with the Shoreline Management Act and the Administrative Procedure Act.

Name of Agency Personnel Responsible for Drafting: Barry Wenger, Department of Ecology, Mailstop PV-11, Olympia, Washington 98504, (206) 459-6767; Implementation and Enforcement: D. Rodney Mack, Department of Ecology, Mailstop PV-11, Olympia, 98504, 459-6777.

Name of Proponent: Department of Ecology, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Amends the regulations for waste disposal under the port and industrial section of the Whatcom County shoreline master program to allow land application of waste waters used in the processing of fruits and vegetables by shoreline conditional use permit.

Proposal Changes the Following Existing Rules: Amends chapter 173-19 WAC, Shoreline Management Act of 1971—State master program.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Fireplace Room, Old Fairhaven Library, 1117 12th Street, Bellingham, WA 98225, on August 21, 1990, at 7:00 p.m.

Submit Written Comments to: Master Program Coordinator, Washington State Department of Ecology, Shorelands and Coastal Zone Management Program, Mailstop PV-11, Olympia, Washington 98504, by August 28, 1990.

Date of Intended Adoption: October 2, 1990.

June 19, 1990

Fred Olson

Deputy Director

AMENDATORY SECTION (Amending Order DE 87-07, filed 6/9/87)

WAC 173-19-450 WHATCOM COUNTY. Whatcom County master program approved August 27, 1976. Revision approved April 11, 1977. Revision approved August 11, 1978. Revision approved December 22, 1981. Revision approved January 5, 1982. Revision approved March 4, 1982. Revision approved December 15, 1982. Revision approved March 1, 1984. Revision approved January 31, 1985. Revision approved June 9, 1987. Revision approved October 2, 1990.

WSR 90-13-091

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Filed June 20, 1990, 4:22 p.m.]

Original Notice.

Title of Rule: WAC 173-19-120 Chelan County shoreline master program.

Purpose: Adoption of revised shoreline master program into state master program, chapter 173-19 WAC.

Statutory Authority for Adoption: RCW 90.58.200.

Statute Being Implemented: Chapter 90.58 RCW, Shoreline Management Act of 1971.

Summary: The amendment revises the shoreline master program for Chelan County.

Reasons Supporting Proposal: Shoreline master programs and revisions thereto are developed by local governments and submitted to the department for approval. The programs do not become effective until adopted by the department in accordance with the Shoreline Management Act and the Administrative Procedure Act.

Name of Agency Personnel Responsible for Drafting: Peter Skowlund, Department of Ecology, Olympia, Washington 98504, Mailstop PV-11, (206) 438-7430; Implementation and Enforcement: D. Rodney Mack,

Department of Ecology, Mailstop PV-11, Olympia, 98504, 459-6777.

Name of Proponent: Department of Ecology, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: An amendment to the shoreline master program map changing the shoreline environment designation of approximately 700 feet of the south side of the Wenatchee River in Section 9, Township 25 N, Range 17E W.M. from Natural to Conservancy to allow the site to be used as a commercial river raft takeout site and a commercial guide/outfitter business.

Proposal changes the following existing rules: Amends chapter 173-19 WAC, Shoreline Management Act of 1971—State master program.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Chelan County Planning Department, Conference Room 204, 411 Washington Street, Wenatchee, WA 98801, on August 14, 1990, at 7:00 p.m.

Submit Written Comments to: Master Program Coordinator, Washington State Department of Ecology, Shorelands and Coastal Zone Management Program, Mailstop PV-11, Olympia, Washington 98504, by August 22, 1990.

Date of Intended Adoption: October 2, 1990.

June 19, 1990
Fred Olson
Deputy Director

AMENDATORY SECTION (Amending Order DE 83-27, filed 10/19/83)

WAC 173-19-120 CHELAN COUNTY. Chelan County master program approved April 22, 1975. Revision approved June 26, 1980. Revision approved July 15, 1981. Revision approved October 1, 1981. Revision approved October 13, 1983. Revision approved October 2, 1990.

WSR 90-13-092
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed June 20, 1990, 4:25 p.m.]

Original Notice.

Title of Rule: WAC 173-19-2510 City of Issaquah shoreline master program.

Purpose: Adoption of revised shoreline master program into state master program, chapter 173-19 WAC.

Statutory Authority for Adoption: RCW 90.58.200.

Statute Being Implemented: Chapter 90.58 RCW, Shoreline Management Act of 1971.

Summary: The amendment revises the shoreline master program for city of Issaquah.

Reasons Supporting Proposal: Shoreline master programs and revisions thereto are developed by local governments and submitted to the department for approval. The programs do not become effective until adopted by

the department in accordance with the Shoreline Management Act and the Administrative Procedure Act.

Name of Agency Personnel Responsible for Drafting: Peter Skowlund, Department of Ecology, Mailstop PV-11, Olympia, Washington 98504, (206) 438-7430; Implementation and Enforcement: D. Rodney Mack, Department of Ecology, Mailstop PV-11, Olympia, 98504, 459-6777.

Name of Proponent: Department of Ecology, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Adoption of a shoreline master program for the city of Issaquah. The city currently has no master program and this proposal is intended to bring the city into compliance with the Shoreline Management Act, chapter 90.58 RCW. The proposal establishes shoreline environment designations, shoreline use and activity policies and regulations, and shoreline permit administration procedures and requirements for those portions of Lake Sammamish, Issaquah Creek, and East Fork contained within the city of Issaquah and shoreline management jurisdiction.

Proposal Changes the Following Existing Rules: Amends chapter 173-19 WAC, Shoreline Management Act of 1971—State master program.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Issaquah City Council Chambers, 130 East Sunset Way, Issaquah, WA 98027, on August 9, 1990, at 7:00 p.m.

Submit Written Comments to: Master Program Coordinator, Washington State Department of Ecology, Shorelands and Coastal Zone Management Program, Mailstop PV-11, Olympia, Washington 98504, by August 17, 1990.

Date of Intended Adoption: October 2, 1990.

June 19, 1990
Fred Olson
Deputy Director

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-2510 ISSAQUAH, CITY OF. City of Issaquah master program approved ((. . . .)) October 2, 1990.

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

WSR 90-13-093
PROPOSED RULES
DEPARTMENT OF REVENUE
[Filed June 21, 1990, 8:44 a.m.]

Original Notice.

Title of Rule: New section WAC 458-20-258 Travel agents and tour operators.

Purpose: To clarify the business and occupation taxation of the business activities of travel agents and tour operators.

Statutory Authority for Adoption: RCW 82.32.300.

Statute Being Implemented: Chapter 82.04 RCW.

Summary: This rule clarifies the business and occupation taxation of travel agent and tour operator activities. It explains and provides examples of when the special travel agent rate applies to travel agent and tour operator activities.

Name of Agency Personnel Responsible for Drafting: Steve Zagelow, 711 Capitol Way, #205, Olympia, (206) 586-4291; Implementation: Les Jaster, 711 Capitol Way, #400, Olympia, (206) 586-7150; and Enforcement: Ed Faker, 711 Capitol Way, #400, Olympia, (206) 753-5579.

Name of Proponent: Department of Revenue, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule clarifies the business and occupation taxation of travel agents and tour operators. The rule provides definitions, and explains, through examples, the application of the special travel agent tax rate for the various activities of travel agents and tour operators.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The Department of Revenue has reviewed administrative provisions contained in this rule in order to lessen the economic impact on small businesses.

A small business economic impact statement is not required for the following reasons: No economic impact. This rule has no identifiable administrative costs to businesses; and reduces costs for certain tour operators.

Hearing Location: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, WA, on July 26, 1990, at 9:30 a.m.

Submit Written Comments to: Stephen Zagelow, Administrative Law Judge, Department of Revenue, Interpretation and Appeals, Mailstop AX-02, Olympia, Washington 98504, by July 26, 1990.

Date of Intended Adoption: August 2, 1990.

June 21, 1990
Edward L. Faker
Assistant Director

NEW SECTION

WAC 458-20-258 TRAVEL AGENTS AND TOUR OPERATORS. (1) INTRODUCTION. This section describes the business and occupation (B&O) taxation of travel agents and tour operators. Travel agents are taxed at the special travel agent rate under RCW 82.04.260(10). Tour operators are generally taxed under the service or other business classification under RCW 82.04.290. However, the businesses activities of tour operators may sometimes include activities like those of a travel agent. This section recognizes the overlap of activities and taxes them consistently.

(2) DEFINITIONS:

(a) "Commission" means the fee or percentage of the charge received in the ordinary course of business as compensation for arranging the service. The customer or receiver of the service, not the person receiving the commission, is always responsible for payment of the charge.

(b) "Pass-through expense" means a charge to a tour operator business where the tour operator is acting as an agent of the customer and the customer, not the tour operator, is liable for the charge. The tour operator cannot be primarily or secondarily liable for the charge other

than as agent for the customer. Sec: WAC 458-20-111 Advances and Reimbursements.

(c) "Tour Operator Business" means a business activity of providing directly or through third party providers, transportation, lodging, meals, and other associated services where the tour operator purchases or itself provides any or all of the services offered, and is itself liable for the services purchased.

(d) "Travel Agent Business" means the business activity of arranging transportation, lodging, meals, or other similar services which are purchased by the customer and where the travel agent or agency merely receives a commission for arranging the service.

(3) TRAVEL AGENTS.

(a) The gross income of a travel agent or a travel agent business is the gross commissions received without any deduction for the cost of materials used, labor costs, interest, discount, delivery cost, taxes, losses, or any other expense. It is taxed at the special travel agent rate.

(b) Gross receipts, other than commissions, from other business activities of a travel agent, including activities as a tour operator, are taxed in the appropriate B&O classification, service, retailing, etc., as the case may be.

(4) TOUR OPERATORS.

(a) The gross income of a tour operator or a tour operator business is the gross commissions received when the activity is that of a travel agent business.

(i) When a tour operator receives commissions from a third party service provider for all or a part of the tour or tour package, the gross income of the business for that travel agent activity is the commissions received.

(b) However, if the activity is that of a tour operator business, receipts are B&O taxable in the service classification without any deduction for the cost of material used, labor costs, interest, discount, delivery cost, taxes, losses, or any other expense; EXCEPT, receipts attributable to pass-through expenses are not included as part of the gross income of the business.

(5) EXAMPLES:

(a) A travel agent issues an airplane ticket to a customer. The cost of the ticket is \$250 which is paid by the customer. The travel agent receives \$25 from the airline for providing the service.

(i) The gross income of the business for the travel agent is the \$25 commission received.

(ii) The gross income of the business is taxed at the special travel agent rate.

(b) A tour operator offers a tour costing \$1,500 per person. The tour cost consists of \$800 airfare, \$500 lodging and meals, and \$200 bus transportation. The tour operator has an arrangement with each of the service providers to receive a 10% commission for each service of the tour, which in this case is \$150 (\$80 + \$50 + \$20). The tour operator issues tickets, etc, only when paid by the customer and is not liable for any services reserved but not provided.

(i) The tour operator is engaged in a travel agent activity and the gross income of the business is commissions received, \$150.

(ii) The gross income of the business, \$150, is taxed at the special travel agent rate.

(c) The same facts as in example (b) except that the tour operator has a policy of a requiring 10% or \$150 as a down payment with the remaining \$1,350 payable 20 days prior to departure with 95% refundable up to 10 days prior to departure and nothing refunded after 10 days prior to departure. The customer cancels 15 days prior to departure and is refunded \$1,425 with the tour operator retaining \$75.

(i) The gross income of the tour operator business is the \$75 retained. No amount is attributable to pass-through expense since the tour operator was not obligated to the service provider in the event of cancellation and the tour operator was not acting as the agent of the customer.

(ii) The gross income of the business, \$75, is taxed in the service B&O tax classification.

(d) A tour operator offers a package tour for the Superbowl costing \$800 per person. The tour operator purchases noncancellable rooms in a hotel for \$300 per room for 2 nights, and game tickets which cost \$100 each. The package includes airfare which costs \$200 per person for which the tour operator receives the normal commission of \$20. As an extra feature, the tour operator offers to provide, for an extra cost, special event tickets, if available, at his cost of \$50 each. The tour operator is B&O taxable as follows:

(i) The gross income of the tour operator business is \$600 (\$800 less \$200 airfare). Because the tour operator purchased the rooms and the game tickets in its own name and is liable for the rooms or tickets if

not re-sold, the tour operator is not operating as a travel agent business and is B&O taxable in the service classification. If the tour operator receives a commission on the rooms sold to itself, the activity remains taxable as a tour operator business under the service classification and the commission received is treated as a cost discount, not included in the gross income of the business.

(ii) The \$50 received for the special event ticket is attributable to a pass-through expense and is not included in the gross income of the tour operator business. The special event ticket receipt is attributable to a pass-through expense because the tour operator is acting as an agent for the customer.

(iii) The \$20 received as commission from the sale of the airfare is a travel agent business activity and is included as gross income of a travel agent and taxed at the special travel agent rate.

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

WSR 90-13-094
PROPOSED RULES
DEPARTMENT OF REVENUE
[Filed June 21, 1990, 8:47 a.m.]

Original Notice.

Title of Rule: New section WAC 458-20-259 Small timber harvesters—Business and occupation tax exemption.

Purpose: To implement 1990 legislative limited business and occupation tax exemption for small harvesters of timber.

Statutory Authority for Adoption: RCW 82.32.300.

Statute Being Implemented: Chapter 82.04 RCW.

Summary: This rule implements and explains through examples the limited business and occupation tax exemption for small harvesters of timber enacted by the 1990 legislature.

Name of Agency Personnel Responsible for Drafting: Steve Zagelow, 711 Capitol Way, #205, Olympia, (206) 586-4291; **Implementation:** Les Jaster, 711 Capitol Way, #400, Olympia, (206) 586-7150; and **Enforcement:** Ed Faker, 711 Capitol Way, #400, Olympia, (206) 753-5579.

Name of Proponent: Department of Revenue, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule implements the 1990 legislative enactment, chapter 141, Laws of 1990, which provides a limited business and occupation tax exemption for small harvesters of timber. The rule provides examples of the application of the exemption in various factual situations.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The Department of Revenue has reviewed administrative provisions contained in this rule in order to lessen the economic impact on small businesses.

A small business economic impact statement is not required for the following reasons: No economic impact. This rule does not require additional identifiable administrative costs to businesses; and affects less than 10% of

one industry. Small timber harvesters, required to register under this rule, account for less than 1% of SIC 241 (logging).

Hearing Location: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, WA, on July 27, 1990, at 9:30 a.m.

Submit Written Comments to: Stephen Zagelow, Administrative Law Judge, Department of Revenue, Interpretation and Appeals, Mailstop AX-02, Olympia, Washington 98504, by July 27, 1990.

Date of Intended Adoption: August 3, 1990.

June 21, 1990
Edward L. Faker
Assistant Director

NEW SECTION

WAC 458-20-259 SMALL TIMBER HARVESTERS - BUSINESS AND OCCUPATION TAX EXEMPTION. (1) EXEMPTION. Harvesters of timber are generally subject to business and occupation (B&O) tax in the extracting classification. After June 6, 1990, chapter 141, Laws of 1990 provides a limited exemption from B&O tax for small harvesters of timber (as defined in RCW 84.33.073) whose value of product harvested, gross proceeds of log sales, or gross income of the timber harvesting business is less than \$100,000 per year.

(2) REGISTRATION - RETURN.

(a) A person whose only business activity is as small harvester of timber and whose gross income in a calendar year from the harvesting of timber is less than \$100,000, is not required to register with the department for B&O tax purposes.

(b) A small harvester of timber is required to register with the department for B&O tax purposes in the month when the gross proceeds received during a calendar year from the timber harvested exceeds the exempt amount.

(c) When the gross proceeds received during a calendar year from timber harvested by a small harvester exceeds the exempt amount, a return shall be filed and shall include all proceeds received during the calendar year to the time when the filing of a return is required. See: WAC 458-20-228 and WAC 458-20-22801 for penalties, interest and return filing periods.

(d) A harvester of timber must register with the Forest Tax Division of the department for payment of timber excise tax.

(3) DEFINITION - SMALL HARVESTER. RCW 84.33.073(1). "Small harvester" means every person who from his own land or from the land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services, fells, cuts, or takes timber for sale or for commercial or industrial use in an amount not exceeding five hundred thousand board feet in a calendar quarter and not exceeding one million board feet in a calendar year: PROVIDED, that whenever the United States or any instrumentality thereof, the state, including its departments and institutions and political subdivisions, or any municipal corporation therein, so fells cuts, or takes timber for sale or for commercial or industrial use, not exceeding these amounts, the small harvester is the first person other than the United States or any instrumentality thereof, the state, including its departments and institutions and political subdivisions, or any municipal corporation therein, who acquires title to or a possessory interest in such timber. "Small harvester" does not include persons performing under contract the necessary labor or mechanical service for a harvester, and it does not include harvesters of Christmas trees.

(4) EXAMPLES:

(a) A person not otherwise registered with the department for B&O tax purposes and who is a small harvester under RCW 84.33.073, harvests timber during the calendar year and receives \$60,000.

(i) No B&O tax is due and the person need not register with the department for B&O tax purposes.

(ii) However, the person must register with the department's Forest Tax Division for payment of the timber excise tax.

(b) A person not otherwise registered with the department for B&O tax purposes and who is a small harvester under RCW 84.33.073, harvests timber during the calendar year. The small harvester has contracted with a logging company to provide the labor and mechanical services of the harvesting. The small harvester is to receive 60% and

the logging company 40% of the log sale proceeds. The log purchaser pays \$150,000 for the logs paying \$90,000 to the person and \$60,000 to the logging company.

(i) For the small harvester, B&O tax is due on the entire \$150,000 paid for the logs. The small harvester is taxed upon the gross sales price of the logs without deduction for the amount paid to the logging company. See: RCW 82.04.070 and WAC 458-20-135. The small harvester must register with the department for B&O tax purposes in the month when, for the calendar year, the proceeds from all timber harvested exceeds \$100,000.

(ii) The logging company is taxed on the \$60,000 it received under the appropriate business tax classification(s). The logging company is not a small harvester as defined in RCW 84.33.073 and the exemption of this section is not applicable to the logging company.

(iii) The small harvester must register with the department's Forest Tax Division for payment of the timber excise tax.

(c) A person is primarily engaged in another business which is currently registered with the department for B&O tax purposes and has monthly receipts of \$250,000. The person is a small harvester under RCW 84.33.073 and receives \$10,000 from the sale of the timber harvested.

(i) B&O tax remains due on \$250,000 from the other business activities. The \$10,000 received from the sale of logs is exempt and is not reported on the person's Combined Excise Tax Return. The exemption applies to the activity of harvesting timber and receipts from the sale of logs are not combined with the receipts from other business activities to make the sale of logs taxable.

(ii) The person must register with the department's Forest Tax Division for the payment of timber excise tax.

(d) A person is primarily engaged in another business which is currently registered with the department for B&O tax purposes and has monthly receipts of \$40,000. The person is a small timber harvester under RCW 84.33.073 and receives \$50,000 from the sale of the timber harvested.

(i) B&O tax remains due on \$40,000 from the other business activities. The \$50,000 received from the sale of logs is exempt and is not reported on the person's Combined Excise Tax Return. The exemption applies to the activity of harvesting timber only and receipts from the sale of logs are not combined with the receipts of other business activities to make the other activity exempt.

(ii) The person must register with the department's Forest Tax Division for the payment of timber excise tax.

(e) A person not currently registered with the department for B&O tax purposes and who is a small harvester under RCW 84.33.073, harvests timber in June and again in August receiving \$50,000 in June and \$75,000 in August from the sale of the logs harvested.

(i) B&O tax is due on the entire \$125,000 received from the sale of logs. The small harvester must register with the department in August when the receipts from the timber harvesting business exceed the \$100,000 exemption amount. A tax return is to be filed in the appropriate period as provided in WAC 458-20-22801.

(ii) The person must register with the department's Forest Tax Division for the payment of timber excise tax.

Statutory Authority for Adoption: RCW 28B.50.140(3).

Statute Being Implemented: RCW 28B.50.140(3).

Summary: The proposed rule defines the type of compensation in addition to salary that community college district boards of trustees may establish for college presidents.

Reasons Supporting Proposal: To enhance the ability to recruit qualified executive officers for community colleges and remunerate them in a manner consistent with their varied duties.

Name of Agency Personnel Responsible for Drafting: Larry Lael, Assistant Director, 319 7th Avenue, Olympia, WA 98504, 753-3661; Implementation and Enforcement: Earl Hale, Director, 319 7th Avenue, Olympia, WA 98504, 753-7412.

Name of Proponent: State Board for Community College Education, public.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Unlike the presidents of the state's universities and TESC, community college presidents may currently only be compensated through salary, which has by legal opinion be limited to wages. The 1990 amendments to RCW 28B.50.140(3) make it possible, subject to the definitions provided in this proposed rule, for community college district boards of trustees to provide presidents with types of remuneration in addition to wages.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Bellevue Community College, 3000 Landerholm Circle, Bellevue, WA 98007, on September 13, 1990, at 10:00 a.m.

Submit Written Comments to: Larry Lael, Assistant Director, State Board for Community College Education, 319 7th Avenue, FF-11, Olympia, WA 98504, by September 11, 1990.

Date of Intended Adoption: September 13, 1990.

June 20, 1990

Gilbert J. Carbone
Assistant Director

WSR 90-13-095
PROPOSED RULES
STATE BOARD FOR
COMMUNITY COLLEGE EDUCATION

[Filed June 21, 1990, 8:55 a.m.]

Original Notice.

Title of Rule: Permissible compensation elements for remuneration of community college presidents.

Purpose: To implement the provisions of RCW 28B.50.140(3) requiring the state board to define the permissible compensation elements for the guidance of community college district boards of trustees decisions.

Other Identifying Information: RCW 28B.50.140(3) was amended in the 1990 session (chapter 135, Laws of 1990) with respect to the proposed rule defining compensation.

NEW SECTION

WAC 131-16-500 PERMISSIBLE COMPENSATION ELEMENTS FOR COMMUNITY COLLEGE PRESIDENTS. (1) RCW 28B.50.140(3) requires the state board for community college education to adopt rules defining the permissible elements of compensation which college boards may approve for community college presidents.

(2) Compensation (including salary) increases granted in accordance with this section shall not exceed the amount or percentage established for that purpose in the state Omnibus Appropriations Act as allocated to the college boards by the state board for community college education.

(3) For purposes of implementation of RCW 28B.50.140(3), the permissible elements of compensation for community college presidents are defined as: (a) Salary, (b) a stipend to compensate the president for providing and maintaining a private automobile for the president's use on college business, (c) medical, life, accidental death and dismemberment, long-term disability and liability insurance, (d) deferred compensation, (e) tax-deferred annuities, (f) relocation assistance, (g) deferred payment for accrued annual leave upon termination of employment in accordance with RCW 43.01.041, and (h) deferred payment for accrued sick leave upon retirement in accordance with RCW

41.04.340; provided that benefits listed in (b) through (h) of this subsection shall not affect but may supplement such benefits otherwise applicable to presidents as state employees.

WSR 90-13-096
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF WILDLIFE

[Filed June 21, 1990, 10:55 a.m.]

Please take note that the proposed rule adopting WAC 232-28-414, 1990 September Canada goose season for portions of Clark, Cowlitz, Pacific and Wahkiakum counties, filed on June 5, 1990, WSR 90-12-101, is withdrawn.

Lee S. Smith
 Administrative Regulations Officer

WSR 90-13-097
PROPOSED RULES
DEPARTMENT OF WILDLIFE

[Filed June 21, 1990, 10:56 a.m.]

Original Notice.

Title of Rule: Amending WAC 232-12-141 Wild animal trapping.

Purpose: To reduce potential unintentional capture of domestic pets or feral domestic animals within identified urban trapping areas.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: This WAC specifies the type of traps or devices which may be used in trapping of wild animals as well as the time interval that traps must be checked. The proposed amendment would require that land sets in specified, heavily populated urban areas must be checked every 24 hours instead of the 72 hours now required outside of these areas.

Reasons Supporting Proposal: In recent years, trapping incidents in the Puget Sound human population corridor have involved the involuntary capture of pets or feral domestic animals. As a precautionary measure to reduce the number of these incidents, the department recommends that the trap check time within these urban areas be reduced from 72 to 24 hours.

Name of Agency Personnel Responsible for Drafting and Implementation: Tom Juelson, AD, Wildlife Management Division, Olympia, (206) 753-5728; and Enforcement: Dan Wyckoff, AD, Wildlife Enforcement Division, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: See Summary and Reasons above.

Proposal Changes the Following Existing Rules: Shortens the time for checking traps in certain urban areas.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Towne Plaza Motor Inn, North 7th Street and East Yakima Avenue, Yakima, Washington 98901, on August 4, 1990, at 8:00 a.m.

Submit Written Comments to: Lee S. Smith, 600 Capitol Way North, Olympia, WA 98501-1091, by July 25, 1990.

Date of Intended Adoption: August 4, 1990.

June 21, 1990

Lee S. Smith

Administrative Regulations Officer

AMENDATORY SECTION [(Amending Order 293, filed 7/20/87)]

WAC 232-12-141 WILD ANIMAL TRAPPING. It is unlawful to trap for wild animals:

(1) With a steel trap having a jaw spread exceeding seven and one-half inches, except that an instant kill trap having a jaw spread exceeding seven and one-half inches is lawful when set beneath the water surface.

(2) With a No. 3 size or larger steel trap if it does not have spacing of at least three-sixteenth of one inch when the trap is sprung and when the set is not capable of drowning the trapped animal.

(3) With a No. 3 size or larger steel trap with teeth when the set is not capable of drowning the trapped animal.

(4) Unless traps or devices are checked and animals removed within seventy-two hours, except within identified urban trapping areas, where the set is not capable of drowning the animal, traps or devices must be checked and animals removed within 24 hours.

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

WSR 90-13-098
PROPOSED RULES
DEPARTMENT OF WILDLIFE

[Filed June 21, 1990, 10:57 a.m.]

Original Notice.

Title of Rule: Adopting WAC 232-16-710 Coffeepot Lake game reserve.

Purpose: To establish a game reserve at Coffeepot Lake in Lincoln County where hunting for wild animals and wild birds will be prohibited.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: This rule establishes the Coffeepot Lake game reserve to provide a secure resting place for Canada geese.

Reasons Supporting Proposal: Coffeepot Lake is a staging and resting area for both Western Canada geese and lesser Canada geese in spring and fall. The birds feed in stubblefields near the lake until freeze-up occurs. During 1989-90 there were approximately 30,000 Canada geese on this lake at the time of peak use. For the past twenty years property owners and lessees have cooperatively agreed not to shoot at waterfowl on the lake but to allow the birds to be enroute to feeding areas before hunting them. Reserve status will prevent future land use changes from jeopardizing the value of Coffeepot Lake as a resting area for geese. If this lake is not maintained as a secure resting area, Canada geese may abandon it as a migration area in favor of areas further

south in eastern Washington. Establishment of the reserve will assist in meeting Canada goose distribution objectives in eastern Washington.

Name of Agency Personnel Responsible for Drafting and Implementation: Tom Juelson, AD, Wildlife Management Division, Olympia, (206) 753-5728; and Enforcement: Dan Wyckoff, AD, Wildlife Enforcement Division, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: See Reasons above.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Towne Plaza Motor Inn, North 7th Street and East Yakima Avenue, Yakima, Washington 98901, on August 4, 1990, at 8:00 a.m.

Submit Written Comments to: Lee S. Smith, 600 Capitol Way North, Olympia, WA 98501-1091, by July 25, 1990.

Date of Intended Adoption: August 4, 1990.

June 21, 1990

Lee S. Smith

Administrative Regulations Officer

NEW SECTION

WAC 232-16-710 COFFEEPOT LAKE GAME RESERVE. It shall be unlawful to hunt wild animals and wild birds within the following described boundary: The wetted perimeter of Coffeepot Lake in Lincoln County, located in Sections 13 and 25, T23N, R33E; and in Sections 8, 9, 17, 18, and 19, T23N, R34E.

WSR 90-13-099

PROPOSED RULES

DEPARTMENT OF WILDLIFE

[Filed June 21, 1990, 10:58 a.m.]

Original Notice.

Title of Rule: Adopting WAC 232-16-720.

Purpose: To establish a game reserve at Duck Lake (Cormana Lake) in Lincoln County where hunting for wild animals and wild birds will be prohibited.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: This rule establishes the Duck Lake (Cormana Lake) game reserve to provide a secure resting area for Canada geese.

Reasons Supporting Proposal: Duck Lake is a resting and staging area for lesser Canada geese both in spring and fall. The geese arrive at Duck Lake usually during the first week of October. The geese continue to rest and water at Duck Lake until freeze-up. After the ice thaws in the spring, the geese, many duck species, and some tundra swans use the lake until spring migration begins. During the fall peak, numbers of geese using Duck Lake may reach 28,000 birds (U.S. Fish and Wildlife Service estimate). The lake and surrounding fields are currently

closed to hunting. Reserve status will prevent future land use changes from jeopardizing the value of Duck Lake as a resting area for geese. If this lake is not maintained as a secure resting area, Canada geese may abandon it as a migration area in favor of areas further south in eastern Washington. Establishment of the reserve will assist in meeting Canada goose distribution objectives in eastern Washington.

Name of Agency Personnel Responsible for Drafting and Implementation: Tom Juelson, AD, Wildlife Management Division, Olympia, (206) 753-5728; and Enforcement: Dan Wyckoff, AD, Wildlife Enforcement Division, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: See Reasons above.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Towne Plaza Motor Inn, North 7th Street and East Yakima Avenue, Yakima, Washington 98901, on August 4, 1990, at 8:00 a.m.

Submit Written Comments to: Lee S. Smith, 600 Capitol Way North, Olympia, WA 98501-1091, by July 25, 1990.

Date of Intended Adoption: August 4, 1990.

June 21, 1990

Lee S. Smith

Administrative Regulations Officer

NEW SECTION

WAC 232-16-720 DUCK LAKE (CORMANA LAKE) GAME RESERVE. It shall be unlawful to hunt wild animals and wild birds within the following described boundary: Section 19, T35E, R23N.

WSR 90-13-100

PROPOSED RULES

DEPARTMENT OF WILDLIFE

(Wildlife Commission)

[Filed June 21, 1990, 10:59 a.m.]

Original Notice.

Title of Rule: Adopting WAC 232-28-224 1991-92, 1992-93, and 1993-94 Opening and closing dates for pheasant, partridge, quail, forest grouse, and bird dog training seasons; and repealing WAC 232-28-215 1988, 1989, and 1990 Opening dates for modern firearm general buck deer, upland birds, and waterfowl seasons.

Purpose: To establish opening and closing dates for upland birds, except turkeys, doves, and band-tailed pigeons, for the 1991-92, 1992-93, and 1993-94 seasons.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: See Purpose above.

Reasons Supporting Proposal: Wildlife resource management. Also, allow hunters to know opening and closing dates in advance for planning and vacation purposes.

Name of Agency Personnel Responsible for Drafting and Implementation: Tom Juelson, AD, Wildlife Management Division, Olympia, (206) 753-5728; and Enforcement: Dan Wyckoff, AD, Wildlife Enforcement Division, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: See Summary above.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Towne Plaza Motor Inn, North 7th Street and East Yakima Avenue, Yakima, Washington 98901, on August 4, 1990, at 8:00 a.m.

Submit Written Comments to: Lee S. Smith, 600 Capitol Way North, Olympia, WA 98501-1091, by July 25, 1990.

Date of Intended Adoption: August 4, 1990.

June 21, 1990

Lee S. Smith

Administrative Regulations Officer

NEW SECTION

WAC 232-28-224 1991-92, 1992-93, AND 1993-94 OPENING AND CLOSING DATES FOR PHEASANT, PARTRIDGE, QUAIL, FOREST GROUSE, AND BIRD DOG TRAINING SEASONS

Eastern Washington

Ring-necked Pheasant Oct. 12-Dec. 31, 1991
Oct. 10-Dec. 31, 1992
Oct. 16-Dec. 31, 1993

Partridge (chukar and Hungarian)

Early Season in Asotin and Garfield Counties; in that part of Whitman County south of the Washtucna-Colfax-Moscow Highway; in that part of Columbia County that is north and east of the Tucannon River. Sept. 21-Oct. 11, 1991
Sept. 26-Oct. 9, 1992
Sept. 25-Oct. 15, 1993

Regular Season Oct. 12, 1991-Jan. 12, 1992
Oct. 10, 1992-Jan. 10, 1993
Oct. 16, 1993-Jan. 9, 1994

Quail Oct. 12, 1991-Jan. 12, 1992
Oct. 10, 1992-Jan. 10, 1993
Oct. 16, 1993-Jan. 9, 1994

Western Washington

Quail Oct. 12-Nov. 30, 1991
Oct. 10-Nov. 30, 1992
Oct. 16-Nov. 30, 1993

Statewide

Forest Grouse (Blue, Ruffed, and Spruce) Sept. 1-Dec. 31, 1991
Sept. 1-Dec. 31, 1992
Sept. 1-Dec. 31, 1993
EXCEPT CLOSED to rifles and hand guns. Nov. 18-Dec. 31, 1991
Nov. 16-Dec. 31, 1992
Nov. 15-Dec. 31, 1993

Bird Dog Training Seasons Aug. 1, 1991-Mar. 15, 1992
Aug. 1, 1992-Mar. 15, 1993
Aug. 1, 1993-Mar. 15, 1994

REPEALER

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

WAC 232-28-215 - 1988, 1989, AND 1990 OPENING DATES FOR MODERN FIREARM GENERAL BUCK DEER, UPLAND BIRDS, AND WATERFOWL SEASONS

WSR 90-13-101

PROPOSED RULES

DEPARTMENT OF WILDLIFE

[Filed June 21, 1990, 11:00 a.m.]

Original Notice.

Title of Rule: Adopting WAC 232-28-414 1990-91 Upland game bird and migratory waterfowl seasons; and repealing WAC 232-28-413 1989-90 Upland game bird and migratory waterfowl seasons.

Purpose: To establish hunting seasons for upland game birds and migratory waterfowl for 1990-91.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: This rule establishes season length, bag limits, area restrictions, hunting hours, and special regulations for hunting upland birds and migratory waterfowl.

Reasons Supporting Proposal: Wildlife resource management, see Summary above.

Name of Agency Personnel Responsible for Drafting and Implementation: Tom Juelson, AD, Wildlife Management Division, Olympia, (206) 753-5728; and Enforcement: Dan Wyckoff, AD, Wildlife Enforcement Division, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: See Summary above.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Towne Plaza Motor Inn, North 7th Street and East Yakima Avenue, Yakima, Washington 98901, on August 4, 1990, at 8:00 a.m.

Submit Written Comments to: Lee S. Smith, 600 Capitol Way North, Olympia, WA 98501-1091, by July 25, 1990.

Date of Intended Adoption: August 4, 1990.

June 21, 1990

Lee S. Smith

Administrative Regulations Officer

NEW SECTION

WAC 232-28-414 1990-91 UPLAND GAME BIRD AND MIGRATORY WATERFOWL SEASONS

UPLAND GAME BIRD SEASONS

Western Washington

To hunt pheasant, quail, and partridge in western Washington, a hunting license and a western Washington Upland Game Bird Permit are required.

Eastern Washington

To hunt pheasant, quail, and partridge in eastern Washington, a hunting license and a eastern Washington Upland Game Bird Permit are required.

PHEASANT

Western Washington (See Lake Terrell, Tennant Lake, Snoqualmie, and Skagit Wildlife Area restriction).

Sept. 29–Nov 30, 1990 (8 a.m. – 4 p.m. daily) except Voice of America Site (Clallam County) starting Oct. 13 and open only on Wednesday, Saturday, Sunday and holidays. Closed in Unit 522 (Loo-wit). No hunting is allowed on designated pheasant release areas until 8:00 a.m. or after 4:00 p.m. unless otherwise posted.

Daily bag limit: 2 Ring-necked pheasants of either sex per day on designated release sites; elsewhere, 2 cock pheasants only.
Possession limit: 15 Ring-necked pheasants.

All hunters wishing to participate in the Pheasant Release Program on the Fort Lewis Military Reservation must first obtain a hunting permit and attend a mandatory safety briefing at the Fort Lewis Hunting and Fishing Center, Bldg. 8094, phone 967-6263, 967-7990, 967-7397. Hunters must have in their possession all appropriate licenses and permits at the time of registration.

It is unlawful to hunt upland birds on the following Department of Wildlife owned or controlled lands unless the hunter is wearing fluorescent hunter orange clothing: Lake Terrell and Tennant Lake Wildlife Areas; Skagit Wildlife Area; Snoqualmie Wildlife Area; Scatter Creek Wildlife Area; Skookumchuck Wildlife Area; Vancouver Lake Shillapoo Wildlife Area; and Voice of America Wildlife Area. Hunter orange will also be required on Fort Lewis and the Yakima Firing Center for hunting of upland birds.

A minimum of 400 square inches of fluorescent hunter orange exterior clothing, worn above the waist, is required. A hunter orange shirt, jacket, or vest satisfies this requirement.

**Pheasant Hunters
Restricted Weekend Hunting Hours**

For Lake Terrell, Tennant Lake, Snoqualmie* and Skagit** Wildlife Areas

Hunting hours are restricted on Saturdays and Sundays from 8:00 a.m. until 12 noon. Hunters with odd numbered hunting licenses will hunt on one day and hunters with even numbered hunting licenses will hunt the other weekend day. Hunters 14 years of age or younger may hunt on either weekend day provided they are accompanied by an adult with appropriate hunting license number. See schedule below.

*Salvator, Cherry Valley, Two Rivers segments

**Headquarters, Smith Farm segments

September							October							November						
M	T	W	TH	F	SA	SU	M	T	W	TH	F	SA	SU	M	T	W	TH	F	SA	SU
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
18	19	20	21	22	23	24	25	26	27	28	29	30	31	1	2	3	4	5	6	7
8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28
25	26	27	28	29	30	31								29	30	31				

□ Both License Numbers
 ■ Odd License Numbers
 ▨ Even License Numbers

All Hunters With A Hunting License And Western Washington Upland Bird Permit May Hunt:

WEEKENDS: Noon to 4 p.m. WEEKDAYS: 8 a.m. to 4 p.m.

Eastern Washington (pheasant)

Noon Oct. 13–Dec. 31, 1990

Daily bag limit: 3 Ring-necked cock pheasants.

Possession limit: 15 Ring-necked cock pheasants.

QUAIL

Western Washington

Oct. 13–Nov. 30, 1990

Daily bag limit: 5 quail.

Possession limit: 15 quail.

Eastern Washington

Noon Oct. 13, 1990–Jan. 13, 1991

Daily bag limit: 10 quail.

Possession limit: 30 quail.

PARTRIDGE

Chukar and Hungarian

Eastern Washington Only

Early Season

Sept. 22–Oct. 12, 1990 in Asotin and Garfield Counties; in that part of Whitman County south of the Washtucna–Colfax–Moscow Highway; in that part of Columbia County that is north and east of the Tucannon River.

Daily bag limit: 6 chukar or Hungarian partridges, straight or mixed bag.

Possession limit: 18 chukar or Hungarian partridges, straight or mixed bag.

Regular Season

Noon Oct. 13, 1990–Jan. 13, 1991

Daily bag limit: 6 chukar or Hungarian partridges, straight or mixed bag.

Possession limit: 18 chukar or Hungarian partridges, straight or mixed bag.

Rock doves (feral domestic pigeons) may be taken year around. A hunting license is required to hunt these birds.

GROUSE

Blue, Ruffed, and Spruce

Statewide: Sept. 1–Dec. 31, 1990 except closed in Unit 522 (Loo-wit). Rifles and handguns prohibited from Nov. 19–Dec. 31, 1990. Colville Indian Reservation closed to hunting of all grouse species by non-tribal members.

Daily bag limit: 3 blue, ruffed, or spruce grouse, straight or mixed bag.
Possession limit: 9 blue, ruffed, or spruce grouse, straight or mixed bag.

Sage and Sharptail Grouse

Season closed statewide.

Ptarmigan

Season Closed Statewide.

WILD TURKEY

Either sex season: Nov. 16–Nov. 20, 1990 in Klickitat and Skamania Counties only.

Bag and possession limit: 1 turkey per calendar year (Jan. 1–Dec. 31).

Special Regulations

- 1) Wild turkey season is open for shotgun and bow-and-arrow hunting only.
- 2) A turkey transport tag is required for hunting wild turkey; see License Requirements.
- 3) Each successful hunter must fill out and return a game harvest report card to the Department of Wildlife within 10 days after taking a turkey. Failure to do so is a misdemeanor punishable by a fine of up to \$250 and/or 90 days in jail.

BIRD DOG TRAINING SEASON

Aug. 1, 1990–Mar. 15, 1991

On designated western Washington release sites, dog training restricted to 8:00 a.m. – 4:00 p.m. Game birds may be taken only during established bird hunting season.

MIGRATORY WATERFOWL SEASONS

DUCKS

Western Washington

8 a.m. Oct. 13–Oct. 21, 1990 and Nov. 10–Dec. 30, 1990

Daily bag limit: 4 ducks—to include not more than 3 mallards, not more than 1 hen mallard, not more than 1 pintail (either sex), and not more than 2 redheads, 1 canvasback or 1 of each.

Possession limit: 8 ducks—to include not more than 6 mallards, not more than 2 hen mallards, not more than 2 pintails (either sex), and not more than 4 redheads, 2 canvasbacks or 2 of each.

Eastern Washington

Noon Oct. 13–Oct. 21, 1990 and Nov. 3–Dec. 30, 1990

Daily bag limit: 4 ducks—to include not more than 3 mallards, not more than 1 hen mallard, not more than 1 pintail (either sex), and not more than 2 redheads, 1 canvasback or 1 of each.
 Possession limit: 8 ducks—to include not more than 6 mallards, not more than 2 hen mallards, not more than 2 pintails (either sex), and not more than 4 redheads, 2 canvasbacks or 2 of each.

COOT (Mudhen)

Same areas, dates and shooting hours as the general duck season.

Daily bag limit: 25 coots.
 Possession limit: 25 coots.

COMMON SNIPE

Same areas, dates and shooting hours as the general duck season.

Daily bag limit: 8 snipe.
 Possession limit: 16 snipe.
 Caution: Hunters must take care in their identification of common snipe. Many species of estuarine shorebirds, similar in appearance to common snipe, are found in the same areas, particularly in western Washington. Common snipe do not fly in flocks.

Skagit Wildlife Area Shotgun Shell Restriction

It is unlawful to have in possession more than 15 shotgun shells or to fire more than 15 shells in one day on the farmed island segment of the Skagit public hunting area, between the south fork of the Skagit River and Fresh Water Slough.

It is unlawful to hunt waterfowl from a moving boat or any free-floating device that is not in a fixed position which is either anchored or secured to shore in Port Susan Bay, Skagit Bay, Padilla Bay, and Samish Bay.

GEESE (except Brant and Cackling Canada Geese)**Western Washington**

Oct. 13, 1990–Dec. 30, 1990 in Island, Skagit, Snohomish, and Whatcom Counties.

The Skagit–Fraser population of lesser snow geese had consecutive breeding failures in 1988 and 1989 on Wrangel Island, U.S.S.R. If the 1990 wintering population is below 35,000 or the percentage of juveniles in the wintering flock is below ten percent, the snow goose season will be closed early or will not open.

Daily bag limit: 3 geese.
 Possession limit: 6 geese.

Oct. 13, 1990–Jan. 13, 1991 in all other parts of western Washington, EXCEPT: Canada geese in Clark, Cowlitz, Pacific and Wahkiakum counties in areas listed below. (See seasons and special requirements for the counties below.)

Daily bag limit: 3 geese.
 Possession limit: 6 geese.

*Special Canada Goose Season for Clark, Cowlitz, Pacific and Wahkiakum counties:

Special season for 1990–91 arranged cooperatively by the Washington Department of Wildlife and the U.S. Fish and Wildlife Service.

The Canada goose season for Clark, Cowlitz, Pacific, and Wahkiakum Counties will be closed early if dusky Canada goose harvest exceeds 45 geese.

Canada goose season is OPEN in Clark, Cowlitz, and Wahkiakum counties, only on the following dates from 9:00 a.m. to 4:00 p.m.

Nov. 25, 1990
 Dec. 1, 9, 15, 23, 29, 1990
 Jan. 5, 12, 1991

Canada goose season is OPEN in Pacific County from 9 a.m. to 4 p.m., Saturdays only, Nov. 24, 1990 to Jan. 12, 1991.

Bag limits for both areas:
 Season limit: 1 dusky Canada goose.
 Daily bag limit: 3 geese, only one of which may be a dusky Canada goose.
 Possession limit: 6 geese, only one of which may be a dusky Canada goose.

Hunting only by written authorization from the Washington Department of Wildlife. Written authorization will be revoked in the event a dusky Canada goose or a cackling Canada goose is taken and the hunter will not be able to hunt Canada geese in the specified area for the remainder of the season. All hunters must carry proof of attending a 1990 goose identification class. Hunters must go directly to the nearest check station and have geese tagged when leaving a hunt site.

Eastern Washington

Saturdays, Sundays, and Wednesdays only, from noon Oct. 13, 1990–Jan. 13, 1991 and on Nov. 12, 22, 23, Dec. 25, 1990 and Jan. 1, 1991 in Adams, Benton, Douglas, Franklin, Grant, Kittitas, Lincoln, Okanogan, Spokane, and Walla Walla Counties; and east of Satus Pass (U.S. Highway 97) in Klickitat County.

Daily bag limit: 3 geese.
 Possession limit: 6 geese.

Noon Oct. 13, 1990–Jan. 13, 1991 in all other parts of eastern Washington.

Daily bag limit: 3 geese.
 Possession limit: 6 geese.

Extended Season: Jan. 14–20, 1991, in Adams, Benton, Douglas, Franklin, Grant, Kittitas, Klickitat, Lincoln, Walla Walla, and Yakima Counties.

Daily bag limit: 3 geese.
 Possession limit: 6 geese.

BRANT

Open in Skagit and Whatcom counties on the following dates: Dec. 8, 9, 11, 12, 13, 15, 16, 19, 20, 22, 23, 1990.

Open in Pacific County on the following dates: Dec. 8, 12, 15, 19 and 22, 1990. Brant killed in Pacific County must be checked at the Willapa National Wildlife Refuge by 6:00 p.m. on the day of the kill.

Written Authorization Required: All hunters participating in this season are required to obtain written authorization from a Washington Department of Wildlife office. With the authorization, hunters will receive a hunter activity and harvest report form. Return of the harvest report form is mandatory. Those hunters not returning the harvest report form to the Department of Wildlife by January 31, 1991 will be ineligible to participate in the 1991 brant season.

Daily bag limit: 2 brant.
 Possession limit: 4 brant.

CACKLING CANADA GEESE AND SWANS

Season Closed Statewide.

STEEL SHOT ZONES

It is unlawful to possess while hunting for or to take ducks, geese, or coots with shotshells or a muzzleloader shotgun loaded with any metal other than steel in the following zones:

1. Western Washington Zone

All areas west of the Pacific Crest Trail and west of (and including) the Big White Salmon River in Klickitat County.

2. Columbia Basin Zone

All of Adams, Benton, Franklin, Grant, Lincoln, Spokane, Walla Walla, and Yakima counties and those portions of Klickitat, Chelan, Kittitas, Douglas, and Okanogan counties bounded by the following line:

Beginning at the Washington–Oregon State border on Celilo Bridge on US 97, thence northerly on US 97 to State Highway 14, thence easterly on State Highway 14 to US 395/I–82 (formerly a continuation of Highway 14), thence northerly on US 395/I–82 to Kennewick, thence northwesterly on State Highway 240 to State Highway 24, thence westerly on State Highway 24 to US 97, thence northerly on US 97 to State Highway 155 at Omak, thence southeasterly on State Highway 155 to Grand Coulee, thence southeasterly on State Highway 174 to US 2, thence westerly on US 2 to State Highway 17, thence southerly on State Highway 17 to US 395, thence southerly on US 395 to US 12, thence southerly on US 12 and US 730 to the Oregon border (including the entire

McNary and Umatilla National Wildlife Refuges), thence westerly along the Columbia River and the Washington and Oregon border to point of origin.

It is unlawful to possess while hunting, shot shells or a muzzleloader shotgun loaded with any metal other than steel on the Skagit Wildlife Area. This change will reduce lead shot availability in waterfowl feeding areas on the Skagit Wildlife Area.

SPECIAL CLOSURES AND REGULATIONS

Special Closures

Columbia River:

It is unlawful to hunt waterfowl, coot, or snipe on or within one-fourth mile of the Columbia River in the following areas:

-Between the railroad bridge at Wishram and east along the Columbia River to the grain elevator at Roosevelt.

-Between Rock Island Dam and Winesap in Chelan County and between Rock Island Dam and a point in Douglas County perpendicular to Winesap.

-Between Chief Joseph Dam and the mouth of Nespelem Creek in Okanogan and Douglas Counties.

-From the old Hanford townsite (wooden tower) powerline crossing in Sec. 30, T13N, R28E, to Vernita Bridge (Highway 24).

-On or within one-fourth mile of Badger and Foundation Islands in Walla Walla County.

It is unlawful to hunt game birds on the Columbia River or from any island in the Columbia River in the following areas:

-From the mouth of Glade Creek (River Marker 57) to the old townsite of Paterson (River Marker 67) in Benton County, except the hunting of game birds is permitted from the main shoreline of the Columbia River in this area. (Check with Umatilla National Wildlife Refuge for other federal regulations for this area.)

-Between the public boat launch at Sunland Estates in Grant County (Wanapum Pool) and a point perpendicular in Kittitas County; upstream to the posted marker 200 yards north of Quilomene Bay and a point perpendicular in Grant County, including islands.

The U.S. Department of Energy retains security closures on the Hanford Reservation along the Columbia River.

Snake River

It is unlawful to hunt waterfowl, coot, or snipe in the following areas:

-On or within one-half mile of the Snake River from the Highway 12 bridge up river to Lower Monumental Dam.

-On or within one-fourth mile of the Snake River between the Interstate Highway 12 bridges at Clarkston, downstream to the Lower Granite Dam.

Yakima River

It is unlawful to hunt waterfowl, coot, or snipe within one-fourth mile of the Yakima River in the following areas:

-From the Sunnyside-Mabton Road bridge downstream to the Euclid Road bridge (4 miles).

-From the Grant Avenue bridge (steel bridge) north of Prosser downstream 2-1/2 miles, to the powerline.

I-82 Ponds

It is unlawful to hunt waterfowl, coot, or snipe in the following area:

-Those waters under Department of Wildlife ownership known as Ponds 1, 2, 3, and 6 north and east of Interstate 82 and south and east of S.R. 12 from the city limits of Union Gap to the Zillah/Toppenish Road.

FALCONRY SEASONS

Migratory Waterfowl, Coot and Snipe

Oct. 13, 1990-Jan. 27, 1991, statewide.
Daily bag limit: 3, straight or mixed bag.
Possession limit: 6, straight or mixed bag.

1990-91 OFFICIAL HUNTING HOURS*
September 1, 1990 to January 31, 1991

Dates (Inclusive)	Western Washington		Eastern Washington	
	A.M.	to P.M.	A.M.	to P.M.
Sat. Sept. 1 - Sun. Sept. 2	6:00	7:50	5:45	7:40
Mon. Sept. 3 - Sun. Sept. 9	6:05	7:40	5:50	7:30
Mon. Sept. 10 - Sun. Sept. 16	6:15	7:25	6:00	7:15
Mon. Sept. 17 - Sun. Sept. 23	6:20	7:10	6:10	7:00
Mon. Sept. 24 - Sun. Sept. 30	6:30	6:55	6:20	6:45
Mon. Oct. 1 - Sun. Oct. 7	6:40	6:45	6:30	6:30
Mon. Oct. 8 - Fri. Oct. 12	6:50	6:30	6:40	6:20
Opening** Sat. Oct. 13	6:55	6:25	6:45	6:10
Weekend Sun. Oct. 14	6:55	6:25	6:45	6:10
Mon. Oct. 15 - Sun. Oct. 21	7:00	6:15	6:50	6:05
Mon. Oct. 22 - Sat. Oct. 27	7:10	6:05	7:00	5:50
Sun. Oct. 28	6:15	5:00	6:05	4:45
Mon. Oct. 29 - Sun. Nov. 4	6:20	4:50	6:10	4:40
Mon. Nov. 5 - Sun. Nov. 11	6:35	4:40	6:20	4:30
Mon. Nov. 12 - Sun. Nov. 18	6:45	4:35	6:30	4:20
Mon. Nov. 19 - Sun. Nov. 25	6:55	4:25	6:40	4:15
Mon. Nov. 26 - Sun. Dec. 2	7:05	4:20	6:50	4:10
Mon. Dec. 3 - Sun. Dec. 9	7:10	4:20	7:00	4:05
Mon. Dec. 10 - Sun. Dec. 16	7:20	4:20	7:05	4:05
Mon. Dec. 17 - Sun. Dec. 23	7:25	4:20	7:10	4:05
Mon. Dec. 24 - Sun. Dec. 30	7:25	4:25	7:15	4:10
Mon. Dec. 31 - Sun. Jan. 6	7:25	4:30	7:15	4:20
Mon. Jan. 7 - Sun. Jan. 13	7:25	4:40	7:15	4:25
Mon. Jan. 14 - Sun. Jan. 20	7:20	4:45	7:10	4:35
Mon. Jan. 21 - Sun. Jan. 27	7:15	4:55	7:05	4:45
Mon. Jan. 28 - Thu. Jan. 31	7:10	5:05	7:00	4:55

* Opening Day - In eastern Washington, upland bird and waterfowl seasons open at noon. In western Washington, upland bird and waterfowl seasons open at 8:00 a.m.

Exceptions:

- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. on designated pheasant release sites.
2) Western Washington - Cottontail rabbit and snowshoe hare hunting hours are 8:00 a.m. to 4:00 p.m. during the pheasant season on designated pheasant release sites.
3) Before September 1 and after January 31 during their respective seasons, the lawful hunting hours for all game animals and game birds shall be one-half hour before sunrise to sunset.
4) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer and elk, hunting hours shall be one-half hour before sunrise to sunset.
5) Hunting hours for falconry seasons are exempt from these hunting hours except on designated pheasant release sites.

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

REPEALER

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

WAC 232-28-413 - 1989-90 UPLAND GAME BIRD AND MIGRATORY WATERFOWL SEASONS

WSR 90-13-102
PROPOSED RULES
DEPARTMENT OF WILDLIFE
[Filed June 21, 1990, 11:01 a.m.]

Original Notice.

Title of Rule: Adopting WAC 232-28-512 1990-91 and 1991-92 Trapping seasons and rules; and repealing WAC 232-28-511 1988-89 and 1989-90 Trapping seasons and rules.

Purpose: To establish trapping seasons and regulations for furbearing animals for 1990-91 and 1991-92.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: This rule establishes season lengths, bag limits, area restrictions, trapping hours, and special regulations for the trapping of furbearing animals.

Reasons Supporting Proposal: Wildlife resource management, see Summary above.

Name of Agency Personnel Responsible for Drafting and Implementation: Tom Juelson, AD, Wildlife Management Division, Olympia, (206) 753-5728; and Enforcement: Dan Wyckoff, AD, Wildlife Enforcement Division, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: See Summary above.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Towne Plaza Motor Inn, North 7th Street and East Yakima Avenue, Yakima, Washington 98901, on August 4, 1990, at 8:00 a.m.

Submit Written Comments to: Lee S. Smith, 600 Capitol Way North, Olympia, WA 98501-1091, by July 25, 1990.

Date of Intended Adoption: August 4, 1990.

June 21, 1990

Lee S. Smith

Administrative Regulations Officer

[NEW SECTION]

WAC 232-28-512 1990-91 AND 1991-92 TRAPPING SEASONS AND RULES 1990-91 licenses will be issued only to those 1989-90 trappers who have submitted their mandatory 1989-90 Trappers Report of Catch on or before April 10, 1990.

1991-92 licenses will be issued only to those 1990-91 trappers who have submitted their mandatory 1990-91 Trappers Report of Catch on or before April 10, 1991.

To be issued a 1990-91 or 1991-92 license, new trappers must meet trapper training requirements.

Trappers who fail to submit an accurate report of catch must wait one year before purchasing another trapper's license. False reports will be considered the same as no report of catch being filed.

EASTERN WASHINGTON

Certain areas have extended, shortened, or closed seasons for listed species. Refer to the general season, then look for special seasons and exceptions in the trapping zone in which you wish to trap. All opening and closing dates are inclusive. Trapping season starts at 7 a.m. on opening dates.

For purposes of this pamphlet, all of Klickitat County will have the same general seasons as the Southern Zone.

General Seasons For All Eastern Washington (Including all Klickitat County)

Table with 2 columns: Species and Dates. Rows include Bobcat (Dec. 15, 1990-Jan. 15, 1991 and Dec. 15, 1991-Jan. 15, 1992) and Marten (Dec. 1-31, 1990 and Dec. 1-31, 1991).

EXCEPTION: Marten closed in Pend Oreille County west of the Pend Oreille River and in Stevens County east of the Columbia River.

Northeast Zone (Ferry, Pend Oreille, Spokane, and Stevens counties)

Table with 2 columns: Species and Dates. Rows include Beaver, River Otter (2 River Otter per season bag limit), Muskrat, Weasel, Badger (Nov. 1, 1990-Feb. 28, 1991 and Nov. 1, 1991-Feb. 29, 1992) and Raccoon, Mink (Nov. 1, 1990-Jan. 15, 1991 and Nov. 1, 1991-Jan. 15, 1992).

EXCEPTION: SPOKANE COUNTY

River Otter..... CLOSED

PEND OREILLE COUNTY

Table with 2 columns: Species and Dates. Row includes Beaver (Nov. 1, 1990-Mar. 15, 1991 and Nov. 1, 1991-Mar. 15, 1992).

Columbia Basin Zone (Adams, Douglas, Franklin, Grant, and Okanogan counties)

Table with 2 columns: Species and Dates. Rows include Beaver, Badger, Raccoon, Mink, Weasel (Nov. 17, 1990-Feb. 28, 1991 and Nov. 16, 1991-Feb. 29, 1992) and Muskrat (Nov. 17, 1990-Mar. 15, 1991 and Nov. 16, 1990-Mar. 15, 1992).

EXCEPTION: GRANT COUNTY

Table with 2 columns: Species and Dates. Row includes Muskrat (Nov. 17, 1990-Mar. 15, 1991 and Nov. 16, 1991-Mar. 15, 1992 EXCEPT closed Feb. 28, 1990 and Feb. 29, 1991 in the following described area: beginning at the intersection of Adams Rd. and

Interstate 90; south on Adams Rd. to Frenchman Hills Rd.; east on Frenchman Hills Rd. to O'Sullivan Dam Rd.; east on O'Sullivan Dam Rd. to Highway 17; north on Highway 17 to Interstate 90; west on Interstate 90 to Adams Rd. and the point of beginning.

OKANOGAN COUNTY

- 1. Beaver, River Otter Nov. 17, 1990-Dec. 16, 1990 and Nov. 16, 1991-Dec. 15, 1991 in all of Okanogan County except as listed below. (Season and bag limit 2 Otter).
- 1a. Columbia River, Okanogan River, Lake Osoyoos, Similkameen River, Palmer Lake, Sinlahekin Creek downstream from Cecil Creek bridge to Palmer Lake Nov. 10, 1990-Jan. 31, 1991 and Nov. 9, 1991-Jan. 31, 1992

Southern Zone (Asotin, Benton, Chelan, Columbia, Garfield, Kittitas, Klickitat, Lincoln, Walla Walla, Whitman, and Yakima counties)

- Beaver, River Otter, Badger
- Weasel, Fox Dec. 8, 1990-Feb. 28, 1991 and Dec. 7, 1991-Feb. 29, 1992

River Otter open only in Klickitat, Kittitas, Chelan, and Yakima counties as well as the Snake River and its tributaries (Season and bag limit 2 Otter).

Fox closed within exterior boundaries of the Mount Baker, Snoqualmie, Okanogan, Wenatchee, and Gifford Pinchot National Forests, in Yakima and Kittitas counties.

- Muskrat..... Nov. 24, 1990-Mar. 15, 1991 and Nov. 23, 1991-Mar. 15, 1992
- Raccoon, Mink..... Nov. 24, 1990-Jan. 31, 1991 and Nov. 23, 1991-Jan. 31, 1992

EXCEPTION: CHELAN COUNTY

(NOTE - FEDERAL LANDS WITHIN the Lake Chelan National Recreation Area are closed to trapping.)

- 1. Beaver Dec. 8, 1990-Mar. 31, 1991 and Dec. 7, 1991-Mar. 31, 1992

CLOSED -Swakane Creek Drainage and Mudd Creek Drainage.

KITTITAS COUNTY

- 1. Beaver Nov. 17, 1990-Mar. 31, 1991 and Nov. 16, 1991-Mar. 31, 1992

- 1a. CLOSED in all tributaries flowing from Kittitas County into that part of the Columbia River bordering Kittitas County; South Fork Manastash Creek 1/2 mile upstream from end of county road; North Fork Manastash Creek; Taneum Creek upstream from L.T. Murray W.A. boundary; Naneum Creek upstream from Naneum Road Bridge at mouth of Naneum Canyon; Robinson Canyon; Mainstream Teanaway River and all tributaries (including North Fork and West Fork Teanaway Rivers) above Storey Creek; all tributaries of Swauk Creek; Coleman Canyon Road; Cooke Canyon Road; Umtanum Creek; Caribou Creek and tributaries upstream from the Highline Canal.

CLOSED in N. Fork of Tarpiscan Creek.

YAKIMA COUNTY

- 1. Beaver, River Otter Nov. 16, 1990-Feb. 28, 1991 and Nov. 17, 1991-Feb. 29, 1992

WESTERN WASHINGTON

Certain areas have extended, shortened, or closed seasons for listed species. Refer to the general season, then look for special seasons and exceptions within trapping zone in which you wish to trap. Refer to the

general fall hunting seasons and rules for game management unit descriptions. All opening and closing dates are inclusive. Trapping starts at 7 a.m. on opening date.

For purposes of this pamphlet, all of Klickitat county will have the same general seasons as the Southern Zone in eastern Washington.

General Seasons For All Western Washington

- Beaver, River Otter Dec. 8, 1990-Jan. 13, 1991 and Dec. 7, 1991-Jan. 12, 1992

- Muskrat, Mink, Raccoon, Bobcat
- Fox, Marten, Weasel..... Nov. 24, 1990-Jan. 31, 1991 and Nov. 23, 1991-Jan. 31, 1992

EXCEPT fox is closed within the exterior boundaries of the Mount Baker, Snoqualmie, Okanogan, Wenatchee, and Gifford Pinchot National Forests; and closed in San Juan, Island, Skagit, and Whatcom counties. Fox taken incidently in the closure are to be turned in to the nearest Department of Wildlife office, if they cannot be released unharmed.

URBAN TRAPPING AREAS

Trap Restrictions

The following described area is closed to the taking of wild animals by the use of foot-hold, instant kill, or snare traps except muskrat may be taken with a number one foot-hold or drowning set of a 110 instant kill trap during lawful trapping seasons as established by the Wildlife Commission.

Within Snohomish, King, and Pierce counties. Beginning at the confluence of the Snohomish River and the Puget Sound; thence up river to the Interstate 5 (I-5); thence south on I-5 to Interstate 405 (I-405); thence south on I-405 to I-5; thence southerly on I-5 to its junction with Pioneer Way; thence easterly along Pioneer Way to Waller Road; thence southerly along Waller Road to SR 512; thence westerly along SR 512 to I-5; thence southerly along I-5 to the Fort Lewis Boundary near Dupont; thence northerly and westerly along said boundary to Puget Sound; thence northerly along the coast to the mouth of the Snohomish River and point of beginning. Excluding Fort Lewis Military Reservation.

- In the described area Raccoon season is open..... Dec. 1, 1990-Feb. 15, 1991 and Dec. 1, 1991-Feb. 15, 1992 all dates inclusive

24 Hour Trap Check time

In the following described areas all traps or devices, not capable of drowning the animal (land sets), must be checked and the animal removed within 24 hours.

Within Snohomish, King, and Pierce counties. Beginning at the mouth of the Snohomish River; then south and east up the Snohomish River to Highway 9; then south on Highway 9 to the Woodinville-Duvall Road; then east on Woodinville-Duvall Road to Avondale Road; then south on Avondale Road to Highway 202; then east on Highway 202 to Duthie Hill Road; then southwest on Duthie Hill Road to its junction with Issaquah-Fall City Road; then southwesterly on Issaquah-Fall City Road to East Lake Sammamish Parkway; then south on East Lake Sammamish Parkway to Front Street; then south on front Street to Issaquah-Hobart Road; then southeast on Issaquah-Hobart Road to Highway 18; then southwest on Highway 18 to Highway 167; then south on Highway 167 to Highway 161; then south on Highway 161 to 224th Street E; then west on 224th Street E. to Highway 7; then northwest on Highway 7 to Highway 507; then southwest on Highway 507 to Pierce County line, then west along the county line to Puget Sound, then north along the coast to the mouth of the Snohomish River and point of beginning. Excluding Fort Lewis Military Reservation.

Within Thurston County in GMU 666 Deschutes: Beginning at the mouth of the Nisqually River; then south on the Nisqually River to Pacific Highway ("Old 99"); then southwest on Pacific Highway ("Old 99") to State Highway 510; then southeast on State Highway 510 to Yelm Highway; then southwest and west on the Yelm Highway to Spurgeon Creek Road; then south on the Spurgeon Creek Road to Rainier road; then northwest on Rainier Road to Stedman Road; then west and south on Stedman Road to Waldrick Road; then west on Waldrick Road to Pacific Highway ("Old 99"); then north on Pacific

Highway ("Old 99") to McCorkle Road; then west on McCorkle Road to 113th Avenue, then west on 113th Avenue to Littlerock Road; then north on Littlerock Road to 110th Avenue (Bloom Road); then west on 110th Avenue to Delphi Road; then north on Delphi Road to U.S. Highway 101; then northwest on U.S. Highway 101 to the Mason-Thurston county line at Oyster Bay; then northeast and southeast through Totten Inlet, Dana Passage and Nisqually Reach to the mouth of the Nisqually River and the point of beginning.

Northern Puget Sound Zone (Region Four - Island, King, Pierce, San Juan, Skagit, Snohomish, and Whatcom counties)

Same as General Western Washington Season EXCEPT:

KING COUNTY

Trapping season closed to all species on that portion of the Sammamish River within the posted boundary of Marymoor Park.

PIERCE COUNTY

- 1. Marten Closed within the following described boundary. Beginning at intersection of State Highway 410 and USFS Road #70, then east along USFS road #70 to the Pacific Crest Trail (Pierce/Yakima county line), then south along the Pacific Crest Trail to USFS Road #7174, then east along USFS Road #7174 to State Highway 410, then north along State Highway 410 to the point of beginning.

SAN JUAN COUNTY

- 1. Beaver, Muskrat CLOSED
- 2. Trapping season CLOSED to all species on: Yellow, Sentinel, Goose, and Deadman Islands.

SKAGIT COUNTY

- 1. Beaver..... Dec. 8, 1990-Feb. 28, 1991 and Dec. 7, 1991-Feb. 29, 1992 in that part of Skagit County west of I-5.
- 2. Trappers must contact the Mill Creek Department of Wildlife Office prior to trapping in the Skagit Bald Eagle Natural Area.
- 3. Trapping Season closed in all species on Jack Island.

Southwest Washington Zone (Region Five - Clark, Cowlitz, Lewis, Skamania, and Wahkiakum counties)

Same as General Western Washington Seasons EXCEPT:

COWLITZ COUNTY

Game Management Unit 522 (Loo-wit) is closed to all trapping.

LEWIS COUNTY

Green River CLOSED to trapping above confluence of Elk Creek except bobcat and coyote. Game Management Unit 522 (Loo-wit) CLOSED to all trapping.

SKAMANIA COUNTY

Smith Creek, Bean Creek, Clearwater Creek, above USFS 83 Road on Pine Creek, above the confluence of Bean Creek on the Muddy River, CLOSED to all trapping except for bobcat and coyote. Game Management Unit 522 (Loo-wit) CLOSED to all trapping.

Coastal Zone (Region Six - Clallam, Grays Harbor, Jefferson, Kitsap, Mason, Pacific, and Thurston counties)

Same as General Western Washington Seasons, EXCEPT:

- Beaver, River
- Otter Dec. 8, 1990-Dec. 23, 1990 and Dec. 7, 1991-Dec. 22, 1991 inside the external boundaries of the Olympic National Forest, and CLOSED within Department of Natural Resources Capitol Forest.

GRAYS HARBOR COUNTY

- 1. Beaver Dec. 8, 1990-Feb. 28, 1991 and Dec. 7, 1991-Feb. 29, 1992 in Game Management Unit 658, within 1 mile of cranberry bogs.

JEFFERSON COUNTY

- 1. Beaver, River Otter CLOSED in Penny Creek and all its tributaries.

KITSAP COUNTY

- 1. Beaver, River Otter CLOSED in Gold Creek and all its tributaries.

MASON COUNTY

Agate Peninsula (near Shelton) west of the Grunert Road and Agate Loop Road to Campbell Creek is closed to the taking of wild animals by the use of foot-hold, instant kill, or snare traps during lawful trapping seasons established by the Wildlife Commission.

- 1. Beaver, River Otter Dec. 8, 1990-Dec. 16, 1990 and Dec. 7, 1991-Dec. 15, 1991 in all of the Tahuya Peninsula west of Belfair-Bremerton Highway 3 except Dec. 8, 1990-Jan. 13, 1991 and Dec. 7, 1991-Jan. 12, 1992 on the Tahuya River (mainstream) from its mouth to Camp Spillman, the DeWatto River (mainstream) from its mouth to the Kitsap County line, and Union River (mainstream) from its mouth to lower bridge on the old Belfair Highway. Dec. 8, 1990-Dec. 23, 1990 and Dec. 7, 1991-Dec. 22, 1991 in Lilliwaup Creek and all its tributaries.

PACIFIC COUNTY

- 1. Beaver..... Dec. 8, 1990-Feb. 28, 1991 and Dec. 7, 1991-Feb. 29, 1992 in Game Management Unit 658, within 1 mile of cranberry bogs; Chinook and Wallcut Rivers and all tributaries; and in Game Management Unit 684

THURSTON COUNTY

- 1. Beaver, River Otter Dec. 8, 1990-Dec. 23, 1990 and Dec. 7, 1991-Dec. 22, 1991 Skookumchuck River and Black River.
- 2. Raccoon..... Season extended Feb. 1, 1990-Mar. 15, 1991 and Feb. 1, 1991-Mar. 15, 1992 for cage traps only.

TRAPPING REGULATIONS

IT SHALL BE UNLAWFUL TO: Trap for wild animals before October 1, and after March 15, in western Washington; EXCEPTION: See trapping season dates listed for individual furbearer species in this pamphlet, and additionally trapping of unclassified wild animals causing damage or predation on private property by the owner or person legally controlling said property (or his designee) is permitted.

IT SHALL BE UNLAWFUL TO: Place traps or establish drowning wire and weights prior to 7:00 a.m. on the opening of the trapping season.

Federal lands within the Ross Lake and Lake Chelan National Recreation Areas are CLOSED to trapping.

A permit is required to trap on the Little Pend Oreille Wildlife Area. Contact Little Pend Oreille Headquarters to obtain permits.

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

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

REPEALER

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

WAC 232-28-511 - 1988-89 AND 1989-90 TRAPPING SEASONS AND REGULATIONS

WSR 90-13-103
PROPOSED RULES
DEPARTMENT OF WILDLIFE
[Filed June 21, 1990, 11:02 a.m.]

Original Notice.

Title of Rule: Adopting WAC 232-28-61808 1990-92 Washington game fish seasons and catch limits—Warden Lake and South Warden Lake (Grant County).

Purpose: To reopen the fishing season on Warden and South Warden Lakes (Grant County) after the normal July 31 closure.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Extends fishing opportunity on lakes scheduled for treatment with rotenone. The lakes close July 31, but will not be treated until October. The season should reopen on August 11, 1990, and close on October 31, 1990.

Reasons Supporting Proposal: All fish in the lakes will be killed by the rotenone treatment. The additional season will allow extended angling opportunity. The normal July 31 closure is to protect recently planted trout until they reach a more desirable size the following spring. The lakes will not be planted in anticipation of the rotenone application, which will remove fish species that compete with trout.

Name of Agency Personnel Responsible for Drafting and Implementation: Patricia Doyle, AD, Fisheries Management Division, Olympia, (206) 753-5713; and Enforcement: Dan Wyckoff, AD, Wildlife Enforcement Division, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The existing rule closes angling on Warden and South Warden Lakes on July 31. The additional season will allow anglers to fish up to the rotenone treatment date and optimize the catch of remaining trout before fish eradication takes place. The only anticipated effect will be more angling opportunity.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Towne Plaza Motor Inn, North 7th Street and East Yakima Avenue, Yakima, Washington 98901, on August 4, 1990, at 8:00 a.m.

Submit Written Comments to: Lee S. Smith, 600 Capitol Way North, Olympia, WA 98501-1091, by July 25, 1990.

Date of Intended Adoption: August 4, 1990.

June 21, 1990

Lee S. Smith

Administrative Regulations Officer

NEW SECTION

WAC 232-28-61808 1990-92 WASHINGTON GAME FISH SEASONS AND CATCH LIMITS - WARDEN LAKE AND SOUTH WARDEN LAKE (GRANT COUNTY). Notwithstanding the provisions of WAC 232-28-618, the following regulations apply to the game fish season for Warden Lake and South Warden Lake (Grant County):

WARDEN LAKE (Grant Co.): Mar. 1-July 31 season. Additional season Aug. 11, 1990-Oct. 31, 1990.

WARDEN LAKE, SOUTH (Grant Co.): Mar. 1-July 31 season. Additional season Aug. 11, 1990-Oct. 31, 1990.

WSR 90-13-104
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Order 90-24—Filed June 21, 1990, 11:07 a.m.]

Original Notice.

Title of Rule: Agricultural water supply facilities—Referendum 38.

Purpose: Provide administrative program for Referendum 38 grants and loans. Contains a planning phase which results in a comprehensive water conservation plan and increased financial assistance for implementation projects with conservation or water use efficiency elements.

Statutory Authority for Adoption: RCW 43.17.060.

Statute Being Implemented: Chapter 43.99E RCW.

Summary: The Referendum 38 program has operated under guidelines for the past ten years. The guidelines were to be updated anyway, and it was felt it would be better to promulgate rules.

Reasons Supporting Proposal: Under 1989 amendments to Administrative Procedure Act, rules were determined to be necessary. Recent legislative history made it clear water use efficiency and water conservation needed to be emphasized within the Referendum 38 program.

Name of Agency Personnel Responsible for Drafting: Ellen Wolfhagen, Lacey, Washington, 459-6074; Implementation: George Krill, Lacey, Washington, 459-6119; and Enforcement: Hedia Adelman, Lacey, Washington, 459-6056.

Name of Proponent: Department of Ecology, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rules detail the administrative procedures for the Referendum 38 program.

This program supplies both loans and grants to public bodies for the construction, rehabilitation and improvement of agricultural water supply facilities. The program has been operating under guidelines published by the department in 1980 and revised in 1987. It was felt that it would be better to promulgate rules for Referendum 38 than to just update the guidelines, to be sure we are consistent with the 1988 amendments to the Administrative Procedure Act and the opinions of our attorneys. The proposed rules differ from the current program in that they offer increased financial assistance for both planning and implementation, and they specify the kind of detailed, comprehensive information needed in a water conservation plan that will guide the public bodies in their irrigation facility needs for at least the next decade. Grants for planning activities will be available for 50% of the total planning costs. Grants for implementation (construction phase) projects will be available for 30% of the total implementation costs. Concurrent loans are also available so that up to 90% of the total costs can be covered by Referendum 38. Loans vary from 5 years for the planning phase to up to 25 years for the implementation phase, with a sliding interest rate tied to the payback period. The comprehensive water conservation plan is meant to be a district-wide long range planning document emphasizing water use efficiency. It addresses the applicant's organizational structure, land base and land use, water supply, water use, water rights, present facilities and operations, water needs, opportunities for improvements in water supply and distribution system efficiencies and the applicant's financial structure. The purpose of the plan is to have irrigation districts begin long range planning rather than the piecemeal construction approach and to ensure that maximum efficiencies are realized. Also, the districts will be looking at the financial and social/economic impacts that proposed improvements will have on district members. (Once a project is proposed, district members must still assent by vote to increased assessments, if required, to cover the district's costs of such project.) Planning will also benefit the state by providing updated information, water resources data and inventories, helping the state to monitor the expenditures from the Referendum 38 fund. Assessment of outcome: Upon adoption of this rule more Referendum 38 monies will become available for the planning phase of district projects. More financial assistance will also be available for implementation. It is expected that there will be an increased demand on the Referendum 38 fund as a direct result of the increased percentage of funds available. The establishment of an annual application period requires both the districts and the department to do advance planning and preparation. It also will allow the department to measure the increased activity and evaluate whether additional staff need to be assigned to Referendum 38.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Referendum 38 (chapter 43.99E RCW) was passed by the general electorate in 1980 as an initiative that set aside funds for the construction, rehabilitation and improvement of agricultural water supply facilities. The program has been operating since 1980 under published guidelines; with the passage of the 1989 amendments to the Administrative Procedure Act (chapter 34.05 RCW) it was decided that the guidelines should be promulgated in Washington Administrative Code format.

Referendum 38 monies are available only to public bodies; usually this means irrigation districts duly organized under Title 87 RCW. The program offers both grants and loans to be used by the districts for planning and capital improvements to their irrigation systems. The proposed rules have increased the amount of public funding available for these projects, as well as set out criteria for the sufficiency of planning and standards against which capital projects will be measured. The ultimate goal of the Referendum 38 program is to increase irrigation water use efficiency and water conservation.

The Regulatory Fairness Act, chapter 19.85 RCW, requires that rules which have an impact on more than 20 percent of all industry or 10 percent of the businesses in any one industry be reviewed and altered to minimize their impact on small business. This rule is required by statute and does not require forms, fees, appearances, or other action on the part of business and is therefore an interpretative rule change. No small business economic impact statement is required for interpretative rules, per the draft "guidelines for state agencies" on the Regulatory Fairness Act, chapter 19.85 RCW. This rule does not fit the criteria listed in RCW 19.85.030, as only public bodies are subject to the conditions of the administrative regulations and thus no small business impact statement is required for this rule.

The State Economic Policy Act (chapter 43.21H RCW) requires that economic values be given adequate consideration in the rule making process. This proposed rule has potential impacts on irrigation districts, which are municipal corporations with an assessment capacity. Any financial obligations undertaken by an irrigation district under the proposed rule requires an affirming vote by a majority of the district members. The comprehensive water conservation plan which is a requirement under the proposed rule has the applicant public body evaluating the economic impacts of any proposed project, including such factors as energy savings, cost benefits from system rehabilitation and efficiency improvements. In most cases the grant will reduce the cost of undertaking improvements to the agricultural water supply facilities operated by irrigation districts. In some cases districts may undertake improvement or rehabilitation activities that they would otherwise not have been able to pursue. In these cases, if assessments are increased, the increase will have been subject to a majority vote by district members. Ecology assumes that the members will vote for actions which provide net benefits. Ecology therefore believes there will be few if any negative economic impacts on individual businesses due to this rule.

Hearing Location: July 26, 1990, 7 p.m. - 9 p.m., Rehabilitation Resource Center, State of Washington,

Department of Labor and Industries, 12806 Gateway Drive, Seattle, WA 98168, (206) 248-8271; July 31, 1990, 7 p.m. - 9 p.m., Cascade Natural Gas, 614 North Mission, Wenatchee, WA 98801, (509) 662-6101; August 1, 1990, 7 p.m. - 9 p.m., Yakima County Courthouse, Room 416, 128 North 2nd Street, (enter North 1st and B Street), Yakima, WA 98902, (509) 575-4111; and August 2, 1990, 7 p.m. - 9 p.m., Grant County PUD #2, 312 West 3rd, Moses Lake, WA 98837, (509) 765-3451.

Submit Written Comments to: Ellen Wolfhagen, Water Resources Program, Department of Ecology, Mailstop PV-11, Olympia, Washington 98504-8711, by August 15, 1990.

Date of Intended Adoption: September 18, 1990.

June 21, 1990

Fred Olson
Deputy Director

Chapter 173-170 WAC
AGRICULTURAL WATER SUPPLY FACILITIES

NEW SECTION

WAC 173-170-010 PURPOSE AND AUTHORITY. The purpose of this chapter is to establish requirements for the grant and loan program covering rehabilitation, improvement, and construction of agricultural water supply facilities pursuant to Referendum 38, chapter 43.99E RCW. The department shall provide grants and loans to applicants for water supply facilities for agricultural use alone or in combination with fishery, recreational, or other beneficial uses of water. In this regard, an objective of providing state assistance to public bodies engaged in irrigation shall be to assist those entities in improving their efficiency of water use beyond current levels.

Note: All statutes, rules, or regulations cited in this chapter are available for review at Department of Ecology, Mailstop PV-11, Olympia, WA 98504-8711.

NEW SECTION

WAC 173-170-020 DEFINITIONS. (1) "Department" means the Washington state department of ecology.

(2) "Agreement" means a binding legal document containing all applicable terms and conditions pertaining to loans and/or grants entered into under Referendum 38 which is signed by the program manager for the department's water resources program and by the duly authorized official of the applicant.

(3) "Agricultural water supply facility" means a water supply and distribution system used for agricultural purposes and owned or operated by a public body, including but not limited to all equipment, utilities, structures, real property, and interests in and improvements on real property necessary for or incidental to the acquisition, construction, installation, or use of any such water supply or distribution system.

(4) "Applicant" means the public body making a request for financial assistance under Referendum 38.

(5) "Class A project" means a construction element associated with an agricultural water supply facility which:

(a) Results in improved water use efficiency and/or quantitative water savings as determined by the department; and

(b) Is one or more of the following: (i) Canal and lateral linings; (ii) piped conveyance and distribution system; (iii) consolidation and/or realignment of delivery systems; (iv) flow measuring devices, e.g., flow control devices; (v) entire structures/regulating structures (which are new or replace obsolete ones) including: (A) Checks, (B) checkdrops, (C) siphons, (D) turnouts, (E) flumes, (F) reregulation reservoirs; (vi) multiple use water storage dams and reservoirs; (vii) automation with central control of regulating structures including on-off control of pumping plants in canals and laterals; (viii) new booster pumps for pressurized systems; (ix) project pumping plants;

(c) In the event there are technological advances that increase water use efficiency and/or result in significant water savings that are not

described in (a) of this subsection, such project element(s) will be evaluated as a Class A project by the department.

(6) "Class B project" means a construction element associated with an agricultural water supply facility which:

(a) Does not contribute to quantitative water savings as determined by the department; and

(b) Is one or more of the following: (i) In-line water withdrawal pumping plant; (ii) well drilling, well pumps; (iii) diversion dams; (iv) replacement, rehabilitation, or improvement of in-line booster pump(s); (v) rehabilitation or improvement of storage dam(s) or part(s) thereof.

(7) "Emergency project" means a capital improvement construction element to repair, due to natural causes (except drought), water supply, diversion or conveyance facilities, which is necessary to prevent unsafe conditions or ensure the continued delivery or conveyance of water in the agricultural water supply system.

(8) "Financial assistance" means grants and loans as authorized by chapter 43.99E RCW, Referendum 38.

(9) "Fisheries facility" means a construction element associated with an agricultural water supply facility which:

(a) Is identified as an integral element of a project for the construction, rehabilitation, and/or improvement of an agricultural water supply facility; and

(b) Will provide recognized benefits to the anadromous and/or resident fish species of the state.

(10) "Implementation phase" means the acquisition, design, construction, and improvement of agricultural water supply facilities within an irrigation district or a specific area or drainage basin for storing, diverting, transporting, or distributing water to land for irrigation and for protecting and enhancing fisheries, recreational, or other beneficial uses that may be associated with such facilities.

(11) "Local clearinghouse" means the county or regional comprehensive planning agency designated to serve as a coordinating office for certain local areas. A list of clearinghouses is available from the department. The local clearinghouses review proposed projects for conformance to regional plans, ask for comments from other agencies, and relay these remarks back to the applicant. This process helps assure that policies and comprehensive plans of cities, counties, or regions will be followed.

(12) "Payment schedule" means the due dates for loan payments and any interest thereon, as included in the loan agreement.

(13) "Planning phase" means the preparation of a comprehensive water conservation plan which conforms with WAC 173-170-060, which covers the applicant's entire jurisdiction and service area.

(14) "Plans and specifications" means engineering information and calculations to support the project and construction drawings with necessary engineering detail of the project and complete material specifications and standards to support the drawings and project. These will be prepared in sufficient detail and, upon approval by the department, become part of the bid documents which allow contractors to bid on and construct agricultural water supply facilities or attendant fisheries facilities or recreational facilities or a portion thereof.

(15) "Public body" means the state of Washington or any agency, political subdivision, taxing district, or municipal or public corporation thereof; an agency of the federal government; and those Indian tribes which may constitutionally receive grants or loans from the state of Washington.

(16) "Recreational facility" means a water and/or water-associated system which:

(a) Is identified as an integral element of an agricultural water supply facility; and

(b) Will provide recognized benefits for human use and recreation through fishing, boating, water skiing, swimming, rafting, picnicking, and/or camping.

(17) "Referendum 38" means the grant and loan financial assistance program and its procedures, which pertain to agricultural water supply facilities alone or in combination with fishery, recreational, or other beneficial uses of water, as authorized in chapter 43.99E RCW.

(18) "Request for financial assistance" means the formal application packet, as described in WAC 173-170-030 and 173-170-060, submitted to the department requesting grant and/or loan funds to accomplish an eligible project.

(19) "Small parcels" means those lands which:

(a) Have been platted or subdivided prior to the enactment of the 1985 amendment to RCW 58.17.310; and

(b) Are entitled to receive irrigation water for noncommercial use; and

(c) Lie wholly within an irrigation district established under state laws prior to July 28, 1985.

(20) "Water use efficiency elements" means those implementation projects or portions thereof which result in reduced operational and conveyance losses and improved delivery of requisite amounts of water to farms within the limits of the pertinent water right permit or certificate.

NEW SECTION

WAC 173-170-030 APPLICATION PROCESS—PLANNING PHASE. (1) Requests for financial assistance for the planning phase shall be submitted to the department between November 1 of any year and the last day of February of the following year.

(2) The applicant shall submit an application form with the following minimum information:

- (a) Who shall prepare the comprehensive plan;
- (b) A projected completion date for the comprehensive plan;
- (c) A United States Geological Survey Quadrangle or comparable map of the area to be covered by the comprehensive plan.

(3) Requests for loan funding must be accompanied by a resolution executed by the applicant's governing body that they will follow the procedures for indebtedness in chapter 87.03 RCW and establish a reserve account into which funds will be deposited in an amount adequate to provide coverage for principal and interest payments due under the loan agreement, whenever circumstances beyond the applicant's control preclude payments from standard sources.

(4) Within ninety days of receipt of the request for financial assistance, the department will notify the applicant of its preliminary findings regarding eligibility. In all cases the department shall make its final selection of funded projects and notify the applicants no later than April 30 following the application period.

NEW SECTION

WAC 173-170-040 COMPREHENSIVE WATER CONSERVATION PLAN—CONTENTS—FUNDING. The comprehensive water conservation plan, which is the ultimate work product due at the end of the planning phase, will address and provide information on the following topics for the geographical area indicated in the request for financial assistance:

Applicant Organization

(1) Applicant's statutory authority; history of organization management; assessment authority; and operation procedures and management policies.

Land Base and Land Use

- (2) Layout map showing:
 - (a) Boundaries of the applicant's jurisdiction and service area;
 - (b) Location of: (i) The lands which are assessed by the applicant, and (ii) those lands to which water is delivered in accordance with the water rights or water right claims or otherwise;
 - (c) Land use information including total acres irrigated over a representative historical period and cropping patterns for each year of a recent five-year period.

Water Supply, Use, and Rights

- (3) Layout map showing location of: (a) Natural features (streams, rivers, lakes, ground water aquifers) including those in the watershed(s) where the water supply originates; and (b) all of the applicant's existing water supply facilities inside and out of its service area.
- (4) Information on the applicant's and/or pertinent individual's water rights and/or water right claims for irrigation water supply, including ongoing or future water rights or water rights claims, conflicts, and litigation.
- (5) Hydrologic water supply data including historical records of surface water availability (natural flows and storage), and ground water pumpages and other pertinent aquifer data on availability for withdrawal for water supply purposes.
- (6) Quantities of surface water diverted and/or ground water withdrawn for water supply for each year of a recent five-year period. (Annual and monthly acre-feet and maximum and minimum monthly flows in cfs (surface) and gpm (ground water).)
- (7) Identify and assess the hydrological water flow system within the applicant's service area as it pertains to the quantities of water: (a) Diverted or withdrawn, (b) conveyed and distributed, (c) delivered and

applied on farm, (d) which recharge the ground water and are returned to the agricultural water supply system, and (e) which comprise return flows for further irrigation downstream within the agricultural water supply system.

(8) Identify the quality of water supply and an assessment of the water quality impacts from use of the agricultural water supply system within the applicant's jurisdiction.

Present Facilities and Operations

(9) Identify and describe the present physical system utilized for the storage, diversion, pumping, conveyance, and distribution of the water supply.

(10) Assess and evaluate the existing water supply system including system efficiencies and energy use.

Water Needs and Adequacy of Water Supply

- (11) Forecast future trends of land use.
- (12) Estimate irrigation water requirements for the present and anticipated land use and cropping patterns.
- (13) Relate the water needs to present water supply available.

Evaluation of Opportunities for Improvements in Water Supply and Distribution System Efficiencies

- (14) Identify improvements in water supply and distribution system efficiencies (structural and nonstructural).
- (15) Document a system improvements and rehabilitation plan, prepare preliminary designs and cost estimates, and estimate time frame for implementation. Identify location of improvements on layout map.
- (16) Quantify the reasonable net water savings that would result from the efficiency improvements.
- (17) Identify and describe opportunities for improving irrigation water management.
- (18) Quantify any net energy savings that would result from efficiency improvements.
- (19) Evaluate the socioeconomic impacts from the efficiency improvements and rehabilitation plan and changes or modifications of the systems operations and management policies. Discuss and quantify the benefits that accrue from the implementation of the improvements and rehabilitation plan.
- (20) Assess and evaluate the impacts and benefits of transferring the net water savings to other water uses and resources.
- (21) Identify associated wetlands and assess the impacts on them from implementation of the physical system's improvements and rehabilitation plan.
- (22) Evaluate the impacts on water quality standards from implementation of the physical system's improvements and rehabilitation plan.
- (23) Evaluate other environmental impacts from the efficiency improvements and rehabilitation plan. Develop a plan regarding compliance with the State Environmental Policy Act (SEPA) and the National Environmental Policy Act (NEPA) if applicable.

Financial

(24) Develop a financial program that addresses the implementation of the improvements and rehabilitation plan. The financial program should include, among other elements, a time schedule for completing the comprehensive water conservation plan, a summary of the applicant's current indebtedness and repayment plans, present and future operation, maintenance and energy costs (with and without implementation of the proposed project), and a schedule of assessments to cover planned indebtedness to complete implementation of the comprehensive water conservation plan.

NEW SECTION

WAC 173-170-050 PLANNING PHASE—FUNDING. (1) Financial assistance will be available for the planning phase in the form of:

- (a) Grants in the amount of fifty percent of the total eligible phase costs; and
 - (b) Concurrent loans in the amount of forty percent of the total eligible phase costs.
- (2) Loans shall be for a maximum five-year period, repayable at an annual percentage rate which equals the rate for fifty-two-week federal treasury bills at the first auction following July 1 of the year in which the loan agreement is entered into, discounted by four percent.

(3) Comprehensive water conservation plans must precede the implementation phase for projects approved after the effective date of these rules, with the following exceptions:

- (a) Specific project work approved by the department prior to the effective date of these rules; or
- (b) Project work that is currently in the implementation phase, when these rules become effective; or
- (c) Specific project work that is approved by the department as part of a phased project begun prior to the effective date of these rules.

For these exceptions, work may proceed without an approved comprehensive water conservation plan, provided that the applicant undertakes and completes its plan covering such projects within two years from the effective date of these rules.

(4) Financial assistance for the planning phase, regardless of the form it takes, may not exceed two hundred thousand dollars per applicant. This ceiling shall not be subject to the review contained in WAC 173-170-080(5).

NEW SECTION

WAC 173-170-060 APPLICATION PROCESS—IMPLEMENTATION PHASE. (1) Requests for financial assistance for the implementation phase shall be submitted to the department between November 1 of any year and the last day of February of the following year.

(2) The applicant will submit two preapplication forms to the nearest local clearinghouse; one for the department and one for planning and community affairs. These forms are available from either the department or the clearinghouse.

(3) The applicant shall accompany the request for financial assistance with a copy of the completed comprehensive water conservation plan as approved by the department indicating which part(s) of the plan the proposed project fits under and the location of the proposed project on a United States Geological Survey Quadrangle map or any other comparable and readily available map.

(4) Within ninety days of receipt of the request for financial assistance, the department will notify the applicant of its preliminary findings regarding eligibility as to organization, type of project, purpose(s) of project, and conformance with the objectives of Referendum 38. In all cases the department shall make its final selection of funded projects and notify the applicant no later than April 30 of the year following the close of the current application period.

(5) Requests for loan funding must be accompanied by a resolution executed by the applicant's governing body that they will follow the procedures for indebtedness in chapter 87.03 RCW and establish a reserve account into which funds will be deposited in an amount adequate to provide coverage for principal and interest payments due under the loan agreement, whenever circumstances beyond the applicant's control preclude payments from standard sources.

NEW SECTION

WAC 173-170-070 CRITERIA FOR APPROVAL OF REQUESTS FOR FINANCIAL ASSISTANCE—IMPLEMENTATION PHASE. (1)(a) The implementation phase project(s) must be included in a comprehensive water conservation plan approved by the department.

(b) For projects that received approval from the department prior to the effective date of these rules, work may proceed provided the applicant undertakes and completes a comprehensive water conservation plan within two years of the effective date of these rules.

(2) The agricultural water supply facilities must be designed to accomplish the purpose of the planned project. Accepted engineering design principles, criteria, and concepts will be used in the design of the facilities and approved by the department. Cost estimates for the proposed project must be prepared in detail. Plans and specifications must be approved by the department prior to advertising for construction bids.

(3) The State Environmental Policy Act (SEPA) requirements for any proposed actions must be met. The SEPA rules, chapter 197-11 WAC, will be followed to determine the environmental impacts of the proposed project. A copy of the environmental assessment and the final impact statement, if appropriate, must be submitted to the department. If no impact statement has been prepared, a copy of the nonsignificant declaration in accordance with chapter 197-11 WAC must be submitted to the department.

(4) Documentation showing all lands and land rights required for satisfactory construction, operation, and maintenance of the project have been or can be acquired.

(5) The project will not be in conflict with any applicable federal, state, and local laws, orders, regulations, rules, licenses, and permits.

NEW SECTION

WAC 173-170-080 IMPLEMENTATION PHASE—FUNDING. (1) Implementation phase projects will be categorized by the department as Class A projects or Class B projects in accordance with the definitions for those terms under WAC 173-170-020 (5) and (6).

(2) For projects that received approval from the department prior to the effective date of these rules and where the applicant is working on the comprehensive water conservation plan, financial assistance will be available as follows:

(a) For Class A projects, grants in the amount of twenty-five percent of the total eligible project costs; and concurrent loans in the amount of sixty-five percent of the total eligible project costs.

(b) For Class B projects, grants in the amount of fifteen percent of the total eligible project costs; and concurrent loans in the amount of seventy-five percent of the total eligible project costs.

(3) Financial assistance for Class A projects subject to a completed comprehensive water conservation plan will be available in the form of:

(a) Grants in the amount of thirty percent of the total eligible project costs; and

(b) Concurrent loans in the amount of sixty percent of the total eligible project costs.

(4) Financial assistance for Class B projects subject to a completed comprehensive water conservation plan will be available in the form of:

(a) Grants in the amount of fifteen percent of the total eligible project costs; and

(b) Concurrent loans in the amount of seventy-five percent of the total eligible project costs.

(5) Financial assistance for implementation phase projects shall be limited to a total of one million five hundred thousand dollars per applicant regardless of the form such financial assistance takes, with the following possibility of increase. This cap shall be subject to review on July 1, 1994. In the event that demand on the Referendum 38 fund is significantly less than anticipated this cap may be adjusted upwards to provide more funding possibilities to applicants already at the upper limit.

(6) Loans shall be available on the following repayment and interest schedule:

(a) Loans for up to a maximum five-year period, repayable with interest at an annual percentage rate which equals the rate for fifty-two-week federal treasury bills at the first auction following July 1 of the year in which the loan agreement is entered into, discounted by four percent.

(b) Loans for six years up to a maximum ten-year period, repayable with interest at an annual percentage rate which equals the rate for fifty-two-week federal treasury bills at the first auction following July 1 of the year in which the loan agreement is entered into, discounted by two percent.

(c) Loans for eleven years up to a maximum fifteen-year period, repayable with interest at an annual percentage rate which equals the rate for fifty-two-week federal treasury bills at the first auction following July 1 of the year in which the loan agreement is entered into, discounted by one percent.

(d) Loans for sixteen years up to a maximum twenty-five-year period, repayable with interest at an annual percentage rate which equals the rate for fifty-two-week federal treasury bills at the first auction following July 1 of the year in which the loan agreement is entered into.

NEW SECTION

WAC 173-170-090 EMERGENCY PROJECTS—APPLICATIONS—DESIGNATION—FUNDING. (1) Applications for emergency projects may be accepted at any time throughout the year. The application shall indicate:

(a) The nature of the occurrence that caused the need for repairs;

(b) The location of needed repairs;

(c) A project description of the repairs; and

(d) A summary of how the repairs fit within the long-range improvements addressed in the comprehensive water conservation plan.

If the comprehensive water conservation plan has not been completed, a summary of how the repairs fit within proposed long-range improvements.

(2) Upon receipt of the application the department will designate the emergency project as a Class A or Class B project. A decision on whether to fund the emergency project will be made within fifteen days of receipt of the application. The department may agree to the applicant incurring costs prior to an agreement being signed and shall so indicate by letter to the applicant.

(3) Financial assistance for emergency projects shall take the following form:

(a) For Class A projects, grants in the amount of thirty percent of the total eligible project costs; and concurrent loans in the amount of thirty percent of the total eligible project costs; or

(b) For Class B projects, grants in the amount of fifteen percent of the total eligible project costs; and concurrent loans in the amount of seventy-five percent of the total eligible project costs.

NEW SECTION

WAC 173-170-100 SMALL PARCELS—FUNDING. (1) A small parcel element is that part of an implementation project that provides irrigation water for noncommercial use to small parcels, as defined in WAC 173-170-020(19).

(2) Financial assistance for the small parcel element shall be available in the form of:

(a) Grants in the amount of fifteen percent of the small parcel element's total eligible costs; and

(b) Loans in the amount of fifty percent when unaccompanied by a grant or thirty-five percent in combination with a grant of the small parcel element's total eligible costs.

(3) Financial assistance, whether grant, loan, or a combination grant and loan, may not exceed one hundred thousand dollars for any one applicant.

(4) Total funds available state-wide for small parcel elements is one million dollars. Any moneys unspent out of that fund on July 1, 1995, shall be transferred to the general implementation fund and shall no longer be available for small parcel elements.

NEW SECTION

WAC 173-170-110 FISHERIES AND RECREATIONAL FACILITIES—FUNDING. (1) A fisheries or recreational facility element is the part of an implementation project that provides public benefits through concomitant use of water within an agricultural water supply facility. Specific elements are defined in WAC 173-170-020 (9) and (16).

(2) Financial assistance for the fisheries and/or recreational element shall be available as grants in the amount of seventy-five percent of the fisheries and/or recreational element's total eligible costs.

(3) Financial assistance for either a fisheries or recreational element may not exceed five hundred twenty-five thousand dollars for any one applicant.

NEW SECTION

WAC 173-170-120 SUPPLEMENTAL GUIDELINES. The department will publish guidelines which will describe in greater detail the financial assistance application, application review and funding issuance processes, the terms of financial assistance, and other elements of this program. These guidelines will also describe recommended methodologies for the completion of the comprehensive water conservation plan.

**WSR 90-13-105
PROPOSED RULES
DEPARTMENT OF LICENSING
[Filed June 21, 1990, 12:54 p.m.]**

Original Notice.

Title of Rule: Chapter 98-14 WAC, Telephone solicitation.

Purpose: To establish new rules.
Statutory Authority for Adoption: RCW 68.05.105(1).

Statute Being Implemented: Chapter 19.158 RCW.

Summary: To extend rules governing telephone solicitation to include the use of telephones by the cemetery industry in solicitation of prearrangements.

Reasons Supporting Proposal: For the general welfare of the public and to protect the integrity of the cemetery industry.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Elvig, Program Administrator, 2424 Bristol Court, 586-4905.

Name of Proponent: The Cemetery Board, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Defines "telephone solicitor," "telephone solicitation," sets time limits on telephone solicitation, establishes rules to be followed by the solicitor and provides for enforcement of the rule.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: The Skoal Room in the Carvery Dining Room, Sea-Tac Airport Terminal, Seattle, Washington, on July 31, 1990, at 10:00.

Submit Written Comments to: Paul Elvig, Program Administrator, Cemetery Board, P.O. Box 9012, Olympia, WA 98504-8001, by July 27, 1990.

Date of Intended Adoption: July 31, 1990.

June 21, 1990

Marsha Tadano Long
Assistant Director

NEW SECTION

WAC 98-14-200 TELEPHONE SOLICITATION. (1) The use of telephones for solicitation of prearrangements is prevalent. This form of communication offers unique benefits, but entails special risk and poses potential for abuse. The board finds that any impropriety in telephone solicitation is a matter vitally affecting the public interest. For the general welfare of the public and in order to protect the integrity of the cemetery industry, the use of telephones in solicitation of prearrangements must be defined by the board (chapter 19.158 RCW).

(2) Definitions:

(a) "Telephone solicitor" means any person who engages in telephone solicitation on behalf of a holder of a certificate of authority to operate.

(b) "Telephone solicitation" means an unsolicited telephone call to a person and conversation for the purpose of inducing the person to make cemetery prearrangements made without previous invitation, expressed or implied, by the person called.

(3) Time limits:

(a) No licensee may knowingly cause a telephone solicitation to be made to any person more often than once in every six months.

(b) A telephone solicitor shall not place calls which will be received before 8:00 a.m. or after 9:00 p.m. (chapter 19.158 RCW)

(4) Unfair/deceptive practices. A telephone solicitor may not engage in any conduct the natural consequence of which is to harass, intimidate, or torment any person in connection with the telephone call. (chapter 19.158 RCW)

(5) Identification. Within the first thirty seconds of the telephone call, a telephone solicitor or salesperson shall:

(a) Identify himself or herself, the company on whose behalf the solicitation is being made, the property, goods, or services being represented; and

(b) Terminate the telephone call within ten seconds if the purchaser indicates he or she does not wish to continue the conversation. (RCW 80.36.390)

(6) Termination of contact. If at any time during the telephone contact, the purchaser states or indicates that he or she does not wish to be called again by the telephone solicitor or wants to have his or her name and individual telephone number removed from the telephone lists used by the telephone solicitor, the telephone solicitor shall not make any additional telephone solicitation of the called party at that telephone number within a period of at least one year. (RCW 80.36.390)

(7) Enforcement. In the event that the board discerns a pattern of violation of these standards the board may act against the licensee's prearrangement license as provided by Title 68 RCW.

(8) Conditions. The following conditions are basic to this concept and strategy:

(a) That there be no registration or separate licensing of individuals engaged in telemarketing;

(b) That there be no separate registration or licensing of establishments engaging in telemarketing;

(c) That the primary prearrangement license is focus for discipline of offenders.

WSR 90-13-106
PROPOSED RULES
PUGET SOUND
WATER QUALITY AUTHORITY

[Filed June 21, 1990, 1:01 p.m.]

Original Notice.

Title of Rule: Amending WAC 400-04-040, and chapter 400-06 WAC.

Purpose: To amend existing SEPA rules and rules of agency procedure in accordance with the requirements of chapter 90.70 RCW, as amended by chapter 115, Laws of 1990 and chapter 34.05 RCW.

Statutory Authority for Adoption: Chapter 90.70 RCW and RCW 43.21C.120.

Statute Being Implemented: Chapter 90.70 RCW and RCW 43.21C.120.

Summary: See above.

Reasons Supporting Proposal: See above.

Name of Agency Personnel Responsible for Drafting: Anne Watanabe, 217 Pine Street, Suite 1100, Seattle, 464-7320; Implementation and Enforcement: Jerry Boese, 217 Pine Street, Suite 1100, Seattle, 464-7320.

Name of Proponent: Puget Sound Water Quality Authority, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Definitions and procedures in the agency's SEPA and procedural rules are being amended to reflect the changes to the agency's structure caused by chapter 115, Laws of 1990. The amended rules also reflect new requirements of the Administrative Procedure Act.

Proposal Changes the Following Existing Rules: See above.

Small Business Economic Impact Statement: The proposed rule amendments affect internal agency procedure and will have no economic impacts on small business or industry. Therefore no small business economic impact statement is required by chapter 19.85 RCW.

Hearing Location: Hearing Room C, John O'Brien Building, Olympia, Washington 98504, on August 15, 1990, at 10 a.m.

Submit Written Comments to: Jerry Boese, by August 13, 1990.

Date of Intended Adoption: August 15, 1990.

June 21, 1990
Anne Watanabe
Policy Analyst

Chapter 400-04 WAC
PUGET SOUND WATER QUALITY AUTHORITY — STATE
ENVIRONMENTAL POLICY ACT PROCEDURES

AMENDATORY SECTION (Amending Order 86-01, filed 2/3/86)

WAC 400-04-040 ADDITIONAL DEFINITIONS. (1) "Authority" shall mean the agency of the Puget Sound water quality authority consisting of the (~~seven-member authority appointed by the governor and/or agency staff:~~) eleven-member authority and/or agency staff.

(2) "Chair" shall mean the (~~authority member appointed by the governor as chair of the authority~~) chair of the authority as stated in RCW 90.70.011.

Reviser's note: RCW 34.05.395 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.

Chapter 400-06 WAC
PROCEDURES — OPERATIONS — COMMUNICATIONS —
PUBLIC RECORDS

AMENDATORY SECTION (Amending Order 86-02, filed 2/3/86)

WAC 400-06-020 DEFINITIONS. (1) The terms "person," "public record," and "writing" shall have the meaning as stated in RCW 42.17.020.

(2) "Authority" means the Puget Sound water quality authority.

(3) "Chair" means the chair of the authority as stated in (~~section 3, chapter 451, Laws of 1985, chapter 90.70 RCW:~~) RCW 90.70.011.

(4) "Public records officer" means the authority staff member so designated by the chair.

(~~5) "Voting member" means the seven members of the authority appointed by the governor:~~)

Reviser's note: RCW 34.05.395 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 86-02, filed 2/3/86)

WAC 400-06-030 AUTHORITY OPERATIONS AND PROCEDURES. (1) The authority was created by the enactment of chapter 451, Laws of 1985, chapter 90.70 RCW for the principal purpose of establishing a planning mechanism for improving and maintaining the water quality of Puget Sound. The legislation also provides for a public participation process for the development of the comprehensive water quality management plan for Puget Sound (plan), a biennial state of the Sound report, methods for staffing the authority and mechanisms to assure compliance with the plan.

(2) (~~The duties, responsibilities and powers of the authority are set forth in sections 4 through 9 of chapter 451, Laws of 1985, chapter 90.70 RCW. Provisions for establishing the authority and the appointment of members are in section 3, chapter 451, Laws of 1985, chapter 90.70 RCW:~~) The duties, responsibilities and powers of the authority are set forth in chapter 90.70 RCW. Provisions for establishing the authority and the appointment of members are set forth in RCW 90.70.011.

(3) The authority meets at least monthly to consider and act upon major policy matters, planning decisions, and routine business of the authority. All meetings are conducted in accordance with the Open Public Meetings Act (chapter 42.30 RCW) the Administrative

Procedure(~~s Act (chapters 34.04 and 1.08 RCW);~~) Act (chapter 34.05 RCW) and Robert's Rules of Parliamentary Procedure. Any official action of the authority shall require the affirmative vote of a majority of the ((voting)) members present so long as there (are at least four voting members present, except that the) is a quorum present. A quorum shall consist of the majority of the number of members serving at that time. However, the adoption of the plan and any substantial revision to the plan shall require the affirmative vote of a majority of all ((voting)) members of the authority.

AMENDATORY SECTION (Amending Order 86-02, filed 2/3/86)

WAC 400-06-050 PUGET SOUND WATER QUALITY AUTHORITY OFFICERS—TERMS. The officers of the authority shall be the chair and the vice-chair. The vice-chair shall be elected by a majority vote of the ((voting)) members of the authority and shall serve for a term of one year. The chair of and other members of the authority shall serve for terms as provided in ((chapter 451, Laws of 1985, chapter 90.70 RCW-)) RCW 90.70.011. The chair shall preside over the meetings. If the chair is not present, the vice-chair will serve as chair of the meeting. If neither the chair nor the vice-chair is present at a meeting, the members of the Authority shall select a member to chair the meeting.

AMENDATORY SECTION (Amending Order 86-02, filed 2/3/86)

WAC 400-06-070 PUGET SOUND WATER QUALITY AUTHORITY—DESCRIPTION OF ORGANIZATION. ((The authority pursuant to section 3, chapter 451, Laws of 1985, chapter 90.70 RCW, is composed of seven members appointed by the governor and confirmed by the senate. The commissioner of public lands and the director of ecology, or their designees, serve as ex-officio, nonvoting members of the authority-)) RCW 90.70.011 provides that the authority shall be composed of eleven members. Nine of these members are appointed by the governor and confirmed by the senate. The commissioner of public lands and the director of ecology serve as ex-officio members. The administrative office of the authority and its staff is 217 Pine Street, Suite 1100, Seattle, Washington 98101.

Reviser's note: RCW 34.05.395 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 86-02, filed 2/3/86)

WAC 400-06-160 RECORDS INDEX. (1) A chronological index is maintained providing identifying information as to all governmental records issued, adopted, or promulgated on or after August 21, 1985, which are deemed by the authority to fall within the purview of RCW 42.17.260 and which are not exempted under the provisions of RCW 42.17.310.

(2) The current index promulgated by the authority shall be available to all persons under the same rules ((and on the same rules)) and on the same conditions as are applied to public records available for inspection. The records index shall be updated at least annually.

WSR 90-13-107
EMERGENCY RULES
PUGET SOUND
WATER QUALITY AUTHORITY

[Filed June 21, 1990, 1:05 p.m.]

Date of Adoption: June 20, 1990.

Purpose: Amending the agency's SEPA and procedural rules to reflect changes to chapter 90.70 RCW as a result of section 115, Laws of 1990, and the new Administrative Procedure Act.

Citation of Existing Rules Affected by this Order: Amending WAC 400-04-040 and sections of chapter 400-06 WAC.

Statutory Authority for Adoption: Chapter 90.70 RCW and RCW 43.21C.120.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The membership of the authority has changed as a result of chapter 115, Laws of 1990, and amendments to the existing SEPA and procedural rules are necessary to enable the authority to perform its duties. The amendments are also needed to reflect the current requirements of the Administrative Procedure Act.

Effective Date of Rule: Immediately.

June 20, 1990
Les Eldridge
Vice Chairman

Chapter 400-04 WAC
PUGET SOUND WATER QUALITY AUTHORITY
— STATE ENVIRONMENTAL POLICY ACT
PROCEDURES

AMENDATORY SECTION (Amending Order 86-01, filed 2/3/86)

WAC 400-04-040 ADDITIONAL DEFINITIONS. (1) "Authority" shall mean the agency of the Puget Sound water quality authority consisting of the ((seven-member authority appointed by the governor and/or agency staff-)) eleven-member authority and/or agency staff.

(2) "Chair" shall mean the ((authority member appointed by the governor as chair of the authority)) chair of the authority as stated in RCW 90.70.011.

Reviser's note: RCW 34.05.395 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.

Chapter 400-06 WAC
PROCEDURES — OPERATIONS — COMMUNICATIONS — PUBLIC RECORDS

AMENDATORY SECTION (Amending Order 86-02, filed 2/3/86)

WAC 400-06-020 DEFINITIONS. (1) The terms "person," "public record," and "writing" shall have the meaning as stated in RCW 42.17.020.

(2) "Authority" means the Puget Sound water quality authority.

(3) "Chair" means the chair of the authority as stated in ((section 3, chapter 451, Laws of 1985, chapter 90.70 RCW-)) RCW 90.70.011.

(4) "Public records officer" means the authority staff member so designated by the chair.

((~~(5) "Voting member" means the seven members of the authority appointed by the governor.~~))

Reviser's note: RCW 34.05.395 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 86-02, filed 2/3/86)

WAC 400-06-030 AUTHORITY OPERATIONS AND PROCEDURES. (1) The authority was created by the enactment of chapter 451, Laws of 1985, chapter 90.70 RCW for the principal purpose of establishing a planning mechanism for improving and maintaining the water quality of Puget Sound. The legislation also provides for a public participation process for the development of the comprehensive water quality management plan for Puget Sound (plan), a biennial state of the Sound report, methods for staffing the authority and mechanisms to assure compliance with the plan.

(2) ~~((The duties, responsibilities and powers of the authority are set forth in sections 4 through 9 of chapter 451, Laws of 1985, chapter 90.70 RCW. Provisions for establishing the authority and the appointment of members are in section 3, chapter 451, Laws of 1985, chapter 90.70 RCW.))~~ The duties, responsibilities and powers of the authority are set forth in chapter 90.70 RCW. Provisions for establishing the authority and the appointment of members are set forth in RCW 90.70.011.

(3) The authority meets at least monthly to consider and act upon major policy matters, planning decisions, and routine business of the authority. All meetings are conducted in accordance with the Open Public Meetings Act (chapter 42.30 RCW) the Administrative Procedure ~~((s Act (chapters 34.04 and 1.08 RCW.))~~ Act (chapter 34.05 RCW) and Robert's Rules of Parliamentary Procedure. Any official action of the authority shall require the affirmative vote of a majority of the ~~((voting))~~ members present so long as there ((are at least four voting members present, except that the)) is a quorum present. A quorum shall consist of the majority of the number of members serving at that time. However, the adoption of the plan and any substantial revision to the plan shall require the affirmative vote of a majority of all ((voting)) members of the authority.

AMENDATORY SECTION (Amending Order 86-02, filed 2/3/86)

WAC 400-06-050 PUGET SOUND WATER QUALITY AUTHORITY OFFICERS—TERMS. The officers of the authority shall be the chair and the vice-chair. The vice-chair shall be elected by a majority vote of the ~~((voting))~~ members of the authority and shall serve for a term of one year. The chair of and other members of the authority shall serve for terms as provided in ((chapter 451, Laws of 1985, chapter 90.70 RCW.)) RCW 90.70.011. The chair shall preside over the meetings. If the chair is not present, the vice-chair will serve as chair of the meeting. If neither the chair nor the vice-chair is present at a meeting, the members of the Authority shall select a member to chair the meeting.

AMENDATORY SECTION (Amending Order 86-02, filed 2/3/86)

WAC 400-06-070 PUGET SOUND WATER QUALITY AUTHORITY—DESCRIPTION OF ORGANIZATION. ~~((The authority pursuant to section 3,~~

~~chapter 451, Laws of 1985, chapter 90.70 RCW, is composed of seven members appointed by the governor and confirmed by the senate. The commissioner of public lands and the director of ecology, or their designees, serve as ex-officio, nonvoting members of the authority.))~~ RCW 90.70.011 provides that the authority shall be composed of eleven members. Nine of these members are appointed by the governor and confirmed by the senate. The commissioner of public lands and the director of ecology serve as ex-officio members. The administrative office of the authority and its staff is 217 Pine Street, Suite 1100, Seattle, Washington 98101.

Reviser's note: RCW 34.05.395 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 86-02, filed 2/3/86)

WAC 400-06-160 RECORDS INDEX. (1) A chronological index is maintained providing identifying information as to all governmental records issued, adopted, or promulgated on or after August 21, 1985, which are deemed by the authority to fall within the purview of RCW 42.17.260 and which are not exempted under the provisions of RCW 42.17.310.

(2) The current index promulgated by the authority shall be available to all persons under the same rules ~~((and on the same rules))~~ and on the same conditions as are applied to public records available for inspection. The records index shall be updated at least annually.

WSR 90-13-108

PERMANENT RULES

DEPARTMENT OF FISHERIES

[Order 90-26—Filed June 21, 1990, 1:20 p.m.]

Date of Adoption: April 10, 1990.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-44-050.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to notice filed as WSR 90-06-080 on March 7, 1990.

Effective Date of Rule: Thirty-one days after filing.

April 10, 1990

Joseph R. Blum

Director

AMENDATORY SECTION (Amending Order 89-54, filed 6/30/89)

WAC 220-44-050 COASTAL BOTTOMFISH CATCH LIMITS. It is unlawful to possess, transport through the waters of the state, or land in any Washington state port bottomfish taken from Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the species indicated. All weights are in round pounds:

(1) Widow rockfish (*Sebastes entomelas*) – ~~((+0,000)) 15,000 pounds per vessel trip per calendar week, defined as Wednesday through the following Tuesday except that a fisherman having made a ((+1989)) 1990 declaration of intent may make one landing of not more than ((20,000)) 25,000 pounds biweekly, defined as Wednesday through the second Tuesday following. ((It is unlawful for any vessel to make more than one landing in excess of)) There is no limit on the number of landings of less than 3,000 pounds ((per calendar week)).~~

(2) Shortbelly rockfish (*Sebastes jordani*) – 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)) 3,000 pounds of Pacific Ocean perch in any one vessel trip.~~

(4) All other species of rockfish (*Sebastes* spp.) – 25,000 pounds of all other species combined per vessel trip per calendar week, defined as Wednesday through the following Tuesday, of which no more than 7,500 pounds may be yellowtail rockfish (*Sebastes flavidus*), except that a fisherman having made a ~~((+1989)) 1990~~ declaration of intent may make either one landing of no more than 50,000 pounds of all other species combined per vessel trip biweekly, defined as Wednesday through the second Tuesday following, of which no more than 15,000 pounds may be yellowtail rockfish, or two landings of not more than 12,500 pounds of all other species in any one calendar week of which not more than 3,750 pounds in any one landing may be yellowtail rockfish. It is unlawful for any vessel to make other 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) ((Deepwater complex =)) Sablefish((, Dover Sole, Arrowtooth Flounder, and Thorneyhead (or Idiot) Rockfish (*Sebastes* spp.)) = 30,000 pounds of the deepwater complex per vessel trip per calendar week, defined as Wednesday through the following Tuesday except that a fisherman having made a 1989 declaration of intent, may make either one landing of not more than 60,000 pounds of the deepwater complex per vessel trip biweekly, defined as Wednesday through the second Tuesday following or two landings of not more than 15,000 pounds of the deepwater complex in any one calendar week. It is unlawful for any vessel to make more than one landing in excess of 4,000 pounds of the deepwater complex per calendar week (including no more than 1,000 pounds of sablefish; see below) if no declaration to land the deepwater complex twice weekly has been made:))~~

(a) ~~((Sablefish taken from))~~ Trawl vessels – No trip limit. No restrictions on landing up to 1,000 pounds per vessel trip. Landings above 1,000 pounds allowed only if sablefish represent 25 percent or less of the total combined round weight of the deepwater complex (Sablefish, Dover Sole, Arrowtooth Flounder and Thorneyhead or

Idiot Rockfish) on board. To convert ((from)) sablefish to round weight ((to)) from dressed weight multiply the dressed weight by 1.75. Sablefish minimum size 22 inches in length, unless dressed in which case minimum size 15.5 inches in length from the anterior insertion of the first dorsal fin to the tip of the tail. Trawl vessels are allowed an incidental sablefish catch less than the minimum size of 1,000 pounds or 25 percent of the total combined round weight of the deepwater complex, but not to exceed 5,000 pounds per trip.

(b) ~~((Sablefish taken from))~~ Nontrawl vessels – No trip limit. Minimum size 22 inches in length, unless dressed, in which case minimum size 15.5 inches in length from the anterior insertion of the first dorsal fin to the tip of the tail. Nontrawl vessels are allowed an incidental catch less than the minimum size of 1,500 pounds, round weight or 3% round weight of all sablefish on board, whichever is greater, per trip. To convert to round weight from dressed weight multiply the dressed weight by 1.75.

~~(6) ((+1989)) 1990~~ Declarations of intent – ~~((All previous 1989)) A 1990~~ declaration ~~((forms remain in effect. If no declaration had been))~~ must be made(;) to make other than one vessel trip per week and land in excess of the minimum amounts as provided for in this section(~~(; a new declaration form must be completed as provided for in this subsection)).~~ The ~~((+1989)) 1990~~ declaration of intent to make other than one vessel trip per week must be mailed or delivered to the Department of Fisheries, 115 General Administration Building, Olympia, WA 98504, and must be received 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 will commence and must be signed and dated by the fisherman. The fisherman may return to the one vessel trip per calendar week fishing by filing a declaration of intent to stop fishing other than once weekly with the department in the above manner. The declaration to stop such fishing and begin one vessel trip per calendar week fishing must be received prior to the beginning of the week in which the one vessel trip per calendar week fishing will resume. The date of first landing will determine the beginning of biweekly periodicity. Biweekly periodicity will restart after a landing that occurs more than four calendar weeks after the immediate prior landing. A calendar week is defined as Wednesday through the following Tuesday.

(7) 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.

(8) For purposes of this section, a vessel trip is defined as having occurred upon the initiation of transfer of catch from the fishing vessel, and all fish aboard the vessel are considered part of the vessel trip limit at the initiation of transfer of catch.

WSR 90-13-109
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 90-53—Filed June 21, 1990, 1:25 p.m.]

Date of Adoption: June 20, 1990.

Purpose: Commercial fishing regulation.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-44-05000D; and amending WAC 220-44-050.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The Pacific Fishery Management Council has projected that 3312 mt tons of the 3612 mt nontrawl gear sablefish quota will have been landed by June 23, 1990. The remaining 300 mt is needed to allow for small unavoidable catches of sablefish later in the year. Accordingly they have requested that nontrawl sablefish landings be reduced to 500 pounds per vessel trip effective 12:01 a.m., June 24, 1990.

Effective Date of Rule: 12:01 a.m., June 24, 1990.

June 20, 1990
 Judith Merchant
 Deputy
 for Joseph R. Blum
 Director

NEW SECTION

WAC 220-44-05000E COASTAL BOTTOMFISH CATCH LIMITS. Notwithstanding the provisions of WAC 220-44-050, effective 12:01 a.m. June 24, 1990 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 Marine Fish-Shellfish Management and Catch Reporting Areas 29, 58B, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the

(1) **Widow Rockfish (*Sebastes entomelas*)** – 15,000 pounds per vessel trip per week, Wednesday through the following Tuesday. A fisherman may choose to make one landing of 25,000 pounds per vessel trip biweekly, defined as Wednesday through the second Tuesday following, by filing a declaration of intent. There is no limit on the number of landings less than 3000 pounds.

(2) **Shortbelly rockfish (*Sebastes alutus*) and idiot rockfish (*Sebastes spp.*)** – no maximum poundage per vessel trip; no minimum size.

(3) **Pacific ocean perch (*Sebastes alutus*)** – No restrictions on landings 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 the total weight of fish on board. Under no circumstances may a vessel land more than 3,000 pounds of Pacific ocean perch in any one vessel trip.

(4) **All other species of rockfish (includes all rockfish except Pacific ocean perch (*Sebastes alutus*), widow rockfish (*Sebastes entomelas*), shortbelly rockfish (*Sebastes jordani*) and idiot rockfish (*Sebastes spp.*))** – 25,000 pounds of all other species of rockfish combined per vessel trip per calendar week, defined as Wednesday through the following Tuesday, of which no more than 7,500 pounds may be yellowtail rockfish (*Sebastes flavidus*) except that a fisherman having made a 1990 declaration of intent, may make either one landing of no more than 50,000 pounds of all other species of rockfish combined per vessel trip biweekly, defined as Wednesday through the second Tuesday following of which no more than 15,000 pounds, may be yellowtail rockfish or two landings of not more than 12,500 pounds of all other species of rockfish in any one calendar week of which no more than 3,750 pounds in any one landing may be yellowtail rockfish. It is unlawful for any vessel to make other than one landing in excess of 3,000 pounds of other rockfish species in any calendar week, if no declaration to land other species of rockfish twice weekly has been made.

(5) **Sablefish**

(a) **Trawl Vessels – No trip limit.** No restrictions on landings up to 1,000 pounds per vessel trip. Landings above 1,000 pounds allowed only if sablefish represent 25 percent or less of total combined round weight of sablefish, dover sole, arrowtooth flounder, and thornyhead rockfish on board. To convert from round weight to dressed weight multiply the dressed weight by 1.75. Minimum size 22 inches in length, unless dressed in which case minimum size 15.5 inches in length from the anterior insertion of the first dorsal fin to the tip of the tail. Trawl vessels are allowed an incidental catch less than the minimum size of 1,000 pounds or 25 percent of the total combined round weight of the deep water complex on board but not to exceed 5,000 pounds per trip.

(b) **Non-Trawl Vessels – Vessel trip limit, 500 pounds round weight. No size limit.**

(6) **1990 Declarations of Intent – A 1990 Declaration of Intent must be made to make other than one vessel trip per week and land in excess of the minimum amounts as provided for in this section. The new declaration form must be completed as provided for in this subsection. The 1990 declaration of intent to make other than one vessel trip per week must be mailed or delivered to the Department of Fisheries, 115 General Administration Building Olympia, Wa., 98504, and must be received prior to the beginning of such fishing. The declaration of intent must contain the name and address of the fishermen, the name and registration number of the vessel, the date on which such fishing will commence and must be signed and dated by the fishermen. The fishermen may return to the one vessel trip per calendar week fishing by filing a declaration of intent to stop fishing other than once weekly with the department in the above manner. The declaration to stop such fishing and begin one vessel trip per calendar week fishing must be received prior to the beginning of the week in which the one vessel trip per calendar week fishing will resume. The date of first landing will determine the beginning of bi-weekly periodicity. Biweekly periodicity will restart**

after a landing that occurs more than four calendar weeks after the immediate prior landing. A calendar week is defined as Wednesday through the following Tuesday.

(7) 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.

(8) 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. June 24, 1990:

WAC 220-44-05000D COASTAL BOTTOMFISH CATCH LIMITS. (90-18)

WSR 90-13-110
NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY
[Memorandum—June 21, 1990]

BOARD OF TRUSTEES
June 22, 1990, 9:00 a.m.
Spokane Center, Fourth Floor Mall

Breakfast will be served to board members prior to the meeting at 8:00 a.m., Spokane Center.

WSR 90-13-111
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed June 21, 1990, 2:18 p.m.]

Original Notice.

Title of Rule: Chapters 296-21, 296-22, 296-23 and 296-23A WAC.

Purpose: To clarify the department's rules and policies regarding the issuance of provider numbers and reimbursement services to nurses.

Statutory Authority for Adoption: RCW 51.04.020(4) and 51.04.030.

Statute Being Implemented: RCW 51.04.020(4) and 51.04.030.

Summary: The proposed WAC changes correct several technical errors in the department's medical aid rules and maximum fee schedules. These corrections include changes to the procedure codes, code descriptions and relative value units (RVUs). The proposed changes to WACs 296-23-900 and 296-23-910 clarify the department's rules and policies regarding the issuance of provider numbers and reimbursement for services to nurses. These changes also clarify the differences between registered nurses and advanced registered nurse practitioners.

Name of Agency Personnel Responsible for Drafting: Bill Stoner, Capital View II, HC-251, 586-4015; Implementation and Enforcement: Joseph A. Dear, General Administration Building, HC-101, 753-6307.

Name of Proponent: Health Services Analysis, Department of Labor and Industries, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Proposes WAC changes to correct several technical errors in the department's medical aid rules and maximum fee schedules, proposes changes to WAC 296-23-900 and 296-23-910 which clarify the department's rules and policies regarding the issuance of provider numbers and reimbursement for services to nurses, and clarifies the difference between registered nurses and advanced registered nurse practitioners.

Proposal Changes the Following Existing Rules: See Summary above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: First Floor Conference Room, General Administration Building, 11th and Columbia Streets, Olympia, Washington, on July 27, 1990, at 8:30 a.m.

Submit Written Comments to: Bill Stoner, Policy and Economic Analysis, HC-251, Olympia, Washington 98504, by July 27, 1990.

Date of Intended Adoption: August 27, 1990.

June 21, 1990
Joseph A. Dear
Director

AMENDATORY SECTION (Amending Order 89-09, filed 8/10/89, effective 9/10/89)

WAC 296-21-013 SPECIAL SERVICES AND BILLING PROCEDURES. The following services are generally part of the basic services listed in the maximum fee schedule but do involve additional expenses to the physician for materials, for his time or that of his employees. These services are generally provided as an adjunct to common medical services and should be used only when circumstances clearly warrant an additional charge over and above the usual charges for the basic services.

	Unit Value
9096 Telephone call or conference with department claims manager, vocational or medical staff, adjudicator, or employer, relative to an individual case (each 15 minutes).....	16.0
99000 Handling and/or conveyance of specimen for transfer from the physician's office to a laboratory	6.0
99001 Handling and/or conveyance of specimen for transfer from the patient in other than a physician's office to a laboratory (distance may be indicated)	8.0
99002 Handling, conveyance, and/or any other service in connection with the implementation of an order involving devices (e.g., designing, fitting, packaging, handling, delivery or mailing) when devices such as orthotics, protectives, prosthetics are fabricated by an outside laboratory or shop but which items have been designed, and are to be fitted and adjusted by the attending physician	12.0
(For routine collection of venous blood, use 36415)	
99013 Telephone call for consultation or medical management; simple or brief, under 15 minutes	5.0
(e.g., to report on tests and/or laboratory results; to clarify or alter previous instructions; to adjust therapy)	

	Unit Value
99014 intermediate, 15 - 30 minutes	10.0
(e.g., to provide advice to an established patient on a new problem; to initiate therapy that can be handled by telephone; to discuss results of tests in detail)	
99015 lengthy or complex	15.0
(e.g., lengthy counseling session with anxious or distraught patient; detailed or prolonged discussion with family member regarding seriously ill patient)	
99024 Postoperative follow-up visit, included in global service	BR
(See WAC 296-22-010)	
99025 Initial (new patient) visit when asterisk (*) surgical procedure constitutes major service at that visit	20.0
99030 Mileage, one way, each mile beyond 7 mile radius of point of origin (office or home), per mile	2.0
99040 Completion of certificate of disability card	2.0
99044 Doctor's estimate of physical capacities	10.0
99050 Services requested after office hours in addition to basic service	10.0
99052 Services requested between 10:00 p.m. and 8:00 a.m. in addition to basic services provided the office is closed during this period of time	12.0
99054 Services requested on Sundays and holidays in addition to basic services	12.0
99056 Services provided at request of patient in a location other than physician's office which are normally provided in the office	BR
99058 Office services provided on an emergency basis	BR
(For hospital-based emergency care facility services, see 90500 et seq.)	
99062 Emergency care facility services: When the nonhospital-based physician is in the hospital but is involved in patient care elsewhere and is called to the emergency facility to provide emergency services	8.0
(For hospital-based emergency care facility services, see 90500 et seq.)	
99064 Emergency care facility services: When the nonhospital-based physician is called to the emergency facility from outside the hospital to provide emergency services; not during regular office hours	25.0
99065 during regular office hours	16.0
99070 Supplies and materials (except spectacles) provided by the physician over and above those usually included with the office visit or other services rendered (list drugs, trays, supplies or materials cast room and/or casting supplies provided). Bill at cost	BR
(For spectacles, see 92390-92395)	
99075 Medical testimony approved in advance by office of attorney general. First hour	240.0
99076 Each additional 30 minutes	80.0
99080 Special reports as insurance forms, sixty-day report, or the review of medical data to clarify a patient's status—more than the information conveyed in the usual medical communications or standard reporting form at department request (see WAC 296-20-06101 for reporting requirements)	BR
99082 Unusual travel (e.g., transportation and escort of patient) per mile	2.0
99083 Copies of medical records requested by the department or self-insurance or their representative(s), not required to support billing for services rendered, per page	0.2
99084 Maximum allowed per claim	4.6
99085 Physician called on to convey instructions by telephone to hospital emergency room or nurse practitioner clinic—to be paid only to initial attending physician upon completion of report of accident form	12.0
99095 Deposition approved in advance by office of attorney general. First hour	200.0
99096 Each additional 30 minutes	67.0
99150 Detention, prolonged, with patient requiring physician attendance beyond usual service (e.g., critically ill patient, 30 minutes to one hour)	25.0
99151 more than one hour	50.0

CRITICAL CARE

Critical care includes the care of critically ill patients in a variety of medical emergencies that requires the constant attention of the physician (cardiac arrest, shock, bleeding, respiratory failure, postoperative

complications, critically ill neonate). Critical care is usually, but not always, given in a critical care area, such as the coronary care unit, intensive care unit, respiratory care unit, or the emergency care facility. The descriptors for critical care are intended to include cardiopulmonary resuscitation and a variety of services attendant to this procedure as well as other acute emergency situations. Separate procedure codes for services performed during this period, such as placement of catheters, cardiac output measurement, management of dialysis, control of gastrointestinal hemorrhage, electrical conversion of arrhythmia, etc., are included when this descriptor is used on a per hour basis. (The physician may list his services separately if he desires.)

	Unit Value
99154 Daily hospital management of epidural or subarachnoid drug administration	BR
99160 Critical care, initial, including the diagnostic and therapeutic services and direction of care of the critically ill or multiple injured or comatose patient, requiring the prolonged presence of the physician; each hour	100.0
99162 additional 30 minutes	50.0
(For monitoring cardiac output, see 78470, 93561, 93562)	
(For monitoring intra-aortic balloon counter pulsation, see 33972)	
(For subsequent visits, see appropriate critical care visit, 99171-99174 or hospital visits, 90200-90280)	
99170 Gastric intubation, and aspiration or lavage for treatment (e.g., for ingested poisons)	SV
99171 Critical care, subsequent follow-up visit; brief examination, evaluation and/or treatment for same illness	SV
99172 limited examination, evaluation and/or treatment, same or new illness	SV
99173 intermediate examination, evaluation and/or treatment, same or new illness	SV
99174 extended reexamination, reevaluation and/or treatment, same or new illness	SV

OTHER SERVICES

99175 Ipecac or similar administration for individual emesis and continued observation until stomach adequately emptied of poison	SV
(For diagnostic intubation, see 82926-82932, 89130-89141)	
(For gastric lavage for diagnostic purposes, see 91055)	
99180 Hyperbaric oxygen pressurization; initial	12.0
99182 Subsequent	3.0
99185 Hypothermia; regional	BR
99186 total body	BR
99190 Assembly and operation of pump with oxygenator or heat exchanger (with or without ECG and/or pressure monitoring); each hour	60.0
99191 3/4 hour	45.0
99192 1/2 hour	30.0
99195 Phlebotomy, therapeutic (separate procedure)	20.0
99199 Unlisted special service or report	BR

(For physicians assigned to critical care units or other long-term attendance, use special reports)

DEFINITIONS

Definitions and items of commonality. Terms and phrases common to the practice of medicine are defined as follows and apply to procedures 90000 through 90696.

(1) **NEW PATIENT:** A patient who is new to the physician or a known patient with a new industrial injury or condition, and whose medical and administrative record need to be established.

(2) **ESTABLISHED PATIENT:** A patient known to the physician and/or whose records are usually available.

(3) **INITIAL VISIT:** Initial care, including physical examination and initiation of diagnostic and treatment program, for a condition regardless of whether the patient is known to the physician.

(4) **FOLLOW-UP VISIT:** Subsequent care for a patient and condition known to the physician.

(5) **CONSULTATION:** A consultation includes services rendered by a physician whose opinion or advice is requested by a physician or other appropriate source for the further evaluation and/or management of the patient. When the consulting physician assumes responsibility for the continuing care of the patient, any subsequent service rendered by

him will cease to be a consultation. The consulting physician cannot assume care without the concurrence of the patient or the referring doctor. See WAC 296-20-051. Five levels of consultation are recognized: Limited, intermediate, extensive, comprehensive, and complex consultation. See WAC 296-21-030 for description.

(6) REFERRAL: (Transfer) A referral is the transfer of the total or specific care of a patient from one physician to another and does not constitute a consultation. Initial evaluation and subsequent services are designated as listed below in levels of service.

(7) LEVELS OF SERVICE: Examinations, evaluations, treatment, counseling, conferences with or concerning patients, and services which necessitate wide variations in skill, effort and time required for the diagnosis and treatment of illness and the promotion of optimal health. Six levels are recognized:

MINIMAL: A level of service including injections, dressings, minimal care, etc., not necessarily requiring the presence of the physician.

For example:

- (a) Routine immunization for tetanus administered by a nurse.
- (b) Blood pressure determination by a nurse for medication control.
- (c) Removal of sutures from laceration.

BRIEF: A level of service requiring a brief period of time, with minimal effort by the physician.

For example:

- (a) Certification of time loss in a stable or chronic case.
- (b) Reexamination of minor trauma (e.g., contusion or abrasion).
- (c) Examination of conjunctiva by the physician in a patient with subconjunctival hemorrhage, irrigation, medication and removal of foreign body with instrument.
- (d) Review of interval history, physical status, and adjustment of medication in patient with compensated arteriosclerotic heart disease on chronic diuretic therapy.

LIMITED: A level of service requiring limited effort or judgment, such as abbreviated or interval history, limited examination or discussion of findings and/or treatment.

For example:

- (a) Review and examination of uncomplicated sprains and strains with initiation, continuation and/or change of treatment.
- (b) Examination of an extremity fracture not requiring reduction.
- (c) Postoperative care in instances where the unit value is for surgical procedure only.

INTERMEDIATE: A level of service such as a complete history and physical examination of one or more organ systems, complicated with a new diagnostic or management problem not necessarily relating to the primary diagnosis that necessitates the obtaining and evaluation of pertinent history and physical or mental status findings, diagnostic tests and procedures, and the ordering of appropriate therapeutic management or an in depth counseling or discussion of the findings, but not requiring a comprehensive examination of the patient as a whole.

For example:

- (a) Review of interval history; examination of neck veins, lungs, heart, abdomen and extremities, discussion of findings and prescription of treatment in decompensated arteriosclerotic heart disease.
- (b) Review of interval history, examination of musculoskeletal system, discussion of findings, and adjustment of therapeutic program in low back and/or arthritic disorders.
- (c) Review of recent illness: Examination of pharynx, neck, axilla, groin, and abdomen; interpretation of laboratory tests and prescription of treatment in infectious mononucleosis.
- (d) Evaluation of a chest, post trauma, with impaired respiration with development of shock.

EXTENDED: A level of service requiring an unusual amount of effort or judgment with report to include a detailed history, review of medical records, examination, conclusions of x-ray or laboratory studies, diagnosis and recommendations for treatment, and a formal conference with patient or family. This service may, or may not involve a complete examination of the patient as a whole.

For example:

(a) Reexamination of neurological findings, detailed review of hospital studies and course, and formal conference with patient and family jointly concerning findings and plans in a diagnostic problem of suspected intracranial disease in a young adult.

(b) Detailed intensive review of studies and hospital course and thorough reexamination of pertinent physical findings of a patient with a recent coronary infarct with complications requiring constant physician bedside attention.

(c) Review of results of diagnostic evaluation, performance of a detailed examination and a thorough discussion of physical findings, laboratory studies, x-ray examinations, diagnostic conclusions and recommendations for treatment of complicated chronic pulmonary disease.

(d) Detailed review of studies and hospital course and thorough reexamination of pertinent physical findings of a patient with a recent coronary infarct and formal conference with patient or family to review findings and prognosis.

(e) Reevaluation of a psychotic delusional patient who develops severe and acute abdominal pain involving a mental status reassessment but not a psychiatric diagnostic interview, and a conference with the consulting surgeon and nursing personnel.

(f) Detailed intensive review of studies and hospital course and thorough reexamination of pertinent findings of a patient with a recently diagnosed uterine adenocarcinoma who also has a pulmonary coin lesion under consideration for thoracotomy; this service involves several abbreviated conferences with consultants, and family or patient.

COMPREHENSIVE: A level of service providing an in depth evaluation of the patient with a new or existing problem requiring the development or complete reevaluation of medical data. This procedure includes the recording of a chief complaint(s), and present illness, family history, past medical history, personal history, system review, a complete physical examination, and the ordering of appropriate diagnostic tests and procedures.

AMENDATORY SECTION (Amending Order 89-09, filed 8/10/89, effective 9/10/89)

WAC 296-22-053 SPINE (VERTEBRAL COLUMN).

(Cervical, thoracic, and lumbar spine)

EXCISION

(For injection procedure for myelography, see 63510-63520)

(For injection procedure for discography, see 63530-63535)

	Unit Value	Follow-up Days=	Basic Anes@
22100 Partial resection of vertebral component, spinous processes; cervical	8.0	90	8.0
22101 thoracic	8.0	90	7.0
22102 lumbar	8.0	90	7.0
22105 Partial resection of vertebral component for tumor (e.g., partial facetectomy without primary grafting); cervical	12.0	90	8.0
22106 thoracic	12.0	90	7.0
22107 lumbar	12.0	90	7.0
22110 Partial excision of vertebrae (e.g., for osteomyelitis), cervical	BR		8.0
22112 thoracic	BR		7.0
22114 lumbar	BR		7.0

INTRODUCTION

(For injection procedure for myelography, see 62284)

(For injection procedure for diskography, see 62290, 62291)

(For injection procedure, chemonucleolysis, single or multiple levels, see 62292)

(For injection procedure for facet joints, see 64442, 64443, 64622, 64623)

(For needle or trocar biopsy, see 20220-20225)

	Unit Value	Follow-up Days=	Basic Anes@		Unit Value	Follow-up Days=	Basic Anes@
22810 Arthrodesis, anterior, for spinal deformity, with or without cast, with bone graft; 4 to 7 vertebrae	BR			27331 with joint exploration, with or without biopsy, with or without removal of loose or foreign bodies	13.0	90	3.0
22812 or more vertebrae	BR			27332 Arthrotomy, knee, for excision of semilunar cartilage (meniscectomy); medial OR lateral	14.0	90	3.0
ARTHRODESIS, MISCELLANEOUS				27333 medial AND lateral	20.0	90	3.0
22820 Harvesting of bone autograft (e.g., ilium, fibula, etc.) for arthrodesis	3.5	180	11.5	27334 Arthrotomy, knee, for synovectomy; anterior OR posterior	17.0	120	3.0
22830 Exploration of spinal fusion	BR			27335 anterior AND posterior including popliteal area	14.0	120	3.0
SPINAL INSTRUMENTATION				27340 Excision, prepatellar bursa	5.0	60	3.0
(List separately, in addition to code for fracture, dislocation, or arthrodesis of the spine, 22305- 22812)				27345 Excision of synovial cyst of popliteal space (Baker's cyst)	8.0	60	3.0
22840 Posterior instrumentation; without segmental fixation (e.g., single Harrington rods technique)	50.0	180	13.0	27350 Patellectomy or hemipatellectomy	12.0	90	3.0
22842 segmental fixation (e.g., pedicle fixation, dual rods with multiple hooks and subliminal wires)	42	180	13.0	27355 Excision or curettage of bone cyst or benign tumor of femur	11.0	60	3.0
22845 Anterior instrumentation	BR		7.0	27356 with homogenous graft	12.0	60	3.0
22849 Reinsertion of spinal fixation device	BR		7.0	27357 with primary autogenous graft (includes obtaining graft)	14.0	120	3.0
22850 Removal of posterior nonsegmental instrumentation	BR		8.0	27358 with internal fixation (list in addition to 27355, 27356, or 27357)	15.0	120	3.0
22852 Removal of posterior segmental instrumentation	11.0	180	3.5	27360 Partial excision, (craterization, saucerization or diaphysectomy), of bone (e.g., osteomyelitis), femur, proximal tibia and/or fibula	10.0	60	3.0
22855 Removal of anterior instrumentation	BR		8.0	27365 Radical resection for tumor (femur or bone)	BR+		3.0
(For spinal cord monitoring, use 95925)				(For radical resection of tumor, soft tissue, use 27329)			
MISCELLANEOUS				INTRODUCTION AND/OR REMOVAL			
22899 Unlisted procedure, spine	BR		7.0	27370 Injection procedure for knee arthrography	0.6	0	
AMENDATORY SECTION (Amending Order 89-09, filed 8/10/89, effective 9/10/89)				(For knee arthrography, see 73580, 73581)			
WAC 296-22-082 FEMUR (THIGH REGION) AND KNEE JOINT.				27372 Removal foreign body, deep thigh region or knee area	BR		
(Including tibial plateaus)				(For removal of knee prosthesis including "total" knee, see 27488)			
INCISION				REPAIR, REVISION OR RECONSTRUCTION			
(For incision and drainage of abscess or hematoma, superficial, see 10000-10160)				27380 Suture of infrapatellar tendon; primary	11.0	90	3.0
27301 Incision and drainage of deep abscess, infected bursa, or hematoma thigh or knee region	BR		3.0	27381 secondary reconstruction, including fascial or tendon graft	BR		
27303 Incision, deep, with opening of bone cortex (e.g., for osteomyelitis or bone abscess) femur or knee	BR		3.0	27385 Suture of quadriceps or hamstring muscle rupture; primary	13.0	90	3.0
27305 Fasciotomy, iliotibial (tenotomy), open	6.0	45	3.0	27386 secondary reconstruction, including fascial or tendon graft	15.0	90	3.0
(For combined Ober-Yount fasciotomy, see 27025-27026)				27390 Tenotomy, open, hamstring, knee to hip; single	6.0	45	3.0
27306 Tenotomy, subcutaneous, closed, adductor or hamstring, (separate procedure); single	1.2	60	3.0	27391 multiple, one leg	6.0	90	3.0
27307 multiple	4.0	60	3.0	27392 multiple, bilateral	8.0	45	3.0
27310 Arthrotomy, knee, for infection, with exploration, drainage or removal of foreign body	12.0	90	3.0	27393 Lengthening of hamstring tendon; single	8.0	90	3.0
27315 Neurectomy, hamstring muscle	11.0	30	3.0	27394 multiple, one leg	12.0	90	3.0
27320 Neurectomy, popliteal (gastrocnemius)	11.0	30	3.0	27395 multiple, bilateral	16.0	120	3.0
EXCISION				27396 Transplant, hamstring tendon to patella; single	16.0	120	3.0
27323 Biopsy, soft tissue of thigh or knee area; superficial	1.2	7	3.0	27397 multiple	14.0	120	3.0
27324 deep	2.4	15	3.0	27400 Tendon or muscle transfer, hamstrings to femur (Eggers type procedure)	16.0	120	3.0
27327 Excision, tumor; thigh or knee area subcutaneous	3.0	7	3.0	27403 Arthrotomy with open meniscus repair	14.0	120	3.0
27328 deep, subfascial, or intramuscular	4.0	15	3.0	(For arthroscopic repair, use 29882)			
27329 Radical resection of tumor (e.g., malignant neoplasm); soft tissue of thigh or knee area	BR			27405 Repair, primary, torn ligament, and/or capsule, knee; collateral	14.0	120	3.0
27330 Arthrotomy, knee; for synovial biopsy only	12.0	90	3.0	27407 cruciate	16.0	120	3.0
				(27408 has been deleted, use 27427)			
				27409 collateral and cruciate ligaments	18.0	120	3.0
				27418 Anterior tibial tubercle plasty for chondromalacia patellae (Maquet procedure)	14.0	120	3.0
				27420 Reconstruction for recurrent dislocating patella; (Hauser type procedure)	14.0	120	3.0
				27422 with extensor realignment and/or muscle advancement or release (Campbell, Goldthwaite, etc., type procedure)	15.0	120	3.0
				27424 with patellectomy	17.0	120	3.0
				27425 Lateral retinacular release (any method)	6.0	120	3.0

	Unit Value	Follow-up Days=	Basic Anes@
AMPUTATION			
27590 Amputation, thigh, through femur, any level	14.5	120	4.0
27591 immediate fitting technique including first cast	BR	30	3.0
27592 open, circular (guillotine)	14.0	120	4.0
27594 secondary closure or scar revision	Sv. &		3.0
27596 reamputation	BR+		4.0
27598 Disarticulation at knee	14.0	120	4.0

	Unit Value	Follow-up Days=	Basic Anes@
MISCELLANEOUS			
27599 Unlisted procedure, femur or knee	BR		4.0

AMENDATORY SECTION (Amending Order 86-19, filed 2/28/86, effective 4/1/86)
WAC 296-22-205 APPENDIX.

	Unit Value	Follow-up Days=	Basic Anes@
INCISION			
44900 Incision and drainage of appendiceal abscess, transabdominal	7.0	45	4.0
EXCISION			
44950 Appendectomy;	9.5	45	4.0
(For incidental appendectomy, see WAC 296-22-010, item 7b and modifier -52)			
44955 when done for indicated purpose at time of other major procedure (not as separate procedure)	6.0	45	4.0
44960 for ruptured appendix with abscess or generalized peritonitis	BR		4.0
45337 for decompression of volvulus	BR		

AMENDATORY SECTION (Amending Order 89-09, filed 8/10/89, effective 9/10/89)
WAC 296-23-07907 VASCULAR STUDIES.

	Unit Value	Follow-up Days=	Basic Anes@
76925 Imaging, peripheral (e.g., B-scan, Doppler or real time scan)	BR		25.0
76926 Imaging, head and trunk (e.g., Duplex Doppler)	BR		
ULTRASONIC GUIDANCE PROCEDURES			
76930 Ultrasonic guidance for pericardiocentesis; supervision and interpretation	BR		BR
76931 complete procedure	BR		
76934 Ultrasonic guidance for thoracentesis; supervision and interpretation only	3.0		5.0
76935 complete procedure	5.0		
76938 Ultrasonic guidance for cyst (any location,) or renal pelvis aspiration; supervision and interpretation only	1.0		2.0
76939 complete procedure	2.0		
76942 Ultrasonic guidance for needle biopsy; supervision and interpretation only	4.0		6.0
76943 complete procedure	6.0		
76946 Ultrasonic guidance for amniocentesis; supervision and interpretation only	4.0		6.0
76947 complete procedure	6.0		
76948 Ultrasonic guidance for aspiration of ova; ((complete procedure)) supervision and interpretation only	BR		BR
76949 complete procedure	BR		
76950 Echography for placement of radiation therapy fields, B-scan	17.1		
76960 Ultrasonic guidance for placement of radiation therapy fields except for B-scan echography	14.3		

AMENDATORY SECTION (Amending Order 89-09, filed 8/10/89, effective 9/10/89)
WAC 296-23A-340 HEMATOLOGY.

(Includes blood clotting (coagulation) procedures. For blood banking procedures, see under Immunology WAC 296-23A-345)			
(Agglutinins, see Immunology)			
(Antifactor (specific coagulation factors), see 85300-85341)			
(Antiplasmin, see 85410)			
(Antiprothrombinase, see 85311)			
(Antithrombin III, see 85300)			
(Basophil count, see 85005)			
85000 Bleeding time; Duke			10.0
85002 Ivy or template			24.0
(Blood cell morphology only, see 85548)			
85005 Blood count; basophil count, direct			10.0
85007 differential WBC count (includes RBC morphology and platelet estimation)			7.5
(See also 85548, 85585)			
(For other fluids, e.g., CSF, see 89051, 89190)			
85009 differential WBC count, buffy coat			12.0
85012 eosinophil count, direct			10.0
(For nasal smear, see 89180)			
85014 hematocrit			8.0
85018 hemoglobin, colorimetric			8.0
(For other hemoglobin determination, see 83020-83068)			
85021 hemogram, automated (RBC, WBC, Hgb, Hct and indices only)			10.5
85022 hemogram, automated, and manual differential WBC count (CBC)			15.0
85023 hemogram and platelet count, automated, and manual differential WBC count (CBC)			17.0
85024 hemogram and platelet count, automated, and automated partial differential WBC (CBC)			17.0
85025 hemogram and platelet count, automated, and automated complete differential WBC (CBC)			17.0
85027 hemogram, automated, with platelet count			12.0
85029 Additional automated hemogram indices (e.g., red cell distribution width (RDW), mean platelet volume (MPV), red blood cell histogram, platelet histogram, white blood cell histogram, three part differential); one to three indices			BR
85030 four or more indices			BR
85031 Blood count; hemogram, manual, complete CBC (RBC, WBC, Hgb, Hct, differential and indices)			16.5
85041 red blood cell count (RBC) only			8.0
(See also 85021-85031, 89050)			
85044 reticulocyte count			12.0
85048 white blood cell (WBC)			8.0
(See also 85021-85031)			
85095 Bone marrow smear and/or cell block; aspiration only			45.0
85097 Smear interpretation only, with or without differential cell count			BR
(For interpretation of smear, use 85097; for cell block interpretation, see 88304, 88305)			
85100 aspiration, staining and interpretation			140.0
85101 aspiration and staining only			75.0
(For special stains, see 85535, 85540, 85560, 88312-88313)			
85102 Bone marrow needle biopsy			75.0
85103 staining and interpretation			60.0
85109 staining and preparation only			30.0
85170 Clot retraction; screen			8.0
85171 quantitative			45.0
85172 inhibition by drugs			BR
85175 Clot lysis time, whole blood dilution			40.0
(Clotting factor I (fibrinogen), see 82730, 85371-85377)			
85210 Clotting factor II prothrombin, specific			40.0
(See also 85610-85618)			
85220 factor V (AcG or proaccelerin) labile factor			40.0

	Unit Value		Unit Value
85230 factor VII (proconvertin, stable factor)	40.0	85530 Heparin-protamine tolerance test	60.0
85240 factor VIII (AHG), one stage	40.0	85535 Iron stain (RBC or bone marrow smears)	18.0
85242 factor VIII (AHG), two stage	40.0		
85244 factor VIII related antigen quantitation	BR	(Ivy bleeding time, see 85002)	
85250 factor IX (PTC or Christmas)	40.0	85538 Leder stain (esterase) blood or bone marrow	30.0
85260 factor X (Stuart-Prower)	40.0	85540 Leucocyte alkaline phosphatase with count	20.0
85270 factor XI (PTA)	40.0	85544 Lupus erythematosus (LE) cell prep	20.0
85280 factor XII (Hageman)	40.0		
85290 factor XIII (fibrin stabilizing)	40.0	(Lysozyme, see 85548)	
85291 factor XIII (fibrin stabilizing), screen solubility	40.0	85547 Mechanical fragility, RBC	30.0
85292 preallikrein assay (Fletcher factor assay)	BR	85548 Morphology of red blood cells, only	9.0
(85293)		85549 Muramidase, serum	52.0
(85293))			
85293 high molecular weight ((kininogen) kininogen assay (Fitzgerald factor assay)	BR	(Nitroblue tetrazolium dye test, see 86384)	
85300 Clotting inhibitors or anticoagulants; antithrombin III, except antigen assay	40.0	85555 Osmotic fragility, RBC	15.0
85301 antithrombin III, antigen assay	BR	85556 incubated, qualitative	18.0
85302 protein C assay	BR	85557 incubated, quantitative	60.0
85310 antithromboplastin	40.0	(Packed cell volume, see 85014)	
85311 antiprothrombinase	40.0	(Partial thromboplastin time, see 85730-85732)	
85320 antiprothromboplastin	40.0	(Parasites, blood, e.g., malaria smears, see 87207)	
85330 antifactor VIII	40.0	85560 Peroxidase stain, WBC	15.0
85340 cross recalcification time (mixtures)	40.0		
85341 PTT inhibition test	BR	(Plasmin, see 85400)	
85345 Coagulation time; Lee and White	30.0	(Plasminogen, see 85420)	
85347 activated	20.0	(Plasminogen activator, see 85665)	
85348 other methods	BR	85575 Platelet; adhesiveness (in vivo)	45.0
(Complete blood count, see 85021-85031)		85576 aggregation (in vitro), any agent	BR
(Differential count, see 85007 et seq.)		85577 retention (in vitro), glass bead	30.0
(Drug inhibition, clot retraction, see 85172)		85580 count (Rees-Ecker)	14.0
(Duke bleeding time, see 85000)		85585 estimation on smear, only	10.0
(Eosinophil count, direct, see 85012)		(See also 85007)	
(Eosinophils, microscopic examination for, in various body fluids, see 89180)		85590 phase microscopy	20.0
(Ethanol gel, see 85363)		85595 electronic technique	20.0
85360 Euglobulin lysis	40.0	(Protamine paracoagulation (PPP), see 85368)	
(Fetal hemoglobin, see 83030-83033, 85460)		85610 Prothrombin time	16.0
85362 Fibrin degradation (split) products (FDP)(FSP); agglutina- tion, slide	12.0	(See also 85618)	
85363 ethanol gel	10.0	85612 Russell viper venom type (includes venom)	36.0
85364 hemagglutination inhibition (Merskey), microtiter	36.0	(85614 has been deleted)	
85365 immunoelectrophoresis	BR	85615 Prothrombin utilization (consumption)	40.0
85367 precipitation	18.0	85618 Prothrombin - Proconvertin, P & P (Owren)	18.0
85368 protamine paracoagulation (PPP)	BR	(Red blood cell count, see 85021-85031)	
85369 staphylococcal clumping	12.0	85630 Red blood cell size (Price-Jones)	40.0
(Fibrinogen, quantitative, see 82730)		85632 Red blood cell peroxide hemolysis	30.0
85371 Fibrinogen, semiquantitative; latex	40.0	85635 Reptilase test	33.0
85372 turbidimetric	22.5	(Reticulocyte count, see 85044)	
85376 Fibrinogen; thrombin with plasma dilution	24.0	(Rumpel-Leede test, see 85165)	
85377 thrombin time dilution	36.0	85650 Sedimentation rate (ESR); Wintrobe type	14.0
85390 Fibrinolysins; screening	20.0	85651 Westergren type	10.5
85392 with EACA control	BR	85660 Sickling of RBC, reduction, slide method	14.0
85395 semiquantitative	30.0	(Sickling, electrophoresis, see 83020)	
85398 Fibrinolysis, quantitative	45.0	(Sickling, solubility, S-D, see 83053)	
85400 Fibrinolytic mechanisms; plasmin	BR	(Sickling, turbidimetric (Sickledex dithionate), see 83052)	
85410 antiplasmin	BR	(Siderocytes, see 85535)	
85420 plasminogen, except antigenic assay	BR	(Smears for parasites, malaria, etc., see 87207)	
(For plasminogen activator, see 85665)		(Staphylococcal clumping test, see 85369)	
85421 plasminogen, antigenic assay	BR	85665 Streptokinase titer (plasminogen activator)	BR
85426 Von Willebrand factor assay	BR	85670 Thrombin time; plasma	20.0
(Fragility, red blood cell, see 85547, 85555-85557)		85675 titer	12.0
85441 Heinz bodies; direct	9.0	85700 Thromboplastin generation test; screening (Hicks-Pitney)	40.0
85445 induced, acetyl phenylhydrazine	19.5	85710 definitive, with platelet substitute	45.0
(Hematocrit (PCV), see 85014, 85021-85031)		85711 with patient's platelets	45.0
(Hemoglobin, see 83020-83068, 85018-85031)		85720 all factors	BR
85460 Hemoglobin, fetal, differential lysis (Kleihauer)	26.0	(For individual clotting factors, see 85210 et seq.)	
(See also 83030, 83033)		85730 Thromboplastin time, partial (PTT); plasma or whole blood ..	30.0
(Hemogram, see 85021-85031)		85732 substitution, plasma	30.0
(Hemolysins, see 86006, 86281, 86282)		(For thromboplastin inhibition test, see 85341)	
85520 Heparin assay	60.0		

	Unit Value
(Tourniquet test, see 85165)	
85810 Viscosity, blood	40.0
85820 serum or plasma	40.0
(Von Willebrand factor assay, see 85426)	
(WBC count, see 85021-85031, 85048, 89050)	
85999 Unlisted hematology procedure	BR

AMENDATORY SECTION (Amending Order 89-09, filed 8/10/89, effective 9/10/89)

WAC 296-23-900 LICENSED NURSING RULES. (1) Registered nurses and licensed practical nurses may perform private duty nursing care in industrial injury cases when the attending physician deems this care necessary. Registered nurses may be reimbursed for services as outlined by department policy. (See ~~((WAC 296-20-091))~~ chapter 296-20 WAC for home nursing rules.)

(2) ~~((Certified registered nurses (CRNs) and))~~ Advanced registered nurse practitioners (ARNPs) may perform advanced and specialized levels of nursing care on a fee for service basis in industrial injury cases within the limitations of subsections (3) and (4) of this section. ARNPs may be reimbursed for services as outlined by department policy.

(3) ~~((Advance approval must be obtained from the department to treat industrial injury cases. To be eligible to treat industrial injuries, the registered nurse must:))~~ In order to treat workers under the Industrial Insurance Act, the advanced registered nurse practitioner must be:

(a) ~~((Be))~~ Recognized by the Washington state board of nursing or other government agency as ~~((a certified registered nurse (CRN) or))~~ an advanced registered nurse practitioner (ARNP). For out-of-state nurses an equivalent title and training may be approved at the department's discretion.

(b) ~~((Provide))~~ Capable of providing the department with evidence and documentation of a reliable and rapid system of obtaining physician consultations.

(4) ~~((The scope of practice for certified registered nurses or advanced registered nurse practitioners under the industrial insurance program is limited to the following, based on CRN or ARNP speciality as approved by the state board of nursing:))~~

(a) Preparing reports of accident and progress reports for the supervising physician's signature. The supervising physician's L & I Provider No. must be entered in Box 48 on the Accident Report form.

(b) Emergency treatment of serious injuries to include initial wound care, administration of medication and support of life functions.

(c) Treatment of minor injuries to include suturing of minor lacerations not involving tendons, nerves or bones.

(d) Removal of sutures.

(e) Removal of foreign bodies from eyes.

(f) Removal of slivers or foreign bodies where bones, nerves and tendons are not involved.

(g) Prescribing legend drugs when so authorized by state board of nursing.

(h) Nursing type follow-up care (i.e., dressing changes, etc.)

(i) Accompanying ambulance to the site of injury and/or to the hospital with the injured workman.

(j) Home visits to evaluate claimant's condition when attendant care is being rendered for the injured worker by persons other than the nurse practitioner, may be authorized when the request is received in advance of the visit.

(k) Administration of biofeedback as per WAC 296-21-0501.

(5) ~~BILLING PROCEDURES~~) Billing procedures outlined in ~~((WAC 296-20-125))~~ chapter 296-20 WAC and WAC 296-23-910 apply to all nurses. ~~((Certified registered nurses and advanced nurse practitioners must obtain provider account numbers from the department:))~~

AMENDATORY SECTION (Amending Order 86-36, filed 10/1/86, effective 11/1/86)

WAC 296-23-910 ~~((MAXIMUM VALUES ARE ESTABLISHED FOR SERVICES RENDERED))~~ LICENSED NURSING BILLING INSTRUCTIONS. ~~((The following maximum values are established for services rendered by advanced registered nurse practitioners and certified registered nurses:))~~

Other services rendered by advanced registered nurse practitioners may be billed using the appropriate procedure number preceded by N- and valued at 80% of the unit value listed. Services are limited to the scope of practice defined in WAC 296-23-900(4):

	Unit Value
Medicine procedures (see WAC 296-20-135 for Conversion Factor Table):	
N90000 Initial office visit, to include history, initiation of treatment and preparation of Report of Accident for supervising physician's signature	14.0
N90010 Initial limited visit (routine involving single region or organ system)	24.0
N90015 Initial office visit, intermediate	40.0
N90030 Follow-up office visit, minimal	6.4
N90040 Follow-up office visit, brief	9.6
N90050 Follow-up limited office visit	12.8
N90060 Follow-up visit, intermediate exam	16.0
N90070 Follow-up office visit, extended	24.0
N90080 Follow-up office visit, comprehensive	40.0
N90701 Immunization, active, diphtheria and tetanus toxoids and pertussis vaccine (DTP)	6.4
N90702 diphtheria and tetanus toxoids (DT)	4.0
N90718 tetanus and diphtheria toxoids absorbed, for adult use (Td)	4.0
N90782 Therapeutic injection of medication (specify): subcutaneous or intramuscular	4.8
N90784 intravenous	6.4
N90788 Intramuscular injection of antibiotic (specify)	4.8
N90900 Biofeedback training by electromyogram application, including office visit (one hour)	40.0
N90901 (one-half hour)	24.0
N90902 In conduction disorder, including office visit (one hour)	40.0
N90903 (one-half hour)	24.0
N90904 Regulation of blood pressure, including office visit (one hour)	40.0
N90905 (one-half hour)	24.0
N90906 Regulation of skin temperature or peripheral blood flow, including office visit (one hour)	40.0
N90907 (one-half hour)	24.0
N90908 By electroencephalogram application, including office visit (one hour)	40.0
N90909 (one-half hour)	24.0
N90910 By electro-oculogram, including office visit (one hour) ..	40.0
N90911 (one-half hour)	24.0
N90912 Diagnostic evaluation, includes report (one hour)	48.0
N90913 Follow-up evaluation, includes report (one-half hour) ..	24.0
N97070 Physical medicine modalities and procedures by other than registered physical therapist in remote area or first six visits in advanced registered nurse practitioner clinic ..	4.0
N99000 Handling and/or conveyance of specimen for transfer to a laboratory	4.8
N99013 Telephone call for consultation or medical management, simple or brief, under 15 minutes	4.0
N99014 intermediate 15-30 minute	8.0
N99015 lengthy or complex	12.0
N99054 Office visit, Sunday, holidays or at night. To be paid in addition to fees listed above	7.0
N99064 Emergency care facility services: Emergency services outside regular office hours	20.0
N99065 during regular office hours	12.8
N99070 Supplies and materials provided over and above those usually included with office visit or other services rendered (list drugs, trays, supplies or materials cast room and/or casting supplies provided). Bill at cost	BR
N99082 Accompanying an ambulance to the site of the injury and/or the hospital. (Each fifteen minutes or fraction thereof)	7.0
Minor surgical procedures	
(See WAC 296-22-023 for complete text and WAC 296-20-145 for Conversion Factor Table)	
N10120 Incision and removal foreign body, subcutaneous tissues, simple32
N11040 Debridement, skin, partial thickness	BR
N12001 Simple repair wound-scalp, neck, extremities, trunk 2.5 cm32
N12002 2.5 cm - 7.5 cm48
N12004 7.5 cm - 12.5 cm64
N12005 12.5 cm - 20 cm80
N12006 20 cm - 30 cm96
N12007 over 30 cm	BR
N12011 Simple repair wound, face, ear, eyelids, to 2.5 cm48
N12013 2.5 cm - 5 cm64
N12014 5 cm - 7.5 cm80

**WSR 90-13-112
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed June 21, 1990, 2:20 p.m.]

	Unit Value
N12015 7.5 cm - 12.5 cm	.96
N12016 12.5 cm - 20 cm	1.12
N12017 20 cm - 30 cm	1.28
N12018 30 cm	BR
N12031 Layer closure of wounds of scalp, axillae, trunk	.48
N12032 2.5 cm - 7.5 cm	.64
N12034 7.5 cm - 12.5 cm	.80
N12035 12.5 cm - 20 cm	.96
N12036 20 cm - 30 cm	BR
N12037 Over 30 cm	BR
N12041 Layer, closure of wound neck, hands, feet, genital	.64
N12042 2.5 cm - 7.5 cm	.80
N12044 7.5 cm - 12.5 cm	.96
N12045 12.5 cm - 20 cm	1.12
N12046 20 cm - 30 cm	1.28
N12047 30 cm	BR
N12051 Layer closure of wounds, face, ear, eye, nose 2.5 cm	.80
N12052 2.5 cm - 5 cm	.96
N12053 5 cm - 7.5 cm	1.12
N12054 7.5 cm - 12.5 cm	1.28
N12055 12.5 cm - 20 cm	.44
N12056 20 cm - 30 cm	1.60
N12057 30 cm	BR
Burns, local treatment (see WAC 296-22-026 for complete text and WAC 296-20-145 for Conversion Factor Table)	
N16000 Initial treatment first degree burns	.24
N16010 Dressings and/or debridement, initial or subsequent, under anesthesia, small	.64
N16020 without anesthesia	.32
Introduction or removal (see WAC 296-20-145 for Conversion Factor Table)	
N20520 Removal foreign body in muscle, simple	.96
Casts	
N29075 Application, plaster figure of eight, elbow to fingers (short arm)	.40
Splints	
N29125 Application of short arm (forearm and hand), static	.40
Removal ocular foreign body	
N65220 Removal foreign body, external eye, corneal, without slit lamp	.48
Radiology (See WAC 296-20-150 for Conversion Factor Table)	
N73090 Forearm including one joint, A-P and lateral	3.8
N73130 X-ray hand complete, minimum 3 views	4.8
N73550 Femur (thigh), A-P and lateral	4.8
Pathology (See WAC 296-20-155 for Conversion Factor Table)	
N81000 Urinalysis, routine, complete	9.6
N81002 Routine, without microscopy	6.4
N87040 Culture, bacterial, definitive aerobic, blood (may include anaerobic screen)	38.4
N87045 stool	20.0
N87060 throat or nose	16.0
N87070 any other source	12.8
N87181 Sensitivity studies antibiotic, agar diffusion method, per antibiotic	32.0
N87184 disc method per plate (12 or less discs)	19.2))

(1) Registered nurses may be required to obtain provider account numbers from the department as outlined by department policy.

(2) Advanced registered nurse practitioners must obtain provider account numbers from the department.

(3) Services performed by advanced registered nurse practitioners must be billed using the appropriate procedure code number listed in the department's fee schedules preceded by a Type of Service Code "N." The rate of reimbursement for the services billed by advanced registered nurse practitioners will be eighty percent of the relative unit value listed in the department's fee schedules.

(4) Refer to chapter 296-20 WAC (home nursing care) and chapter 296-23 WAC (miscellaneous services) for rules regarding reimbursement for home attendant care.

(5) See WAC 296-23-900, for rules regarding covered nursing services.

(6) The conversion factors for nursing are listed in chapter 296-20 WAC.

Original Notice.

Title of Rule: WAC 296-14-420 Payment of benefits—Aggravation reopening/new injury; 296-14-410 Reduction, suspension, or denial of benefits as a result of noncooperation; 296-14-400 Reopening for benefits; 296-14-097 Reopenings; and 296-14-010 Reciprocal agreements—Industrial insurance.

Purpose: WAC 296-14-420, to pay benefits to a worker with a compensable injury or occupational disease when there is a dispute as to the liable employer; WAC 296-14-410, to reduce a worker's time-loss benefits by the amount of the charge to the department or self-insurer for the examination when the worker fails to show for a medical examination without good cause; WAC 296-14-400, to pay provisional time-loss within 14 days of receiving a formal application to reopen, if sufficient medical verification of disability establishes benefits are payable; WAC 296-20-097, to ensure that charges associated with verification of time-loss or the reopening application will be paid by the department or self-insurer; and WAC 296-14-010, to update a current rule.

Statutory Authority for Adoption: RCW 51.32.160, 51.32.190(6), 51.32.190, 51.32.210 and 51.32.110.

Statute Being Implemented: RCW 51.32.110, 51.32.160, 51.32.190, 51.32.210 and 51.32.240.

Summary: WAC 296-14-420, adoption of this rule enables a worker to receive benefits when he/she has a compensable injury or occupational disease but liability is being disputed between the employers; WAC 296-14-410, this rule specifically addresses reduction of the workers' time-loss benefits when they fail to cooperate with the department or self-insured employer by not showing up for scheduled medical examination; WAC 296-14-400, an amendment to this rule clarifies that provisional time-loss shall be paid within 14 days of the department's receipt of a reopening application, provided that sufficient medical verification establishes that benefits are payable; WAC 296-20-097, an amendment to this rule clarifies that costs incurred with verification of time-loss on reopening applications will be paid; and WAC 296-14-010, Colorado and New Mexico no longer have reciprocal agreements with Washington.

Reasons Supporting Proposal: WAC 296-14-420 and 296-14-410 are being proposed to clarify areas of law relating to payment of benefits when the employer's liability is being disputed and when a worker does not show for a medical examination; and WAC 296-14-400 and 296-20-097 are being amended to clarify that on reopening applications time-loss will be paid within 14 days of receiving the reopening application if sufficient medical verification is received and that charges associated with verification of time-loss shall be paid.

Name of Agency Personnel Responsible for Drafting: Marie E. Myerchin-Redifer, HC 243, Olympia, 753-

2598; Implementation and Enforcement: Robert L. McCallister, HC 281, Olympia, 753-4173.

Name of Proponent: Department of Labor and Industries, state of Washington, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 296-14-420 Payment of benefits—Aggravation reopening/new injury, the proposed rule ensures that whenever an application for benefits is filed that requires determination of whether benefits shall be paid pursuant to the reopening of an accepted claim or by allowance of a claim for a new injury or occupational disease, the department shall make the determination in a single order. The dispute may be between state fund and self-insured employers, two self-insured employers, or two state fund employers. Pending entry of an order by the department, benefits shall be paid by the entity liable as if the claim were determined to be a new injury. Time-loss compensation shall be paid at the lesser of the two entitlements that may apply to the claim until the responsible entity is determined. If, upon final determination by the department, the entity paying benefits is determined not to be the liable insurer, that entity shall be reimbursed by the responsible entity for all amounts paid. This rule ensures payment of benefits to workers on compensable claims when employers dispute liability; WAC 296-14-410 Reduction, suspension or denial of benefits as a result of noncooperation, the proposed rule establishes reduction of worker's time-loss benefits by the charge to the department or self-insurer for the medical examination when a worker fails to show for the medical examination. The rule requires the department or self-insurer to notify the worker of medical examinations and requires the worker to notify the department of "good cause" for missing a medical examination. If the department determines that "good cause" did not exist for noncooperation, a "notice of decision" will be issued reducing, suspending or denying benefits. The purpose of the rule is to decrease "no-shows" for medical examinations. By encouraging workers to attend examinations unless they have "good cause" for now showing, better service is provided to the workers, employers and physicians; WAC 296-14-400 Reopening for benefits, the amendment to this rule ensures that provisional time-loss is paid within 14 days of the department's receipt of a reopening application on those cases where sufficient medical verification of the disability is received with the reopening applications. On the other hand, in those claims where medical verification necessary to pay time-loss within 14 days is not received, the 14-day time period does not begin to run until the department receives verification of disability. This rule ensures that, if time-loss is payable when a reopening application is received, the worker receives provisional time-loss payments until the department determines whether the reopening application will be accepted or denied. If the reopening application is denied, the worker shall repay the time-loss paid to the department pursuant to RCW 51.32.240; WAC 296-20-097 Reopenings, the amendment to this rule requires the department or self-insured employer to

pay charges for verifying time-loss associated with reopening applications. Payment of charges associated with reopening applications ensures a better response from the provider; and WAC 296-14-010 Reciprocal agreements—Industrial insurance, the amendment to this rule is merely to update the rule by deleting states who no longer have reciprocal agreements with Washington.

Proposal does not change existing rules.

Proposal Changes the Following Existing Rules: WAC 296-14-400, allows payment of time-loss within 14 days after receiving a reopening application within the department; WAC 296-20-097, allows payment of charges associated with verification of time-loss on reopening applications; and WAC 296-14-010, to update a current rule.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The department has considered whether these rules are subject to the Regulatory Fairness Act and has determined that it is not according to RCW 19.85.030 and [19.85.]060 because these rules will not have an economic impact on more than 20% of all industries or more than 10% of any one industry. The department has determined that this rule will affect a minority of injured workers, and not the business community.

Hearing Location: Auditorium, 1st Floor, General Administration Building, Olympia, Washington, on August 3, 1990, at 10:00 a.m.

Submit Written Comments to: Marie Myerchin-Radifer, General Administration Building, Mailstop HC 243, Olympia, Washington 98504, by August 3, 1990.

Date of Intended Adoption: September 3, 1990.

June 21, 1990
Joseph A. Dear
Director

AMENDATORY SECTION (Amending WSR 90-04-007, filed 1/26/90, effective 2/26/90)

WAC 296-14-400 REOPENINGS FOR BENEFITS. The director at any time may, upon the workers' application to reopen for aggravation or worsening of condition, provide proper and necessary medical and surgical services as authorized under RCW 51.36.010. This provision will not apply to total permanent disability cases, as provision of medical treatment in those cases is limited by RCW 51.36.010.

The seven-year reopening time limitation shall run from the date the first claim closure becomes final and shall apply to all claims regardless of the date of injury. In order for claim closure to become final on claims where closure occurred on or after July 1, 1981, the closure must include documentation of medical recommendation, advice or examination. Such documentation is not required for closing orders issued prior to July 1, 1981. First closing orders issued between July 1, 1981, and July 1, 1985, shall for the purposes of this section only, be deemed issued on July 1, 1985.

The director shall, in the exercise of his or her discretion, reopen a claim provided objective evidence of worsening is present and proximately caused by a previously accepted asbestos-related disease.

In order to support a final closure based on medical recommendation or advice the claim file must contain documented information from a doctor, or nurse consultant (departmental) or ((~~an~~) advanced registered nurse practitioner supervised by a doctor. The doctor ((~~or nurse consultant~~)) or advanced registered nurse practitioner may be in private practice, acting as a member of a consultation group, employed by a firm, corporation, or state agency.

For the purpose of this section, a "doctor" ((~~means the following professions: Medicine and surgery, osteopathic, chiropractic, drugless~~

therapeutic, podiatry, dentistry, optometry:)) is defined in WAC 296-20-01002.

When a claim has been closed by the department or self-insurer for sixty days or longer, the worker must file a written application to reopen the claim. An informal written request filed without accompanying medical substantiation of worsening of the condition will constitute a request to reopen, but the time for taking action on the request shall not commence until ~~((and))~~ a formal application ~~((form provided by the department has been completed in full by the worker and the doctor and))~~ is filed with the department or self-insurer as the case may be.

A formal application occurs when the worker and doctor complete(s) and file(s) the application for reopening provided by the department. Upon receipt of an informal request without accompanying medical substantiation of worsening of the worker's condition, the department or self-insurer shall promptly provide the necessary application to the worker for completion.

If, within seven years from the date the first closing order became final, a formal application to reopen is filed which shows by sufficient medical verification of disability related to the accepted condition(s) that benefits are payable, the department, or the self-insurer, pursuant to RCW 51.32.210 and 51.32.190, respectively shall mail the first payment within fourteen days of receiving the formal application to reopen. If the application does not contain sufficient medical verification of disability, the fourteen-day period will begin upon receipt of such verification. Such compensation will be paid from the date of receipt of the verification. If the application to reopen is granted, compensation will be paid pursuant to RCW 51.28.040. If the application to reopen is denied, the worker shall repay such compensation pursuant to RCW 51.32.240.

Applications for reopenings filed on or after July 1, 1988, must be acted upon by the department within ninety days of receipt of the application by the department or the self-insurer. The ninety-day limitation shall not apply if the worker files an appeal or request for reconsideration of the department's denial of the reopening application.

The department may, for good cause, extend the period in which the department must act for an additional sixty days. "Good cause" for such an extension may include, but not be limited to, the following:

- (1) Inability to schedule a necessary medical examination within the ninety-day time period;
- (2) Failure of the worker to appear for a medical examination;
- (3) Lack of clear or convincing evidence to support reopening or denial of the claim without an independent medical examination;
- (4) Examination scheduled timely but cannot be conducted and a report received in sufficient time to render a decision prior to the end of the ninety-day time period.

The department shall make a determination regarding "good cause" in a final order as provided in RCW 51.52.050.

The ninety-day limitation will not apply in instances where the previous closing order has not become final.

NEW SECTION

WAC 296-14-410 REDUCTION, SUSPENSION, OR DENIAL OF COMPENSATION AS A RESULT OF NONCOOPERATION. In accordance with RCW 51.32.110, workers claiming benefits under this title are required to attend and cooperate at medical examinations and vocational evaluations requested by the department or self-insurer, to refrain from unsanitary or injurious practices which imperil or retard recovery, and to accept medical and surgical treatment reasonably essential for recovery from the industrial injury or occupational disease.

When a worker obstructs or delays recovery from the industrial injury or occupational disease or fails to attend or cooperate, without good cause, at scheduled examinations or evaluations, or engages in unsanitary or injurious practices, or refuses, without good cause, to undergo proper and necessary treatment, the department, or self-insurer upon approval of the department, may reduce, suspend, or deny benefits to the worker.

Actions of a worker's representative that result in refusal, obstruction, delay, or noncooperation will be imputed to the worker.

The department or self-insurer, upon approval of the department, may reduce, suspend, or deny benefits by any of the following means so long as the refusal, obstruction, delay, or noncooperation continues without good cause: Reduce current or future time-loss compensation by the amount of the charge incurred by the department or self-insurer for any examination, evaluation, or treatment which the worker fails to attend; reduce, suspend, or deny time-loss compensation in whole or in part; or suspend or deny medical benefits.

Unless otherwise agreed to by the worker, the department or self-insurer shall mail written notice of any requested examination directly to the worker and to the worker's representative, if any, at least fourteen calendar days prior to the requested examination but not greater than sixty days. The notice shall state the date, time, and location of the examination.

A worker shall not be deemed to have refused to attend a scheduled examination if:

- (1) The department or self-insurer did not mail notice of the examination at least fourteen calendar days prior to the examination;
- (2) The worker arrives at the examination location within fifteen minutes after the scheduled time of examination; or
- (3) The worker leaves the examination location later than one hour after the scheduled time of examination and the worker has not yet been called for the examination.

Prior to the issuance of a notice of decision reducing, suspending or denying benefits, the department or self-insurer must request, in writing, from the worker or worker's representative the reason for the refusal, obstruction, delay, or noncooperation.

If the department determines no good cause exists, or if the worker fails to respond to the department's request for the reason for the refusal, obstruction, delay or noncooperation, within thirty days after the letter is issued the department will issue a notice of decision reducing, suspending, or denying benefits.

NEW SECTION

WAC 296-14-420 PAYMENT OF BENEFITS—AGGRAVATION REOPENING/NEW INJURY. (1) Whenever an application for benefits is filed that requires a determination of whether benefits shall be paid pursuant to the reopening of an accepted claim or allowed as a claim for a new injury or occupational disease, the department shall make the determination in a single order.

(2) Pending entry of the order, benefits shall be paid promptly by the entity responsible as if the claim were determined to be a new injury.

(3) Time-loss compensation shall be paid at the lesser of the two entitlements that may apply to the claim until responsibility has been determined between state fund and self-insured employer, two self-insured employers, or two state fund employers.

(4) If, upon final determination of the liable insurer, the entity that paid benefits under subsection (1) of this section is determined not to be responsible for payment of benefits, such entity shall be reimbursed by the responsible entity for all amounts paid.

AMENDATORY SECTION (Amending Order 81-28, filed 11/30/81, effective 1/1/82)

WAC 296-20-097 REOPENINGS. When a claim has been closed by the department or self-insurer by written order and notice for sixty days, submission of a formal "application to reopen claim for aggravation of condition" form (LI 210-79) is necessary. Exam ~~((and)), diagnostic studies, and charges for verifying time-loss associated with the reopening application will be paid by the department or self-insurer regardless of department or self-insurer action on the application. ((NO OTHER BENEFITS WILL BE PAID UNTIL ADJUDICATION DECISION IS RENDERED.))~~ Reopening applications should be submitted immediately. When reopening is granted, the department or self-insurer can pay time loss and treatment benefits only for a period not to exceed sixty days prior to date the application is received by the department or self-insurer. Necessary treatment should not be deferred pending a department or self-insurer adjudication decision. However, should reopening be denied treatment costs become the financial responsibility of the worker.

AMENDATORY SECTION (Amending Order 84-3, filed 2/29/84)

WAC 296-14-010 RECIPROCAL AGREEMENTS—INDUSTRIAL INSURANCE. (1) In accordance with the authority contained in RCW 51.12.120, the director of the department of labor and industries has heretofore or may hereafter enter into certain reciprocal agreements with other states and provinces of Canada and the agencies of such states or provinces which administer workers' compensation laws with respect to conflicts of jurisdiction and the assumption of jurisdiction in cases where the contract of employment arises in one state or province and the injury occurs in another.

(2) Consistent with the provisions of RCW 51.12.120 and chapter ((34.04)) 34.05 RCW, the director of the department of labor and industries has entered into reciprocal agreements with other states and provinces which are in full force and effect on the subject matter as set forth in subsection (1) which states and provinces are:

- (a) ((Colorado))
- (b) Idaho
- ((c)) (b) Montana
- ((d)) (c) North Dakota
- ((e)) (d) Nevada
- ((f)) (e) Oregon
- ((g)) (f) Wyoming
- ((h)) (g) South Dakota
- ((i) New Mexico))

(3) The reciprocal agreements as listed above in subsection (2) of this section are hereby promulgated and adopted as regulations of the department in accordance with the provisions of RCW 51.12.120 and such reciprocal agreements shall be kept on file in the office of the director of the department of labor and industries and available for public inspection and review during the regular business hours of such office.

WSR 90-13-113
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)

[Filed June 21, 1990, 2:55 p.m.]

Original Notice.

Title of Rule: Chapter 275-100 WAC, Impact account—Criminal justice cost reimbursement.

Purpose: WAC 275-110-090 states that the department will . . . "include in its biennial appropriation request proposed rates based on studies of local government costs to be conducted biennially." This WAC revision will satisfy that requirement. SSB 6407, section 220, paragraph (4) provides additional funds for a rate increase.

Statutory Authority for Adoption: RCW 72.72.040.

Statute Being Implemented: RCW 74.72.040 [72.72.040].

Summary: The requested rule amendment will increase the following Institutional Impact Account rates as indicated below:

Cost Category		Old Rate	New Rate
Law Enforcement	per hour	\$17.17	\$20.66
Prosecutorial	per hour	42.49	49.41
Judicial	per hour	42.59	46.05
Court Reporter	per hour	17.75	20.71
Typing transcripts	per page	3.55	4.13
Expert Witnesses	per hour	59.70	69.34
Witness (other than expert)	per day	26.83	31.13
Jury	per day	26.83	31.13
Jail Facilities	per day	5.02	30.00
Security in hospital	per hour	11.73	12.23

Reasons Supporting Proposal: Revised rates at which certain municipalities and counties are reimbursed for incremental criminal justice costs incurred as a result of crimes committed by inmates of DSHS operated institutions. This rate increase is to bring DSHS rates in line

with Department of Corrections' rates, plus an inflation factor of 4.3% per OFM.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Gene Newman, Comptroller, 753-7048.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on July 25, 1990, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by July 25, 1990.

Date of Intended Adoption: August 1, 1990.

June 21, 1990
Leslie F. James, Director
Administrative Services
by Rosemary Carr

AMENDATORY SECTION (Amending Order 2651, filed 7/8/88)

WAC 275-110-050 MAXIMUM ALLOWABLE REIMBURSEMENT FOR LAW ENFORCEMENT COSTS. The department shall limit reimbursement to the specific political subdivisions listed in WAC 275-110-040. The maximum reimbursement rates shall be ((seventeen)) twenty dollars and ((seventeen)) sixty-six cents per hour for the period ((July 1, 1988)) August 1, 1990, through ((June 30, 1989)) June 30, 1992. These maximum allowable reimbursement rates may be exceeded only in the event that an exception is granted by the secretary as per WAC 275-110-100.

AMENDATORY SECTION (Amending Order 2651, filed 7/8/88)

WAC 275-110-060 MAXIMUM ALLOWABLE REIMBURSEMENT FOR PROSECUTORIAL COSTS. The department shall reimburse, at the rate set forth in WAC 275-110-050, for pre-trial investigations of crimes committed inside or outside institutions, impacting the political subdivision courts as set forth in WAC 275-110-040. If, after investigation, criminal charges are filed, the department may reimburse fully documented prosecutorial and defense attorney fees. Reimbursement shall not exceed the following rates for each attorney, said reimbursement to include costs for paralegals: ((Forty-two)) Forty-nine dollars and ((forty-nine)) forty-one cents per hour for the period ((July 1, 1988)) August 1, 1990, through ((June 30, 1989)) June 30, 1992. These maximum allowable reimbursement rates may be exceeded only in the event that an exception is granted by the secretary as per WAC 275-110-100.

AMENDATORY SECTION (Amending Order 2651, filed 7/8/88)

WAC 275-110-070 MAXIMUM ALLOWABLE REIMBURSEMENT FOR JUDICIAL COSTS. (1) The department shall limit judicial costs strictly to cases involving inmates of institutions listed in WAC 275-110-040 and to political subdivisions listed in WAC 275-110-040 except that witness (other than expert) and jury fees are further limited as provided in subsection (3) of this section. Reimbursement shall be limited to judges, court reporters, transcript typing, and witness and jury fees.

(2) The department shall reimburse judges hearing cases including services provided by court clerks and bailiffs at ((forty-two)) forty-six dollars and ((fifty-nine)) five cents per hour for the period ((July 1, 1988)) August 1, 1990, through ((June 30, 1989)) June 30, 1992. Reimburse court reporters at the rate of ((seventeen)) twenty dollars and

~~((seventy-five))~~ seventy-one cents per hour for the period ~~((July 1, 1988))~~ August 1, 1990, through ((June 30, 1989)) June 30, 1992. Reimburse required typing of transcripts at ~~((three))~~ four dollars and ~~((fifty-five))~~ thirteen cents per page for the period ~~((July 1, 1988))~~ August 1, 1990, through ((June 30, 1989)) June 30, 1992. If required, reimburse expert witnesses at ~~((fifty-nine))~~ sixty-nine dollars and ~~((seventy))~~ thirty-four cents per hour for the period ~~((July 1, 1988))~~ August 1, 1990, through ((June 30, 1989)) June 30, 1992.

(3) Reimbursement for witness fees (other than expert) and jury fees shall be at the rate established by the local governmental legislative authority but not in excess of ~~((twenty-six))~~ thirty-one dollars and ~~((eighty-three))~~ thirteen cents per day. The department shall limit reimbursement of costs of witness (other than expert) and jury fees to those criminal cases involving offenders residing in a state adult or juvenile correctional institution.

(4) These maximum allowable reimbursement rates may be exceeded only in the event that an exception is granted by the secretary as per WAC 275-110-100.

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

AMENDATORY SECTION (Amending Order 2651, filed 7/8/88)

WAC 275-110-080 MAXIMUM ALLOWABLE REIMBURSEMENT FOR JAIL FACILITIES. The department shall limit jail facility cost reimbursement strictly to incremental costs as defined in WAC 275-110-020 and to political subdivisions listed in WAC 275-110-040. Requests for reimbursement shall be fully documented and shall include the inmate's name and all appropriate admission and release dates. Limit reimbursement to ~~((five))~~ thirty dollars ~~((and two cents))~~ per inmate day for the period ~~((July 1, 1988))~~ August 1, 1990, through ((June 30, 1989)) June 30, 1992. The department shall not reimburse for costs incurred for holding persons regarding parole revocations or for holding persons involved in civil litigation. The department shall reimburse costs of providing security when inmates require hospitalization at the rate of ~~((eleven))~~ twelve dollars and ~~((seventy-three))~~ twenty-three cents per hour for the period ~~((July 1, 1988))~~ August 1, 1990, through ((June 30, 1989)) June 30, 1992. These maximum allowable reimbursement rates may be exceeded only in the event that an exception is granted by the secretary as per WAC 275-110-100.

WSR 90-13-114 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance)

[Filed June 21, 1990, 2:57 p.m.]

Original Notice.

Title of Rule: WAC 388-33-135 Effective date of change in eligibility; and 388-37-030 Continuing general assistance—Eligible persons.

Purpose: To implement HB 2602 passed by 1990 state legislature, which amended RCW 74.04.005. It expands the GA-S program to extend benefits for an additional six weeks following the birth of the child. We are filing this on an emergency adoption basis in order to implement the changes in a timely manner for the benefit of the clients affected.

Statutory Authority for Adoption: Chapter 285, Laws of 1990.

Statute Being Implemented: Chapter 285, Laws of 1990.

Summary: For GA-S, extends benefits for all GA-S recipients for six weeks following the birth of their child. (Currently benefits are terminated the end of the month in which the child is born.) For AFDC, extends benefits

under the GA-S program for six weeks following the birth of the child for AFDC recipients who lose eligibility for AFDC due to the relinquishment of their child for adoption. (Currently benefits are terminated the end of the month in which the child is born.)

Reasons Supporting Proposal: This rule is necessary to expand the GA-S program. The intent of the bill was to support adoption as an option for women. The actual wording of the RCW extends benefits for all recipients of GA-S for six weeks following the birth of the child, not just those who relinquish a child for adoption.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Rose Mary Micheli, Division of Income Assistance, 586-3913.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on July 25, 1990, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by July 25, 1990.

Date of Intended Adoption: August 1, 1990.

June 21, 1990

Leslie F. James, Director
Administrative Services
by Rosemary Carr

AMENDATORY SECTION (Amending Order 2613, filed 3/23/88)

WAC 388-33-135 EFFECTIVE DATE OF CHANGE IN ELIGIBILITY. (1) A change in circumstances is any change affecting eligibility ~~((and/or))~~ or continued payment of the grant previously authorized.

(2) When a change in income including the receipt of a lump-sum payment causes ineligibility for more than one month, the recipient ~~((is))~~ shall be ineligible effective the first day of the month of receipt. All assistance ~~((received))~~ the recipient receives shall be an overpayment and subject to recovery ~~((as in))~~ under chapter 388-44 WAC.

(3) If the change causes ineligibility for one month only, refer to WAC 388-33-355.

(4) Except as provided in subsection (5) of this section, 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 the recipient's ineligibility ((is)) shall be the first day of the month following the month in which the change occurred. For ineligibility of ~~((strikers))~~ striking workers, see WAC 388-24-042.

(5) Effective June 7, 1990, when a recipient of AFDC or general assistance based on pregnancy gives birth to her child and relinquishes that child for adoption, the effective date of the recipient's ineligibility shall be six weeks following the date of birth of the child as described under WAC 388-37-030(3).

AMENDATORY SECTION (Amending Order 2525, filed 8/21/87)

WAC 388-37-030 CONTINUING GENERAL ASSISTANCE—ELIGIBLE PERSONS. When other eligibility ~~((has been))~~ is established, the department shall grant continuing general assistance ((shall be granted)) to the following:

(1) Incapacitated persons. As used in this section, an incapacitated person ((means)) shall mean a person physically, emotionally, or mentally unable to work as a result of a condition expected to continue for ~~((at least))~~ sixty days or more from date of application, except as provided ~~((in))~~ under WAC 388-37-038 (1) and (2). ~~((Persons))~~ A person incapacitated by alcoholism or drug addiction ~~((are))~~ is not included in this definition, but an alcoholic or drug addict ~~((who is))~~ incapacitated due to other mental or physical conditions may be eligible for general assistance. Incapacity refers to ~~((the individual))~~ a person's capacity to earn income by employment. ~~((It))~~ A person's incapacity does not refer to the availability or lack of job opportunities.

(a) Eligible ~~((individuals))~~ persons are:

(i) An incapacitated single person ~~((age))~~ eighteen years of age or older~~((:));~~

(ii) A married couple if both persons are incapacitated~~((:));~~ or

(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))~~ under WAC 388-28-500 ((2)) (1)(a) and (b).

(b) An incapacitated ~~((individual must))~~ person shall accept and follow through on required available medical treatment, which ~~((can))~~ is reasonably ~~((be))~~ expected to render ~~((him or her))~~ the person 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))~~ under WAC 388-37-037((4)) (5).

(c) An incapacitated ~~((individual))~~ person may also receive medical services provided under the state-financed medical care services program as defined ~~((in))~~ under WAC 388-86-120.

(2) Pregnant women who are:

(a) ~~((Meet all))~~ Income and resource ((eligibility criteria)) eligible for the ~~((federal))~~ aid to families with 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) ~~((Who are))~~ Members of a two-parent household((s)) during a time when the aid to dependent children-employable (AFDC-E) 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.

(3) Effective June 7, 1990, women:

(a) Relinquishing a child for adoption; and

(b) Receiving general assistance under WAC 388-37-030(2); or

(c) Losing AFDC eligibility because an eligible child does not reside in the household; and

(d) Whose assistance granted under subsection (3) of this section is limited to six weeks beginning with the date of birth of the child.

Reviser's note: RCW 34.05.395 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 90-13-115
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3025—Filed June 21, 1990, 2:59 p.m.]

Date of Adoption: June 21, 1990.

Purpose: To implement HB 2602 passed by 1990 state legislature, which amended RCW 74.04.005. It expands the GA-S program to extend benefits for an additional six weeks following the birth of the child. We are filing this on an emergency adoption basis in order to implement the changes in a timely manner for the benefit of the clients affected.

Citation of Existing Rules Affected by this Order:
WAC 388-37-030 and 388-33-135.

Statutory Authority for Adoption: Chapter 285, Laws of 1990.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is necessary to expand the GA-S program. The intent of the bill was to support adoption as an option for women. The actual wording of the RCW extends benefits for all recipients of GA-S for six weeks following the birth of the child, not just those who relinquish a child for adoption.

Effective Date of Rule: June 22, 1990, 12:01 a.m.

June 21, 1990

Leslie F. James, Director
Administrative Services
by Rosemary Carr

AMENDATORY SECTION (Amending Order 2613, filed 3/23/88)

WAC 388-33-135 EFFECTIVE DATE OF CHANGE IN ELIGIBILITY. (1) A change in circumstances is any change affecting eligibility ((and/or)) or continued payment of the grant previously authorized.

(2) When a change in income including the receipt of a lump-sum payment causes ineligibility for more than one month, the recipient ((is)) shall be ineligible effective the first day of the month of receipt. All assistance ((received)) the recipient receives shall be an overpayment and subject to recovery ((as in)) under chapter 388-44 WAC.

(3) If the change causes ineligibility for one month only, refer to WAC 388-33-355.

(4) Except as provided in subsection (5) of this section, 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 the recipient's ineligibility ((is)) shall be the first day of the month following the month in which the change occurred. For ineligibility of ((strikers)) striking workers, see WAC 388-24-042.

(5) Effective June 7, 1990, when a recipient of AFDC or general assistance based on pregnancy gives birth to her child and relinquishes that child for adoption, the effective date of the recipient's ineligibility shall be six weeks following the date of birth of the child as described under WAC 388-37-030(3).

AMENDATORY SECTION (Amending Order 2525, filed 8/21/87)

WAC 388-37-030 CONTINUING GENERAL ASSISTANCE—ELIGIBLE PERSONS. When other eligibility ((has been)) is established, the department shall grant continuing general assistance ((shall be granted)) to the following:

(1) Incapacitated persons. As used in this section, an incapacitated person ((means)) shall mean a person physically, emotionally, or mentally unable to work as a

result of a condition expected to continue for ~~((at least))~~ sixty days or more from date of application, except as provided ~~((in))~~ under WAC 388-37-038 (1) and (2). ~~((Persons))~~ A person incapacitated by alcoholism or drug addiction ~~((are))~~ is not included in this definition, but an alcoholic or drug addict ~~((who is))~~ incapacitated due to other mental or physical conditions may be eligible for general assistance. Incapacity refers to ~~((the individual))~~ a person's capacity to earn income by employment. ~~((It))~~ A person's incapacity does not refer to the availability or lack of job opportunities.

(a) Eligible ~~((individuals))~~ persons are:

(i) An incapacitated single person ~~((age))~~ eighteen years of age or older~~((:));~~;

(ii) A married couple if both persons are incapacitated~~((:));~~ or

(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))~~ under WAC 388-28-500 ~~((t2))~~ (1)(a) and (b).

(b) An incapacitated ~~((individual must))~~ person shall accept and follow through on required available medical treatment, which ~~((can))~~ is reasonably ~~((be))~~ expected to render ~~((him or her))~~ the person 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))~~ under WAC 388-37-037~~((t4))~~ (5).

(c) An incapacitated ~~((individual))~~ person may also receive medical services provided under the state-financed medical care services program as defined ~~((in))~~ under WAC 388-86-120.

(2) Pregnant women who are:

(a) ~~((Meet all))~~ Income and resource ~~((eligibility criteria))~~ eligible for the ~~((federal))~~ aid to families with 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) ~~((Who are))~~ Members of a two-parent household~~((s))~~ during a time when the aid to dependent children-employable (AFDC-E) 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.

(3) Effective June 7, 1990, women:

(a) Relinquishing a child for adoption; and

(b) Receiving general assistance under WAC 388-37-030(2); or

(c) Losing AFDC eligibility because an eligible child does not reside in the household; and

(d) Whose assistance granted under subsection (3) of this section is limited to six weeks beginning with the date of birth of the child.

Reviser's note: RCW 34.05.395 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 90-13-116

PERMANENT RULES

DEPARTMENT OF HEALTH

[Order 67—Filed June 21, 1990, 3:02 p.m., effective July 1, 1990]

Date of Adoption: June 21, 1990.

Purpose: Places state health plan standards used in certificate of need decision making into rule. Chapter 70.38 RCW sunsets the state health plan June 30, 1990.

Statutory Authority for Adoption: Chapter 70.38 RCW.

Pursuant to notice filed as WSR 90-10-022 on April 23, 1990.

Changes Other than Editing from Proposed to Adopted Version: Based on comments received at the hearing, language was added preceding sections (a) and (b) which allows the department to consider access to care in conjunction with the requirements of (a) and (b).

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: On June 30, 1990, the state health plan is no longer effective. These rules place open heart surgery standards now in the plan into rule. We believe it is important for these rules to be in effect when the state health plan lapses so there is no challenge to certificate of need decision policy.

Effective Date of Rule: July 1, 1990.

June 21, 1990

Kristine M. Gebbie

Secretary

NEW SECTION

WAC 248-19-600 OPEN HEART SURGERY (1)

Open heart surgery means a specialized surgical procedure (excluding organ transplantation) which utilizes a heart-lung bypass machine and is intended to correct congenital and acquired cardiac and coronary artery disease.

(2) Open heart surgery is a tertiary service as listed in WAC 248-19-231. To receive approval an open heart surgery program must meet the following standards in addition to applicable review criteria in WAC 248-19-370, 248-19-380, 248-19-390 and 248-19-400.

(3) There shall be a minimum volume of two hundred adult open heart surgery procedures (one hundred if exclusively pediatric) performed annually in each institution performing open heart surgery within three years of initial operation.

(4) To receive approval an application shall meet the following standards unless the department finds that the new open heart surgery operating rooms are needed to substantially improve access to care.

(a) New open heart surgery services shall not result in a number of open heart operating rooms that exceeds the maximum number of open heart operating rooms needed in the area by 1995, as determined by multiplying the state's most recent (at the time of the application) adult or pediatric open heart surgery use rate by the area's 1995 adult or pediatric populations, and dividing the result by the minimum capacity of adult or pediatric units (two hundred or one hundred surgeries, respectively).

(b) There shall be no new open heart surgery operating rooms approved until all facilities providing open heart surgery in the planning area are performing at least two hundred (one hundred for pediatric) open heart surgeries per year per open heart surgery operating room.

WSR 90-13-117
EMERGENCY RULES
DEPARTMENT OF REVENUE
[Filed June 21, 1990, 4:16 p.m.]

Date of Adoption: June 21, 1990.

Purpose: To implement and administer the statutory provisions of ESHB 1574, chapter 384, Laws of 1989, providing a use tax on brokered natural gas.

Statutory Authority for Adoption: RCW 82.32.300.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The statute becomes effective July 1, 1990, and administrative provisions and interpretations of provisions need to be effective.

Effective Date of Rule: Immediately.

June 21, 1990
Sandi Swarhout
Deputy Director

NEW SECTION

WAC 458-20-17902 BROKERED NATURAL GAS - USE TAX. (1) DEFINITIONS.

(a) "Brokered natural gas" as used in this section is natural gas purchased by a consumer from a source out of the state and delivered to the consumer in this state.

(b) "Value of gas consumed or used" as used in this section shall be the purchasing price of the gas to the consumer and generally shall include all or part of the transportation charges as explained later.

(2) **APPLICABILITY OF USE TAX.** The distribution and sale of natural gas in this state is generally taxed under the state and city public utility taxes. With changing conditions and federal regulations, it is now possible to have natural gas brokered from out of the state and sold directly to the consumer. If this occurs and the public utility taxes have not been paid, RCW 82.12.022 (state) and RCW 82.14.230 (city) imposes a use tax on the brokered natural gas at the state and city level. Since the use tax rates are the same as the public utility tax rates, the economic burden of the two types of taxes are the same.

(3) **STATE TAX.** When the use tax applies, the rate of tax imposed is equal to the public utility tax on gas distribution business under RCW 82.16.020(1)(c). The rate of tax applies to the value of the gas consumed or used and is imposed upon the consumer.

(4) **CITY TAX.** Cities are given the authority to impose a use tax on brokered natural gas. When imposed and applicable, the rate of tax is equal to the tax on natural gas business under RCW 35.21.870 on the value of gas consumed or used and is imposed on the consumer.

(5) **TRANSPORTATION CHARGES.**

(a) If all or part of the transportation charges for the delivery of the brokered natural gas are separately subject to the state's and cities' public utility taxes (RCW 82.16.020 (1)(c) and RCW 35.21.870), those transportation charges are excluded from measure of the use tax. The transportation charges to subject to the public utility taxes are included in the value of the gas consumed or used.

(b) **EXAMPLES.**

(i) Public university purchases natural gas from an out of the state source through a broker. The natural gas is delivered by interstate pipeline to the local gas distribution system who delivers it to the university. The university pays the supplier for the gas, the pipeline for a transportation charge, and the gas distribution system for its transportation charge. The transportation charge by the pipeline is not subject to public utility tax because it is an interstate transportation charge. The transportation charge paid to the local gas distribution system is subject to the public utility taxes as an intrastate delivery. The value of the gas consumed or used is the purchase price paid to the supplier plus the transportation charge paid to pipeline company.

(ii) The above situation except that the natural gas is delivered directly by the interstate pipeline to the university. The university pays the supplier for the gas and the pipeline for the transportation charge. As the transportation charge is not subject to the public utility tax, it will be included in the measure of the tax. The value of the gas consumed or used is the purchase price plus the transportation charge paid to the pipeline.

(6) **CREDITS AGAINST THE TAXES.**

(a) A credit is allowed against the use taxes described in this section for any use tax paid by the consumer to another state which is similar to this use tax and is applicable to the gas subject to this tax. Any other state's use tax allowed as a credit shall be prorated to the state's and cities' portion of the tax based on the relative rates of the two taxes.

(b) A credit is also allowed against the use tax imposed by the state for any gross receipts tax similar that imposed pursuant to RCW 82.16.020 (1)(c) by another state on the seller of the gas with respect to the gas consumed or used.

(c) A credit is allowed against the use tax imposed by the cities for any gross receipts tax similar to that imposed pursuant to RCW 35.21.870 by another state or political subdivision of the state on the seller of the gas with respect to the gas consumed or used.

(7) **REPORTING REQUIREMENTS.** The person who delivers the gas to the consumer shall make a report to the Miscellaneous Tax Division of the department by the fifteenth day of the month following a calendar quarter. The report shall contain the following information:

(a) The name and address of the consumer to whom gas was delivered,

(b) the volume of gas delivered to each consumer during the calendar quarter, and,

(c) service address of consumer if different from mailing address.

(8) *COLLECTION AND ADMINISTRATION.* A separate quarterly return for use tax on brokered natural gas shall be filed with the department by the consumer on or before the last day of the month following a calendar quarter accompanied by the remittance of the tax. The collection and administration for the cities of the use tax described in this section shall be done by the department under RCW 82.14.050.

WSR 90-13-118
PERMANENT RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Order R-321, Docket No. TG-2293—Filed June 21, 1990, 4:20 p.m.]

In the matter of amending WAC 480-70-050, and adopting WAC 480-70-500, 480-70-510, 480-70-520, 480-70-530, 480-70-540, 480-70-550, 480-70-560 and 480-70-570 relating to safe transportation of biohazardous waste.

This action is taken pursuant to Notice No. WSR 90-02-008 filed with the code reviser on December 22, 1989. The rule change hereinafter adopted shall take effect pursuant to RCW 34.05.380(2).

This rule-making proceeding is brought on pursuant to RCW 80.01.040 and is intended administratively to implement these statutes.

This rule-making proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

Pursuant to Notice No. WSR 90-02-008 the above matter was scheduled for consideration at 9:00 a.m., Wednesday, February 7, 1990, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA, before Chairman Sharon L. Nelson and Commissioners Richard D. Casad and A. J. Pardini.

Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments to the commission in writing prior to January 29, 1990, and orally at 9:00 a.m., Wednesday, February 7, 1990, in the Commission's Hearing Room above noted. At the February 7, 1990, meeting the commission considered the rule change proposal. This proposal was set over, on the record, to March 28, 1990, and then to April 25, 1990. Written comments were received from the following: Washington Health Care Association; Glenda Schuh for St. John's Medical Center; Larry Woodruff for Overlake Hospital Medical Center; Beverly Jacobson for Seattle Area Hospital Association; Dave Wiley for American Environmental; Bill Hutton for Browning-Ferris Industries; Polly Lord for Resource

Recovery Corporation; Pamela Badger for Waste Management of North America; Dorothy Canavan for Laboratory Managers of Western Washington; Linda McDonald for VA Medical Center, Seattle; Aggie Maza for Eastside Medical Labs; Boyd Hartman for Sure Way Incineration; Shelley Kneip for King County Department of Public Health; Richard Ramsey for Rabanco; and Wayne Turnburg for Department of Ecology. On February 7, 1990, oral comments were received from: Beverly Jacobson for Seattle Area Hospital Association; Carrie Bashaw for Washington Health Care Association; Betty Finch for Long Term Care Facility Association; and Becky Bogard for Medical Laboratory Group. On April 25, 1990, oral comments were received from: Wayne Turnberg for Department of Ecology; Beverly Jacobson for Seattle Area Hospital Association; Roger Vanvolkenberg for American Environmental; and Sandra Lange for Department of Ecology.

The rule change affects no economic values.

In reviewing the entire record herein, it has been determined the WAC 480-70-050, 480-70-500, 480-70-510, 480-70-520, 480-70-530, 480-70-540, 480-70-550, 480-70-560 and 480-70-570 should be amended and adopted to read as set forth in Appendix A shown below and by this reference made a part hereof. WAC 480-70-050, 480-70-500, 480-70-510, 480-70-520, 480-70-530, 480-70-540, 480-70-550, 480-70-560 and 480-70-570 as amended and adopted will provide regulation for the handling and transportation by certified garbage haulers of biohazardous waste to disposal sites.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-70-050, 480-70-500, 480-70-510, 480-70-520, 480-70-530, 480-70-540, 480-70-550, 480-70-560 and 480-70-570 as set forth in Appendix A, be amended and adopted as rules of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.05.380(2).

IT IS FURTHER ORDERED That the order and the annexed rule, after first being recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapter 34.05 RCW and chapter 1-21 WAC.

DATED at Olympia, Washington, this 20th day of June, 1990.

Washington Utilities and Transportation Commission
Sharon L. Nelson, Chairman
A. J. Pardini, Commissioner

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-70-050 **DEFINITIONS.** Unless the language or context indicates that a different meaning is intended, the following words, terms and phrases shall, for the purpose of these rules, be given the meanings hereinafter subjoined to them:

(1) "State" means the state of Washington.

(2) "Commission" means the Washington utilities and transportation commission.

(3) "Certificate" means the certificate of public convenience and necessity authorized to be issued for the operation of garbage and/or refuse collection companies under the provisions of chapter ~~((295, Laws of 1961, as amended [chapter 81.77 RCW]))~~ 81.77 RCW, as amended.

(4) The terms "motor vehicle," "public highway," "common carrier," "contract carrier," "private carrier," "vehicle," "garbage and refuse collection companies," shall have the meaning when used herein given to them by ~~((section 2, chapter 295, Laws of 1961 [RCW 81.77-.010], and by chapter 105, Laws of 1965 ex. sess. [RCW 81.77.030, 81.77.110, 81.08.010, 81.12.010 and 81.77-.015.]))~~ RCW 81.77.010 and by RCW 81.08.010, 81.12.010, 81.77.015, 81.77.030, and 81.77.110.

(5) "Garbage" includes but shall not be limited to offal or animal and vegetable wastes which may be mixed with refuse. Garbage includes scrap, waste materials, dead animals, discarded articles, garbage disposal, and swill. The term does not include sewage disposal or cesspool wastes which are hauled in special equipment as an incidental part of a septic tank or cesspool cleaning service.

(6) "Refuse" includes all commercially worthless, useless, discarded, rejected or refused material, except offal and animal and vegetable waste materials; also it includes scrap, waste materials, rubbish, noncommercial lamp black, waste acid, sludge, broken building and fire bricks, discarded rubber tires, noncommercial sawdust, debris, trade waste, discarded articles and industrial waste. The term does include earth or dirt mixed with refuse but not commercially salable earth which is used as fill, road ballast, aggregate, etc. NOTE: The incidental hauling of pure refuse as herein defined may be a part of a regular garbage collection and disposal service.

(7) The phrase "the business of transporting garbage and/or refuse for collection and/or disposal for compensation" used in RCW 81.77.010 applies only to those carriers who are primarily in the specialized business of transporting garbage and refuse for collection and/or disposal for all potential customers within a specified area. NOTE: Chapter ~~((295, Laws of 1961 [chapter 81-.77 RCW]))~~ 81.77 RCW, as amended, was not intended to cover operations of carriers whose business is other than the primary business of transporting garbage and/or refuse for collection and/or disposal. Permit holders under the provisions of chapter 81.80 RCW, whose primary business is not the collection of garbage and/or refuse, need not secure a certificate under the provisions of chapter ~~((295, Laws of 1961 [chapter 81-.77 RCW]))~~ 81.77 RCW. In some instances, carriers may be engaged extensively in both motor freight carrier and in garbage and/or refuse hauling operations. In cases where such operations are separable, carriers may be required to hold both a certificate and a permit in order to continue both services. In each case it will be within the discretion of the commission to determine whether a carrier is required to hold both a common carrier permit and a certificate.

(8) "Biohazardous or biomedical waste" includes untreated solid waste of the following types:

(a) "Animal waste," which includes animal carcasses, body parts, and bedding of animals that were known to have been deliberately infected or inoculated with human pathogenic microorganisms during research.

(b) "Liquid human body fluids," which includes liquid emanating or derived from humans including but not limited to human blood and blood products, serum and plasma, sputum, drainage secretions, cerebrospinal fluid and amniotic fluid that exceeds fifty milliliters per container, storage vessel, or plastic bag and cannot be and has not been directly discarded into a sanitary sewage system.

(c) "Cultures and stocks," which includes cultures and stocks of microbiological agents infectious to humans, human serums and discarded live and attenuated vaccines infectious to humans, human blood specimens, and laboratory wastes that are contaminated with these agents or specimens.

(d) "Biosafety level 4 disease waste," which includes wastes contaminated with blood, excretions, exudates, or secretions from humans or animals which are isolated to protect others from highly communicable infectious diseases which are identified as viruses assigned to Biosafety Level 4 by the Centers for Disease Control, National Institute of Health, Biosafety in Microbiological and Biomedical Laboratories, 2nd Edition, 1988. These viruses include Congo-Crimean hemorrhagic fever, tick-borne encephalitis virus complex (Asbettarov, Hanzalova, Hypr, Humlinge, Kyassanur Forest disease, Omsk hemorrhagic fever, and Russian spring-summer encephalitis), Marburg Ebola, Junin, Lassa, and Machupo.

(e) "Pathological waste," which includes human source biopsy materials, tissues, and anatomical parts that emanate from surgery, obstetrical procedures, autopsy, and laboratory procedure. "Pathological waste" does not include teeth or formaldehyde or other preservative agents, human corpses, remains, and anatomical parts that are intended for interment or cremation.

(f) "Sharps waste," which includes hypodermic needles, syringe IV tubing with needles attached, scalpel blades, and lancets that have been used in animal or human patient care or treatment in medical research.

(9) "Biohazardous or biomedical waste generator," means any person, by site whose act or process produces infectious waste as defined in this rule, or whose act first causes an infectious waste to become subject to regulation. In the case where more than one person, e.g., doctors with separate medical practices, are located in the same building, each individual business entity is a separate generator for the purpose of this rule.

(10) "Biohazardous or biomedical waste transporter" means any person who transports infectious waste over the highways in a quantity equal to or exceeding one hundred pounds per month for compensation.

(11) "Treatment" includes incineration, steam sterilization, or any method, technique, or process designed to change the biological character or composition of biohazardous or biomedical waste to render it noninfectious. Any waste, except sharps, that has been treated

shall not be considered biohazardous or biomedical, and may be considered to be solid waste for purposes of handling and disposal.

(12) "Shipping paper" means a shipping order, bill of lading, manifest or other shipping document serving a similar purpose and containing the information required in WAC 480-70-550.

NEW SECTION

WAC 480-70-500 OPERATIONAL REQUIREMENTS. For those certificated garbage collection companies handling biohazardous or biomedical waste as defined in WAC 480-70-050, the following requirements shall apply:

An operational plan shall be prepared for handling and transporting biohazardous or biomedical waste which shall include:

(1) A method of receiving biohazardous or biomedical waste that ensures that biohazardous or biomedical waste is handled separately from other solid waste until treatment or disposal, and that prevents unauthorized persons from having access to or contact with the biohazardous or biomedical waste;

(2) A method of loading and unloading biohazardous or biomedical waste that limits the number of persons handling the waste and minimizes the possibility of exposure to biohazardous or biomedical waste of employees and the public;

(3) A method of decontaminating transport vehicles used to haul biohazardous or biomedical waste;

(4) Provision of and required use of clean gloves and uniforms along with other protective clothing to provide protection of those employees required to load, unload, and transport biohazardous or biomedical waste;

(5) A means of decontaminating any person having had bodily contact with biohazardous or biomedical waste while transporting the waste to the treatment, storage, or disposal site.

NEW SECTION

WAC 480-70-510 TRAINING REQUIREMENTS. (1) An employee training plan describing the treatment, handling, transportation, and disposal of biohazardous or biomedical waste. Employee training must include emergency procedures to be used for spills of biohazardous or biomedical waste, rupture of containers, and equipment failure. This plan must include procedures for cleanup protection of personnel, notification procedures following a spill, disposal of spill residue, repackaging of biohazardous or biomedical waste, and alternate arrangements for biohazardous or biomedical waste treatment, storage, and disposal.

(2) Drivers handling and transporting biohazardous or biomedical waste shall be certified by the carrier as receiving training. Such training shall include as a minimum:

(a) Safe operation of vehicles used to transport biohazardous or biomedical waste and vehicle equipment inspection procedures;

(b) Handling of medical waste, health hazards associated with the handling and disposal of biohazardous or biomedical waste;

(c) Knowledge of packaging requirements;

(d) Personal hygiene practices;

(e) Protective clothing and equipment for drivers;

(f) Contamination control procedures—vehicle and equipment;

(g) Spills and emergencies;

(h) Shipping paper requirements.

(3) The form for the certificate of employee training is as follows:

CERTIFICATE OF EMPLOYEE TRAINING

Name of Carrier: _____

Driver's Name: _____

Operator's Driver's License No.: _____

Dates of Training: _____

Signature of driver acknowledging completion of training program: _____

Date: _____

Signature of employer representative certifying that employee received training: _____

Date: _____

NEW SECTION

WAC 480-70-530 PACKAGING AND CONTAINMENT. (1) Biohazardous or biomedical waste, except for sharps waste as defined in WAC 480-70-050 (8)(f), shall be contained in bags or lined containers which are impervious to moisture and have a strength sufficient to resist ripping, tearing, or bursting under normal conditions of transportation. The bags shall be secured so as to prevent leakage during handling and transportation.

(2) Biohazardous or biomedical waste defined as sharps waste in WAC 480-70-050 (8)(f) shall be contained for transportation in leak-resistant, rigid, puncture-resistant containers which are secured to preclude loss of the contents. Such containers shall be labeled with the word "biohazardous" or "biomedical."

(3) Before biohazardous or biomedical waste is transported from a facility, the waste contained in bags or disposable containers shall be placed by the transporter in disposable or reusable pails, cartons, drums, or portable bins. The containment system shall be leak-resistant, have tight-fitting covers, and be kept clean and in good repair. The containers may be any color and shall be labeled with the word "biohazardous" or "biomedical." Packaging and containment of biohazardous or biomedical waste shall comply with local and state regulations.

(4) Reusable containers for biohazardous or biomedical waste shall be thoroughly washed and decontaminated each time they are emptied, pursuant to local and state requirements.

NEW SECTION

WAC 480-70-540 TRANSFER OF BIOHAZARDOUS OR BIOMEDICAL WASTE TO

OFF-SITE TREATMENT AND DISPOSAL FACILITIES. Biohazardous or biomedical waste shall be transported for treatment, storage, or disposal only to a facility that meets all local, state, and federal environmental regulations, as determined by the appropriate local, state, and federal agencies. Biohazardous or biomedical waste shall not be compacted prior to treatment by the transporter.

NEW SECTION

WAC 480-70-550 SHIPPING PAPER REQUIREMENTS. (1) A carrier who transports biohazardous or biomedical waste to an off-site treatment, storage, or disposal facility must have a shipping paper with the shipment which contains the following information:

- (a) Name and address of the generator of the biohazardous or biomedical waste;
- (b) Name of the person representing the generator from whom delivery is accepted;
- (c) Name of the carrier;
- (d) Date of collection;
- (e) Destination, naming final disposal, and storage or treatment site;
- (f) A general statement as to the type and quantity of biohazardous or biomedical waste delivered to the carrier;

(g) The shipping paper shall be signed by a representative of the generator of biohazardous or biomedical waste, such signature acknowledging delivery and compliance with all applicable state and local rules pertaining to packaging and containment;

(h) The shipping paper shall be signed by a carrier representative who accepts the waste for transportation, such signature acknowledging receipt of the biohazardous or biomedical waste;

(i) A legible copy of the shipping paper must accompany the shipment. At the destination, the shipping paper shall be signed by a representative of the facility which accepts the biohazardous or biomedical waste for treatment, storage, or disposal, such signature acknowledging acceptance.

(2) A copy of the shipping paper of each shipment must be retained by the carrier at the main office of the carrier for three years, and is subject to inspection by the commission.

(3) Use of the hazardous waste shipping paper is not required by the generator or transporter of biohazardous or biomedical waste.

NEW SECTION

WAC 480-70-560 INSURANCE REQUIREMENTS. Every biohazardous or biomedical transporter must provide proof of liability and property damage insurance, or other form of financial surety as contained in WAC 480-70-250, in an amount not less than one million dollars to provide for recovery for bodily injury and property damage resulting in an accident involving a vehicle used or to be used in transporting biohazardous or biomedical waste.

NEW SECTION

WAC 480-70-570 REPORTING OF ACCIDENTS. (1) Each common or contract garbage hauler transporting biohazardous or biomedical waste in this state shall report to the commission as soon as possible, but in no event later than twelve hours after any leakage or spillage of biohazardous or biomedical waste which could endanger employees of the carrier or the public at the scene of an accident or any accident involving injury to any person, death of any person, or property damage. The occurrence of such accidents shall be reported to the commission by telephone at the following number: 1-800-562-6150; or if the call is made from out of the state: 1-206-586-1119.

(2) Copies of written reports of all accidents described in subsection (1) of this section shall be filed with the commission and maintained in the main office of the carrier subject to inspection by the commission.

WSR 90-13-119

PERMANENT RULES

UTILITIES AND TRANSPORTATION COMMISSION

[Order R-319, Docket No. TC-900312-R—Filed June 21, 1990, 4:22 p.m.]

In the matter of amending WAC 480-30-100 relating to auto transportation companies.

This action is taken pursuant to Notice No. WSR 90-09-094 filed with the code reviser on April 18, 1990. The rule change hereinafter adopted shall take effect pursuant to RCW 34.05.380(2).

This rule-making proceeding is brought on pursuant to RCW 80.01.040 and is intended administratively to implement these statutes.

This rule-making proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

Pursuant to Notice No. WSR 90-09-094 the above matter was scheduled for consideration at 9:00 a.m., Tuesday, May 22, 1990, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA, before Chairman Sharon L. Nelson and Commissioners Richard D. Casad and A. J. Pardini.

Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments to the commission in writing prior to May 14, 1990, and orally at 9:00 a.m., Tuesday, May 22, 1990, in the Commission's Hearing Room above noted. At the May 22, 1990, meeting the commission considered the rule change proposal. Written comments were received from the Richard Reininger for Washington Stage Lines; oral comments were received from Jerry Buckley and Warren Bolie for Amalgamated Transit Union, Mike Bentley, a Greyhound driver, Louis A. Harris for

Greyhound Lions and Northwestern Stage Lines, and Vernon Lindskog for Washington Motor Coach Association.

The rule change affects no economic values.

In reviewing the entire record herein, it has been determined the WAC 480-30-100 should be amended to read as set forth in Appendix A shown below and by this reference made a part hereof. WAC 480-30-100 as amended will prohibit passengers traveling on vehicles operated by auto transportation companies from standing in the aisles of a bus unless the vehicle is equipped with designed devices and permanently installed to provide stability and safety. It also provides that if the buses are equipped with the required devices, no passenger shall be permitted to stand for distances exceeding thirty-five miles. The rule will help insure safe transportation for the traveling public.

ORDER

WHEREFORE, IT IS ORDER That WAC 480-30-100 as set forth in Appendix A, be amended as a rule of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.05.380(2).

IT IS FURTHER ORDERED That the order and the annexed rule, after first being recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapter 34.05 RCW and chapter 1-21 WAC.

DATED at Olympia, Washington, this 20th day of June, 1990.

Washington Utilities and Transportation Commission
Sharon L. Nelson, Chairman
A. J. Pardini, Commissioner

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-315, Docket No. TV-2285, filed 2/27/90, effective 3/30/90)

WAC 480-30-100 OPERATION OF MOTOR VEHICLES. (1) All motor vehicles shall be operated in accordance with the requirements of existing state laws and no driver or operator thereof shall operate the same in any other than a careful and prudent manner, nor at any greater speed than is reasonable or proper, having due regard to the traffic and use of the highway by others, or so as to endanger the life and limb of any person.

(2) Qualifications of drivers. Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 383, part 391, excluding paragraphs (a) and (b) of section 391.2, section 391.69, subparagraph (2) of paragraph 391.71(a), and subparagraph (4) of paragraph 391.71(b); as well as and including all appendices and amendments thereto, in effect on October 1, 1988, are adopted and prescribed by the commission to be observed by all auto transportation companies or excursion service companies operating under chapter 81.68 RCW except:

(a) The minimum age requirement for drivers prescribed in subparagraph (1) of paragraph 391.11(b) shall be eighteen years of age.

(b) With respect to the limited exemption prescribed in section 391.61, the time period identified therein shall be the period of time prior to the effective date of this rule.

(c) With respect to the limited exemptions prescribed in sections 391.65 and 391.71, the time periods identified in these sections shall have as a starting date the effective date of this rule.

(3) No driver or operator of a motor vehicle carrying passengers shall smoke any cigar, cigarette, tobacco or other substance in such vehicle during the time he is driving the vehicle.

(4) No driver or operator of a motor vehicle shall create any disturbance or unnecessary noise to attract persons to the vehicle.

(5) The rules and regulations relating to drivers' logs and drivers' hours of service adopted by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 395, as well as and including all appendices and amendments thereto in effect on October 1, 1988, are adopted and prescribed by the commission to be observed by all auto transportation companies or excursion service companies operating under chapter 81.68 RCW.

(6) No driver or operator of any motor vehicle used in the transportation of passengers shall refuse to carry any person offering himself or herself at a regular stopping place for carriage and who tenders the regular fare to any stopping place on the route of said motor vehicle, or between the termini thereof, if allowed to carry passengers to such point under the certificate for such route: **PROVIDED, HOWEVER,** That the driver or operator of such motor vehicle may refuse transportation to any person who is in an intoxicated condition or conducting himself in a boisterous or disorderly manner or is using profane language, who is suffering from a contagious disease, or whose condition is such as to be obnoxious to passengers on such motor vehicle. A driver is responsible for the comfort, safety and peace of mind of his passengers to the extent that he should be constantly on the alert for and immediately correct any act of misconduct on the part of occupants of the vehicle.

(7) No auto transportation company or excursion service company operating any motor vehicle used in the transportation of persons, shall permit smoking on said vehicle either by passengers or other persons while present in said motor vehicle.

Auto transportation companies and excursion service companies shall place suitable signs in buses, of sufficient size and number to adequately inform passengers that smoking is not permitted in the motor vehicle.

(8) No motor vehicle used in the transportation of persons shall carry more ((persons)) than one hundred fifty percent of its rated carrying capacity (~~(but no paying passenger shall be required to stand for a distance in excess of twenty miles. The commission may amend, rescind or grant exceptions to this rule in the event of emergency)).~~ No passenger shall be permitted to stand unless the vehicle is equipped with devices designed and

permanently installed to provide stability and safety for standing passengers. Even if the vehicle is so equipped, no passenger shall be permitted to stand for a distance in excess of thirty-five miles.

(9) The front seat of all passenger carrying vehicles, if connected with the driver's seat, shall be considered as an emergency seat and no passenger will be allowed to occupy the same unless all of the other seats of such vehicle are fully occupied. In no case shall more than one passenger be allowed to occupy the front seat of any motor vehicle unless such seat is forty-eight or more inches in width in the clear. No passenger shall be allowed to sit in the front seat to the left of the driver.

(10) No motor vehicle used for the transportation of passengers shall carry or transport any baggage, trunk, crate or other load which shall extend beyond the running board of said motor vehicle on the left side.

(11) Except when specially authorized by the commission, no motor vehicle used in the transportation of passengers shall be operated or driven with any trailer or other vehicle attached thereto; except in case a vehicle becomes disabled while on a trip and is unable to be operated by its own power, such disabled vehicle may be towed without passengers to the nearest point where repair facilities are available. No right-hand drive vehicle shall be used except by special authorization of the commission and then only when equipped as directed by it.

(12) Accidents occurring in this state arising from or in connection with the operations of any auto transportation company or excursion service company operating under chapter 81.68 RCW resulting in an injury to any person, or the death of any person shall be reported by such carrier to the commission as soon as possible, but in no event later than twelve hours after the occurrence of the accident. The occurrence of such accidents shall be reported to the commission by telephone at the following numbers: 1-800-562-6150; or if the call is made from out of the state: 1-206-586-1119. Copies of written reports of all accidents, including those described in this section, shall be maintained in the main office of the carrier subject to inspection by the commission.

(13) Auto transportation companies or excursion service companies transporting passengers shall maintain such comfort stations in a clean and sanitary condition along its line or route, and shall make such regular stops thereat as shall be necessary to care properly for the comfort of its patrons.

(14) Out-of-service criteria. All drivers operating motor vehicles under chapter 81.68 RCW shall do so in compliance with the safety rules and regulations defined therein. Duly authorized personnel of the commission shall have the power to order out-of-service any driver found to be operating in violation of those rules and regulations. The criteria for conditions under which a driver may be ordered out-of-service are those defined in the North American Uniform Out-Of-Service Criteria, in effect on February 15, 1989. Copies of this document are available from the commission upon request.

(15) Whenever the designations "director, bureau of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator," and

"federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsections (2) and (5) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

WSR 90-13-120
PROPOSED RULES
HIGHER EDUCATION
PERSONNEL BOARD
 [Filed June 21, 1990, 4:45 p.m.]

Original Notice.

Title of Rule: WAC 251-04-040 Exemptions.

Purpose: Lists categories of employees who are exempt from Title 251 WAC.

Statutory Authority for Adoption: RCW 28B.16.100.

Statute Being Implemented: Chapter 28B.16 RCW and HB 2567.

Summary: Modification to subsection (5) clarifies the effective date for determining length of a temporary appointment; and modification to subsection (11) affects an employee's right of reversion to a classified position when currently in an exempt position.

Reasons Supporting Proposal: Modification to subsection (5) assists employer in determining an exemption for a temporary employee; and modification to subsection (11) details reversion rights. Both modifications result from passage of HB 2567. Modification of subsection (11) was adopted on an emergency basis effective June 8, 1990; this proposal is for permanent adoption.

Name of Agency Personnel Responsible for Drafting: P. Andersen and J. Gross, 1202 Black Lake Boulevard, FT-11, Olympia, WA 98504, 753-3850; Implementation and Enforcement: John Spitz, Director, 1202 Black Lake Boulevard, FT-11, Olympia, WA 98504, 753-3850.

Name of Proponent: Higher Education Personnel Board staff, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The modification to subsection (5) is language that was approved by the board at a hearing in 1989 but was not correctly filed with the Code Reviser. This filing will assure that the adopted language becomes part of the rule. The modification of subsection (11) makes the rule current with the language adopted by the Legislature and signed by the governor in HB 2567 which became effective June 7, 1990.

Proposal Changes the Following Existing Rules: The rule will currently and accurately reflect language adopted by the Higher Education Personnel Board. Modifications to subsection (5) specify the period of time to be considered by the employer when determining length of a temporary appointment. Modifications to subsection (11) make it possible for previously classified employees who took exempt positions to permanently retain their right of return to the classified service without

requesting board approval and excludes those who were terminated for gross misconduct or malfeasance from reversion rights.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Board Room, Shoreline Community College, 16101 Greenwood Avenue North, Seattle, WA 98133, on August 2, 1990, at 10:00 a.m.

Submit Written Comments to: 1202 Black Lake Boulevard, FT-11, Olympia, WA 98504, by August 1, 1990.

Date of Intended Adoption: August 2, 1990.

June 21, 1990

John A. Spitz

Director

by P. Andersen

AMENDATORY SECTION (Amending WSR 90-06-023, filed 2/28/90, effective 4/1/90)

WAC 251-04-040 EXEMPTIONS. The following classifications, positions, and employees of higher education institutions/related boards are hereby exempted from coverage of this chapter.

(1) Members of the governing board of each institution/related board;

(2) Students employed by the institution at which they are enrolled (or related board) and who either:

(a) Work five hundred sixteen hours or less in any six consecutive months, exclusive of hours worked in a temporary position(s) during the summer and other breaks in the academic year, provided such employment does not:

(i) Take the place of a classified employee laid off due to lack of funds or lack of work; or

(ii) Fill a position currently or formerly occupied by a classified employee during the current or prior calendar or fiscal year, whichever is longer;

(b) Are employed in a position directly related to their major field of study to provide training opportunity; or

(c) Are elected or appointed to a student body office or student organization position such as student officers or student news staff members.

(3) Students participating in a documented and approved programmed internship which consists of an academic component and work experience.

(4) Students employed through the state or federal work/study programs.

(5) Persons employed to work one thousand fifty hours or less in any twelve consecutive month period from the original date of hire or October 1, 1989, whichever is later. Such an appointment may be subject to remedial action in accordance with WAC 251-12-600, if the number of hours worked exceeds one thousand fifty hours in any twelve consecutive month period from the original date of hire or October 1, 1989, whichever is later, exclusive of overtime or work time as described in subsection (2) of this section.

(6) Part-time professional consultants retained on an independent part-time or temporary basis such as physicians, architects, or other professional consultants employed on an independent contractual relationship for advisory purposes and who do not perform administrative or supervisory duties.

(7) The director, his confidential secretary, assistant directors, and professional education employees of the state board for community college education.

(8) The personnel director of the higher education personnel board and his confidential secretary.

(9) The governing board of each institution/related board may also exempt from this chapter, subject to the employee's right of appeal to the higher education personnel board, classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring academic preparation or special training, and principal assistants to executive heads of major administrative or academic divisions, as determined by the higher education personnel board: PROVIDED, That no nonacademic employee engaged in office, clerical, maintenance, or food and trades

services may be exempted by the higher education personnel board under this provision.

(10) Any employee who believes that any classification should or should not be exempt, or any employee because of academic qualifications which would enable such employee to teach and thus be exempt, may appeal to the board in the same manner as provided in WAC 251-12-080, et seq.

(11) Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary (~~within four years from the date of appointment to the exempt position. However, (a) upon the prior request of the appointing authority of the exempt position, the board may approve one extension of no more than four years; and (b) if an appointment was accepted prior to July 10, 1982, then the four-year period shall begin on July 10, 1982.~~) Application for return to classified service must be made not later than thirty calendar days following the conclusion of the exempt appointment. A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided for in this section.

(12) When action is taken to convert an exempt position to classified status, the effect upon the incumbent of such position shall be as provided in WAC 251-19-160.

Reviser's note: RCW 34.05.395 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 90-13-121

PROPOSED RULES

**HIGHER EDUCATION
PERSONNEL BOARD**

[Filed June 21, 1990, 4:47 p.m.]

Original Notice.

Title of Rule: WAC 251-18-185 Eligible lists—Tied scores—Certification; 251-18-240 Certification—Method; 251-18-270 Certification—Interview of eligibles; and 251-18-280 Certification—Selection—Actions required.

Purpose: These rules address the process of employee selection.

Statutory Authority for Adoption: RCW 28B.16.100.

Statute Being Implemented: Chapter 28B.16 RCW and HB 2567.

Summary: Modification to WAC 251-18-240 (1)(b)(i) clarifies the hierarchy of eligible lists in the process of certification for employee selection. The modification to WAC 251-18-280 and abolishment of WAC 251-18-185 and 251-18-270 clarify the way this change is to be implemented.

Reasons Supporting Proposal: Reflects legislation (HB 2567). Rules were adopted on emergency basis effective June 8, 1990; this proposal is for permanent adoption.

Name of Agency Personnel Responsible for Drafting: Joe Gross, 1202 Black Lake Boulevard, FT-11, Olympia, WA 98504, 753-3850; Implementation and Enforcement: J. Spitz, Director, 1202 Black Lake Boulevard, FT-11, Olympia, WA 98504, 753-3850.

Name of Proponent: Higher Education Personnel Board staff, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Modification to WAC 251-18-240 (1)(b)(i) is wording quoted from HB 2567 and clarifies the hierarchy of lists used for certification for employment openings. The modification of WAC 251-18-280 and abolishment of WAC 251-18-185 and 251-18-270 clarify the way this modification/change is to be implemented.

Proposal Changes the Following Existing Rules: Certification will allow consideration of a greater number of applicants on an eligible list.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Board Room, Shoreline Community College, 16101 Greenwood Avenue North, Seattle, WA 98133, on August 2, 1990, at 10:00 a.m.

Submit Written Comments to: 1202 Black Lake Boulevard, FT-11, Olympia, WA 98504, by August 1, 1990.

Date of Intended Adoption: August 2, 1990.

June 21, 1990
John A. Spitz
Director
by P. Andersen

(4) Permanent employees certified from an eligible list for consideration of appointment shall be notified by the institution at the time of referral. Upon appointment, the institution shall advise those employees certified but not appointed of the action taken.

AMENDATORY SECTION (Amending Order 98, filed 7/22/82, effective 9/1/82)

WAC 251-18-280 CERTIFICATION—SELECTION—ACTIONS REQUIRED. (1) The employing official shall consider all eligibles certified.

(2) Following certification and consideration of eligibles ((and upon completion of the resulting interviews)), the personnel officer shall record one of the following dispositions of the employing official for each name certified:

- (a) Eligible was ~~((interviewed and))~~ considered but not appointed;
- (b) Eligible waived consideration for the position;
- (c) Eligible could not be contacted ~~((, provided he/she had been given at least two working days to respond to notice of certification; ((d) Eligible))~~ or failed to appear for ~~((the))~~ an interview; or ~~((te))~~ (d) Eligible was appointed to the position.

(2) When the number of certified eligibles available is reduced to less than four more than there are positions to be filled, upon request from the employing official the personnel officer may provide a replacement name for each eligible who has waived consideration, been determined to be unavailable, or did not appear for the scheduled interview.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 251-18-185 ELIGIBLE LISTS—TIED SCORES—CERTIFICATION.

WAC 251-18-270 CERTIFICATION—INTERVIEW OF ELIGIBLES

AMENDATORY SECTION (Amending Order 145, filed 2/28/86, effective 4/1/86)

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 ~~((and, as provided in WAC 251-23-060, up)), provided that:~~

(i) When other applicants on the eligible list in use have scores equal to the lowest score among the names certified, their names shall be certified; and

(ii) Up to three additional names of eligibles who meet the applicable affirmative action criteria shall be certified as provided in WAC 251-23-060.

(2) Names shall be certified in strict order of standing on the eligible list(s), as established in WAC 251-18-180.

(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(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.

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
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- REP = Repeal of existing section
- REAFF = Order assuming and reaffirming rules
- REMOV = Removal of rule pursuant to RCW 34.04.050(5)
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule
- STMT = Statement regarding previously adopted rule

Suffixes:

- P = Proposed action
- C = Continuance of previous proposal
- E = Emergency action
- S = Supplemental notice
- W = Withdrawal of proposed action
- No suffix means permanent action

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits show the sequence of the document within the issue.

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16-316-820	AMD-P	90-09-064	16-316-820	AMD	90-12-098
16-316-820	AMD	90-12-098	16-316-820	AMD-P	90-09-064
16-317-040	AMD	90-04-003	16-317-040	AMD	90-12-098
16-317-050	AMD	90-04-003	16-317-050	AMD	90-04-003
16-317-060	AMD	90-04-003	16-317-060	AMD	90-04-003
16-317-090	REP	90-04-003	16-317-090	REP	90-04-003
16-318-040	AMD	90-03-026	16-318-040	AMD	90-03-026
16-318-065	NEW	90-03-026	16-318-065	NEW	90-03-026
16-318-200	NEW	90-03-026	16-318-200	NEW	90-03-026
16-318-205	NEW	90-03-026	16-318-205	NEW	90-03-026
16-318-210	NEW	90-03-026	16-318-210	NEW	90-03-026
16-318-215	NEW	90-03-026	16-318-215	NEW	90-03-026
16-318-220	NEW	90-03-026	16-318-220	NEW	90-03-026
16-318-225	NEW	90-03-026	16-318-225	NEW	90-03-026
16-318-230	NEW	90-03-026	16-318-230	NEW	90-03-026
16-318-235	NEW	90-03-026	16-318-235	NEW	90-03-026
16-318-240	NEW	90-03-026	16-318-240	NEW	90-03-026
16-318-300	NEW	90-03-026	16-318-300	NEW	90-03-026
16-318-305	NEW	90-03-026	16-318-305	NEW	90-03-026

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
16-318-310	NEW	90-03-026	16-557-010	NEW-W	90-05-068	51-06-010	AMD	90-02-108
16-318-315	NEW	90-03-026	16-557-010	NEW-W	90-13-073	51-06-020	AMD	90-02-108
16-318-320	NEW	90-03-026	16-557-020	NEW-W	90-05-068	51-06-030	REP	90-02-108
16-318-325	NEW	90-03-026	16-557-020	NEW-W	90-13-073	51-06-040	REP	90-02-108
16-318-330	NEW	90-03-026	16-557-030	NEW-W	90-05-068	51-06-050	REP	90-02-108
16-318-335	NEW	90-03-026	16-557-030	NEW-W	90-13-073	51-06-060	REP	90-02-108
16-318-340	NEW	90-03-026	16-557-040	NEW-W	90-05-068	51-06-070	AMD	90-02-108
16-318-345	NEW	90-03-026	16-557-040	NEW-W	90-13-073	51-06-080	REP	90-02-108
16-318-350	NEW	90-03-026	16-557-040	NEW-W	90-05-068	51-06-090	REP	90-02-108
16-318-355	NEW	90-03-026	16-557-041	NEW-W	90-13-073	51-06-100	REP	90-02-108
16-318-360	NEW	90-03-026	16-557-041	NEW-W	90-05-068	51-06-110	REP	90-02-108
16-318-365	NEW	90-03-026	16-557-050	NEW-W	90-13-073	51-06-120	AMD	90-02-108
16-318-370	NEW	90-03-026	16-557-050	NEW-W	90-05-068	51-08-010	AMD	90-02-108
16-318-375	NEW	90-03-026	16-557-060	NEW-W	90-13-073	51-10	AMD	90-02-110
16-318-380	NEW	90-03-026	16-557-060	NEW-W	90-05-068	51-12-201	AMD-P	90-05-064
16-318-385	NEW	90-03-026	16-557-070	NEW-W	90-13-073	51-12-201	AMD-C	90-11-020
16-318-390	NEW	90-03-026	16-557-070	NEW-W	90-05-068	51-12-201	AMD-W	90-13-040
16-318-395	NEW	90-03-026	16-557-080	NEW-W	90-13-073	51-12-202	AMD-P	90-05-064
16-318-400	NEW	90-03-026	16-557-080	NEW-W	90-05-068	51-12-202	AMD-C	90-11-020
16-318-405	NEW	90-03-026	16-570-040	AMD-P	90-03-071	51-12-202	AMD-W	90-13-040
16-318-410	NEW	90-03-026	16-570-040	AMD	90-07-013	51-12-202	AMD-W	90-13-040
16-318-415	NEW	90-03-026	16-622-001	NEW	90-08-069	51-12-204	AMD-P	90-05-064
16-318-420	NEW	90-03-026	16-622-005	NEW	90-08-069	51-12-204	AMD-C	90-11-020
16-400-010	AMD-E	90-03-034	16-622-010	NEW	90-08-069	51-12-204	AMD-W	90-13-040
16-400-010	AMD-P	90-05-065	16-622-015	NEW	90-08-069	51-12-220	AMD	90-02-110
16-400-010	AMD	90-09-031	16-622-020	NEW	90-08-069	51-12-403	AMD	90-02-110
16-400-100	AMD-E	90-03-034	16-622-025	NEW	90-08-069	51-12-404	AMD	90-02-110
16-400-100	AMD-P	90-05-065	16-622-030	NEW	90-08-069	51-12-411	AMD-P	90-05-064
16-400-100	AMD	90-09-031	16-622-035	NEW	90-08-069	51-12-411	AMD-C	90-11-020
16-400-210	AMD-E	90-03-034	16-622-040	NEW	90-08-069	51-12-411	AMD-W	90-13-040
16-400-210	AMD-P	90-05-065	16-622-045	NEW	90-08-069	51-12-426	AMD	90-02-110
16-400-210	AMD	90-09-031	16-622-050	NEW	90-08-069	51-12-601	AMD	90-02-110
16-403-142	AMD-W	90-03-036	16-622-055	NEW	90-08-069	51-12-602	AMD-P	90-05-064
16-403-142	AMD-P	90-05-066	16-622-900	NEW	90-08-069	51-12-602	AMD-C	90-11-020
16-403-142	AMD-P	90-05-067	16-752-400	NEW-P	90-11-089	51-12-602	AMD-W	90-13-040
16-403-142	AMD	90-09-032	16-752-405	NEW-P	90-11-089	51-12-608	AMD	90-02-110
16-403-142	AMD-W	90-11-009	16-752-410	NEW-P	90-11-089	51-16-030	AMD	90-02-110
16-403-155	AMD-W	90-03-036	16-752-415	NEW-P	90-11-089	51-16-050	AMD	90-02-110
16-403-155	AMD-P	90-05-066	16-752-420	NEW-P	90-11-089	51-16-080	AMD-P	90-07-083
16-403-155	AMD-P	90-10-086	44-10-090	AMD-E	90-11-033	51-16-080	AMD	90-13-033
16-403-155	AMD-W	90-11-009	44-10-090	AMD-P	90-11-034	51-16-090	REP-P	90-07-083
16-403-155	AMD	90-13-078	44-10-160	AMD-P	90-11-034	51-16-090	REP	90-13-033
16-403-190	AMD-E	90-03-035	44-10-200	AMD-P	90-11-034	51-18-010	NEW	90-02-110
16-403-190	AMD-W	90-03-036	44-10-215	REP-P	90-11-034	51-18-020	NEW	90-02-110
16-403-190	AMD-P	90-05-066	44-10-235	NEW-P	90-11-034	51-18-030	NEW	90-02-110
16-403-190	AMD-P	90-05-067	50-12-040	REP-P	90-09-090	51-18-040	NEW	90-02-110
16-403-190	AMD	90-09-032	50-12-040	REP	90-12-008	51-18-050	NEW	90-02-110
16-403-190	AMD-W	90-11-009	50-12-045	NEW-P	90-09-090	67-25-560	AMD	90-11-047
16-403-220	AMD-W	90-03-036	50-12-045	NEW	90-12-008	67-25-570	AMD	90-11-047
16-403-220	AMD-P	90-05-066	50-12-310	NEW	90-10-074	72-100-001	NEW-P	90-10-101
16-403-220	AMD-W	90-11-009	50-12-320	NEW	90-10-074	72-108-010	NEW-P	90-10-102
16-403-280	AMD-W	90-03-036	50-12-330	NEW	90-10-074	72-108-020	NEW-P	90-10-102
16-403-280	AMD-P	90-05-066	50-12-340	NEW	90-10-074	72-108-030	NEW-P	90-10-102
16-403-280	AMD-W	90-11-009	50-12-350	NEW	90-10-074	72-108-040	NEW-P	90-10-102
16-462-060	NEW-P	90-10-043	50-12-360	NEW	90-10-074	72-108-060	NEW-P	90-10-102
16-462-060	NEW	90-10-043	50-12-370	NEW	90-10-074	72-108-070	NEW-P	90-10-102
16-470-700	NEW-P	90-11-100	50-36-090	AMD-P	90-03-105	72-108-080	NEW-P	90-10-102
16-470-700	NEW-E	90-13-010	50-36-090	AMD	90-07-011	72-108-090	NEW-P	90-10-102
16-470-705	NEW-P	90-11-100	50-44-010	AMD-P	90-09-091	72-108-100	NEW-P	90-10-102
16-470-705	NEW-E	90-13-010	50-44-010	AMD	90-12-007	72-120-010	NEW-P	90-10-103
16-470-710	NEW-P	90-11-100	50-44-020	AMD-P	90-09-091	72-120-015	NEW-P	90-10-103
16-470-710	NEW-E	90-13-010	50-44-020	AMD	90-12-007	72-120-100	NEW-P	90-10-103
16-470-715	NEW-P	90-11-100	50-44-030	AMD-P	90-09-091	72-120-200	NEW-P	90-10-103
16-470-715	NEW-E	90-13-010	50-44-030	AMD	90-12-007	72-120-205	NEW-P	90-10-103
16-470-720	NEW-P	90-11-100	50-44-050	NEW-P	90-09-091	72-120-210	NEW-P	90-10-103
16-470-720	NEW-E	90-13-010	50-44-050	NEW	90-12-007	72-120-220	NEW-P	90-10-103
16-488-025	AMD-P	90-09-056	51-04-010	AMD	90-02-108	72-120-225	NEW-P	90-10-103
16-488-025	AMD	90-12-123	51-04-015	NEW	90-02-108	72-120-230	NEW-P	90-10-103
16-494-001	AMD-P	90-03-090	51-04-018	NEW	90-02-108	72-120-234	NEW-P	90-10-103
16-494-001	AMD-W	90-06-105	51-04-020	AMD	90-02-108	72-120-236	NEW-P	90-10-103
16-494-010	AMD-P	90-03-090	51-04-025	NEW	90-02-108	72-130-010	NEW-P	90-10-104
16-494-010	AMD-W	90-06-105	51-04-030	NEW	90-02-108	72-130-020	NEW-P	90-10-104
16-516-040	AMD	90-09-068	51-04-035	NEW	90-02-108	72-130-030	NEW-P	90-10-104
16-555-010	AMD-P	90-05-059	51-04-037	NEW	90-02-108	72-130-035	NEW-P	90-10-104
16-555-010	AMD	90-11-001	51-04-040	NEW	90-02-108	72-130-040	NEW-P	90-10-104
16-555-040	AMD-P	90-05-059	51-04-050	NEW	90-02-108	72-130-050	NEW-P	90-10-104
16-555-040	AMD-W	90-11-026	51-04-060	NEW	90-02-108	72-140-010	NEW-P	90-10-105
			51-04-070	NEW	90-02-108	72-140-020	NEW-P	90-10-105

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
72-140-030	NEW-P	90-10-105	114-12-190	AMD-P	90-11-045	132G-108-060	NEW-P	90-10-049
72-140-040	NEW-P	90-10-105	130-14-010	NEW-P	90-12-110	132G-108-060	NEW	90-13-051
72-140-050	NEW-P	90-10-105	130-14-020	NEW-P	90-12-110	132G-108-070	NEW-P	90-10-049
72-140-060	NEW-P	90-10-105	130-14-030	NEW-P	90-12-110	132G-108-070	NEW	90-13-051
72-140-070	NEW-P	90-10-105	130-14-040	NEW-P	90-12-110	132G-108-080	NEW-P	90-10-049
72-140-080	NEW-P	90-10-105	130-14-050	NEW-P	90-12-110	132G-108-080	NEW	90-13-051
72-171-001	NEW-P	90-10-106	130-14-060	NEW-P	90-12-110	132G-133-020	NEW-P	90-10-050
72-171-010	NEW-P	90-10-106	130-14-070	NEW-P	90-12-110	132G-133-020	NEW	90-13-050
72-171-015	NEW-P	90-10-106	131-16-055	NEW-E	90-04-066	132H-108-005	REP-P	90-03-077
72-171-016	NEW-P	90-10-106	131-16-500	NEW-E	90-09-069	132H-108-005	REP-E	90-03-079
72-171-100	NEW-P	90-10-106	131-16-500	NEW-P	90-13-095	132H-108-005	REP	90-09-066
72-171-110	NEW-P	90-10-106	132D-108-010	NEW	90-05-045	132H-108-010	REP-P	90-03-077
72-171-120	NEW-P	90-10-106	132D-108-020	NEW	90-05-045	132H-108-010	REP-E	90-03-079
72-171-130	NEW-P	90-10-106	132D-108-030	NEW	90-05-045	132H-108-010	REP	90-09-066
72-171-140	NEW-P	90-10-106	132D-108-040	NEW	90-05-045	132H-108-020	REP-P	90-03-077
72-171-150	NEW-P	90-10-106	132D-108-050	NEW	90-05-045	132H-108-020	REP-E	90-03-079
72-171-200	NEW-P	90-10-106	132D-108-060	NEW	90-05-045	132H-108-020	REP	90-09-066
72-171-210	NEW-P	90-10-106	132D-108-070	NEW	90-05-045	132H-108-030	REP-P	90-03-077
72-171-220	NEW-P	90-10-106	132D-108-080	NEW	90-05-045	132H-108-030	REP-E	90-03-079
72-171-230	NEW-P	90-10-106	132D-108-090	NEW	90-05-045	132H-108-030	REP	90-09-066
72-171-240	NEW-P	90-10-106	132D-130-010	NEW	90-05-045	132H-108-040	REP-P	90-03-077
72-171-400	NEW-P	90-10-106	132D-130-020	NEW	90-05-045	132H-108-040	REP-E	90-03-079
72-171-410	NEW-P	90-10-106	132D-130-030	NEW	90-05-045	132H-108-040	REP	90-09-066
72-171-420	NEW-P	90-10-106	132D-130-035	NEW	90-05-045	132H-108-050	REP-P	90-03-077
72-171-430	NEW-P	90-10-106	132D-130-040	NEW	90-05-045	132H-108-050	REP-E	90-03-079
72-171-500	NEW-P	90-10-106	132D-130-045	NEW	90-05-045	132H-108-050	REP	90-09-066
72-171-510	NEW-P	90-10-106	132D-130-050	NEW	90-05-045	132H-108-060	REP-P	90-03-077
72-171-600	NEW-P	90-10-106	132D-130-055	NEW	90-05-045	132H-108-060	REP-E	90-03-079
72-171-610	NEW-P	90-10-106	132D-130-060	NEW	90-05-045	132H-108-060	REP	90-09-066
72-171-620	NEW-P	90-10-106	132D-130-070	NEW	90-05-045	132H-108-070	REP-P	90-03-077
72-171-630	NEW-P	90-10-106	132D-130-075	NEW	90-05-045	132H-108-070	REP-E	90-03-079
72-171-640	NEW-P	90-10-106	132D-130-080	NEW	90-05-045	132H-108-070	REP	90-09-066
72-171-650	NEW-P	90-10-106	132D-130-085	NEW	90-05-045	132H-108-080	REP-P	90-03-077
72-276-010	NEW-P	90-10-107	132D-130-090	NEW	90-05-045	132H-108-080	REP-E	90-03-079
72-276-020	NEW-P	90-10-107	132D-130-095	NEW	90-05-045	132H-108-080	REP	90-09-066
72-276-030	NEW-P	90-10-107	132D-130-100	NEW	90-05-045	132H-108-090	REP-P	90-03-077
72-276-040	NEW-P	90-10-107	132D-133-020	NEW	90-05-045	132H-108-090	REP-E	90-03-079
72-276-050	NEW-P	90-10-107	132D-400-010	NEW	90-05-045	132H-108-090	REP	90-09-066
72-276-060	NEW-P	90-10-107	132D-400-020	NEW	90-05-045	132H-108-100	REP-P	90-03-077
72-276-070	NEW-P	90-10-107	132D-400-030	NEW	90-05-045	132H-108-100	REP-E	90-03-079
72-276-080	NEW-P	90-10-107	132D-400-040	NEW	90-05-045	132H-108-100	REP	90-09-066
72-276-090	NEW-P	90-10-107	132E-108-010	NEW-P	90-03-012	132H-108-110	REP-P	90-03-077
72-276-100	NEW-P	90-10-107	132E-108-010	NEW	90-09-006	132H-108-110	REP-E	90-03-079
72-276-110	NEW-P	90-10-107	132E-108-020	NEW-P	90-03-012	132H-108-110	REP	90-09-066
72-276-120	NEW-P	90-10-107	132E-108-020	NEW	90-09-006	132H-108-120	REP-P	90-03-077
72-276-130	NEW-P	90-10-107	132E-108-030	NEW-P	90-03-012	132H-108-120	REP-E	90-03-079
72-276-140	NEW-P	90-10-107	132E-108-030	NEW	90-09-006	132H-108-120	REP	90-09-066
72-280-010	NEW-P	90-10-108	132E-108-040	NEW-P	90-03-012	132H-108-130	REP-P	90-03-077
72-280-011	NEW-P	90-10-108	132E-108-040	NEW	90-09-006	132H-108-130	REP-E	90-03-079
72-280-015	NEW-P	90-10-108	132E-108-050	NEW-P	90-03-012	132H-108-130	REP	90-09-066
72-280-020	NEW-P	90-10-108	132E-108-050	NEW	90-09-006	132H-108-140	REP-P	90-03-077
72-280-025	NEW-P	90-10-108	132E-108-060	NEW-P	90-03-012	132H-108-140	REP-E	90-03-079
72-280-030	NEW-P	90-10-108	132E-108-060	NEW	90-09-006	132H-108-140	REP	90-09-066
72-280-040	NEW-P	90-10-108	132E-108-070	NEW-P	90-03-012	132H-108-140	REP-P	90-03-077
72-280-050	NEW-P	90-10-108	132E-108-070	NEW	90-09-006	132H-108-150	REP-E	90-03-079
72-280-055	NEW-P	90-10-108	132E-108-080	NEW-P	90-03-012	132H-108-150	REP	90-09-066
72-280-060	NEW-P	90-10-108	132E-108-080	NEW	90-09-006	132H-108-160	REP-P	90-03-077
72-280-070	NEW-P	90-10-108	132E-133-020	NEW-P	90-03-019	132H-108-160	REP-E	90-03-079
72-325-010	NEW-P	90-10-109	132E-133-020	NEW	90-09-049	132H-108-160	REP	90-09-066
82-30-010	NEW	90-12-009	132E-400-010	NEW-P	90-03-021	132H-108-170	REP-P	90-03-077
82-30-020	NEW	90-12-009	132E-400-010	NEW	90-09-005	132H-108-170	REP-E	90-03-079
82-30-030	NEW	90-12-009	132E-400-020	NEW-P	90-03-021	132H-108-170	REP	90-09-066
82-30-040	NEW	90-12-009	132E-400-020	NEW	90-09-005	132H-108-180	REP-P	90-03-077
82-30-050	NEW	90-12-009	132E-400-030	NEW-P	90-03-021	132H-108-180	REP-E	90-03-079
82-30-060	NEW	90-12-009	132E-400-030	NEW	90-09-005	132H-108-180	REP	90-09-066
98-14-200	NEW-P	90-13-105	132E-400-040	NEW-P	90-03-021	132H-108-190	REP-P	90-03-077
113-12-104	NEW-P	90-09-077	132E-400-040	NEW	90-09-005	132H-108-190	REP-E	90-03-079
113-12-130	REP-P	90-04-029	132G-108-010	NEW-P	90-10-049	132H-108-190	REP	90-09-066
113-12-130	REP	90-08-035	132G-108-010	NEW	90-13-051	132H-108-200	REP-P	90-03-077
113-12-160	REP-P	90-04-029	132G-108-020	NEW-P	90-10-049	132H-108-200	REP-E	90-03-079
113-12-160	REP	90-08-035	132G-108-020	NEW	90-13-051	132H-108-200	REP	90-09-066
113-12-161	REP-P	90-04-029	132G-108-030	NEW-P	90-10-049	132H-108-210	REP-P	90-03-077
113-12-161	REP	90-08-035	132G-108-030	NEW	90-13-051	132H-108-210	REP-E	90-03-079
113-12-200	AMD-P	90-04-029	132G-108-040	NEW-P	90-10-049	132H-108-210	REP	90-09-066
113-12-200	AMD-C	90-08-036	132G-108-040	NEW	90-13-051	132H-108-220	REP-P	90-03-077
114-12-136	AMD	90-04-094	132G-108-050	NEW-P	90-10-049	132H-108-220	REP-E	90-03-079
114-12-155	AMD-P	90-11-045	132G-108-050	NEW	90-13-051	132H-108-220	REP	90-09-066

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
132H-108-230	REP-P	90-03-077	132J-108-030	NEW-P	90-12-109	132S-01-050	NEW-P	90-03-082
132H-108-230	REP-E	90-03-079	132J-108-040	NEW-P	90-12-109	132S-01-050	NEW	90-07-006
132H-108-230	REP	90-09-066	132J-108-050	NEW-P	90-12-109	132S-01-060	NEW-P	90-03-082
132H-108-240	REP-P	90-03-077	132J-108-060	NEW-P	90-12-109	132S-01-060	NEW	90-07-006
132H-108-240	REP-E	90-03-079	132J-108-070	NEW-P	90-12-109	132S-01-070	NEW-P	90-03-082
132H-108-240	REP	90-09-066	132J-108-110	NEW-P	90-12-012	132S-01-070	NEW	90-07-006
132H-108-250	REP-P	90-03-077	132J-108-110	NEW-W	90-12-108	132S-01-080	NEW-P	90-03-082
132H-108-250	REP-E	90-03-079	132J-108-120	NEW-P	90-12-012	132S-01-080	NEW	90-07-006
132H-108-250	REP	90-09-066	132J-108-120	NEW-W	90-12-108	132S-01-090	NEW-P	90-03-082
132H-108-260	REP-P	90-03-077	132J-108-130	NEW-P	90-12-012	132S-01-090	NEW	90-07-006
132H-108-260	REP-E	90-03-079	132J-108-130	NEW-W	90-12-108	132S-05-010	NEW-P	90-03-082
132H-108-260	REP	90-09-066	132J-108-140	NEW-P	90-12-012	132S-05-010	NEW	90-07-006
132H-108-270	REP-P	90-03-077	132J-108-140	NEW-W	90-12-108	132S-05-015	NEW-P	90-03-082
132H-108-270	REP-E	90-03-079	132J-108-150	NEW-P	90-12-012	132S-05-015	NEW	90-07-006
132H-108-270	REP	90-09-066	132J-108-150	NEW-W	90-12-108	132S-05-020	NEW-P	90-03-082
132H-108-280	REP-P	90-03-077	132J-108-160	NEW-P	90-12-012	132S-05-020	NEW	90-07-006
132H-108-280	REP-E	90-03-079	132J-108-160	NEW-W	90-12-108	132S-30-037	NEW-P	90-03-082
132H-108-280	REP	90-09-066	132J-108-170	NEW-P	90-12-012	132S-30-037	NEW	90-07-006
132H-108-290	REP-P	90-03-077	132J-108-170	NEW-W	90-12-108	132S-40-130	NEW-P	90-03-082
132H-108-290	REP-E	90-03-079	132J-108-180	NEW-P	90-12-012	132S-40-130	NEW	90-07-006
132H-108-290	REP	90-09-066	132J-108-180	NEW-W	90-12-108	132S-40-135	NEW-P	90-03-082
132H-108-300	REP-P	90-03-077	132J-108-180	NEW-P	90-12-109	132S-40-135	NEW	90-07-006
132H-108-300	REP-E	90-03-079	132L-20-090	REP	90-05-004	132S-40-140	NEW-P	90-03-082
132H-108-300	REP	90-09-066	132L-108-010	NEW-E	90-03-074	132S-40-140	NEW	90-07-006
132H-108-310	REP-P	90-03-077	132L-108-010	NEW	90-05-005	132S-40-145	NEW-P	90-03-082
132H-108-310	REP-E	90-03-079	132L-108-020	NEW-E	90-03-074	132S-40-145	NEW	90-07-006
132H-108-310	REP	90-09-066	132L-108-020	NEW	90-05-005	132S-40-150	NEW-P	90-03-082
132H-108-320	REP-P	90-03-077	132L-108-030	NEW-E	90-03-074	132S-40-150	NEW	90-07-006
132H-108-320	REP-E	90-03-079	132L-108-030	NEW	90-05-005	132S-40-155	NEW-P	90-03-082
132H-108-320	REP	90-09-066	132L-108-040	NEW-E	90-03-074	132S-40-155	NEW	90-07-006
132H-108-330	REP-P	90-03-077	132L-108-040	NEW	90-05-005	132T-104-010	REP	90-03-065
132H-108-330	REP-E	90-03-079	132L-108-050	NEW-E	90-03-074	132T-104-020	REP	90-03-065
132H-108-330	REP	90-09-066	132L-108-050	NEW	90-05-005	132T-104-030	REP	90-03-065
132H-108-330	NEW-P	90-03-077	132L-108-060	NEW-E	90-03-074	132T-104-040	REP	90-03-065
132H-108-410	NEW-E	90-03-079	132L-108-060	NEW	90-05-005	132T-104-060	REP	90-03-065
132H-108-410	NEW	90-09-066	132L-108-070	NEW-E	90-03-074	132T-104-070	REP	90-03-065
132H-108-420	NEW-P	90-03-077	132L-108-070	NEW	90-05-005	132T-104-080	REP	90-03-065
132H-108-420	NEW-E	90-03-079	132L-108-080	NEW-E	90-03-074	132T-104-090	REP	90-03-065
132H-108-420	NEW	90-09-066	132L-108-080	NEW	90-05-005	132T-104-100	REP	90-03-065
132H-108-430	NEW-P	90-03-077	132L-133-020	NEW-E	90-03-074	132T-104-110	REP	90-03-065
132H-108-430	NEW-E	90-03-079	132L-133-020	NEW	90-05-005	132T-104-120	REP	90-03-065
132H-108-430	NEW	90-09-066	132L-280-010	NEW	90-05-004	132T-104-121	REP	90-03-065
132H-108-440	NEW-P	90-03-077	132L-280-015	NEW	90-05-004	132T-104-130	REP	90-03-065
132H-108-440	NEW-E	90-03-079	132L-280-020	NEW	90-05-004	132T-104-200	REP	90-03-065
132H-108-440	NEW	90-09-066	132L-280-030	NEW	90-05-004	132T-104-210	REP	90-03-065
132H-108-450	NEW-P	90-03-077	132L-280-040	NEW	90-05-004	132T-104-240	REP	90-03-065
132H-108-450	NEW-E	90-03-079	132L-280-050	NEW	90-05-004	132T-104-250	REP	90-03-065
132H-108-450	NEW	90-09-066	132L-280-060	NEW	90-05-004	132T-104-260	REP	90-03-065
132H-108-460	NEW-P	90-03-077	132L-280-070	NEW	90-05-004	132T-104-265	REP	90-03-065
132H-108-460	NEW-E	90-03-079	132L-280-080	NEW	90-05-004	132T-104-270	REP	90-03-065
132H-108-460	NEW	90-09-066	132L-280-090	NEW	90-05-004	132T-104-280	REP	90-03-065
132H-108-470	NEW-P	90-03-077	132L-280-100	NEW	90-05-004	132U-03-010	NEW	90-05-043
132H-108-470	NEW-E	90-03-079	132L-280-110	NEW	90-05-004	132U-03-020	NEW	90-05-043
132H-108-470	NEW	90-09-066	132L-280-120	NEW	90-05-004	132U-03-030	NEW	90-05-043
132H-108-480	NEW-P	90-03-077	132L-400-010	NEW-E	90-03-073	132U-108-010	NEW	90-05-043
132H-108-480	NEW-E	90-03-079	132L-400-010	NEW	90-05-009	132U-108-020	NEW	90-05-043
132H-108-480	NEW	90-09-066	132L-400-020	NEW	90-05-009	132U-108-021	NEW	90-05-043
132H-200-040	NEW-P	90-03-076	132L-400-030	NEW	90-05-009	132U-108-030	NEW	90-05-043
132H-200-040	NEW-E	90-03-080	132L-400-040	NEW	90-05-009	132U-116-030	AMD	90-05-043
132H-200-040	NEW	90-09-065	132L-400-040	NEW-P	90-04-079	132U-400-010	NEW	90-05-043
132H-400-005	NEW-P	90-03-078	132N-400-010	NEW-C	90-10-026	132V-400-010	NEW-P	90-03-094
132H-400-005	NEW-E	90-03-081	132N-400-020	NEW-P	90-04-079	132V-400-010	NEW	90-07-038
132H-400-005	NEW	90-09-067	132N-400-020	NEW-C	90-10-026	132V-400-020	NEW-P	90-03-094
132H-400-010	NEW-P	90-03-078	132N-400-030	NEW-P	90-04-079	132V-400-020	NEW	90-07-038
132H-400-010	NEW-E	90-03-081	132N-400-030	NEW-C	90-10-026	132V-400-030	NEW-P	90-03-094
132H-400-010	NEW	90-09-067	132N-400-040	NEW-P	90-04-079	132V-400-030	NEW	90-07-038
132H-400-020	NEW-P	90-03-078	132N-400-040	NEW-C	90-10-026	132V-400-040	NEW-P	90-03-094
132H-400-020	NEW-E	90-03-081	132P-136-040	AMD-P	90-07-058	132V-400-040	NEW	90-07-038
132H-400-020	NEW	90-09-067	132P-136-040	AMD	90-11-077	132X-60-160	NEW-P	90-10-041
132H-400-030	NEW-P	90-03-078	132S-01-010	NEW-P	90-03-082	132X-60-160	NEW	90-13-064
132H-400-030	NEW-E	90-03-081	132S-01-010	NEW	90-07-006	132X-60-170	NEW-P	90-10-041
132H-400-030	NEW	90-09-067	132S-01-020	NEW-P	90-03-082	132X-60-170	NEW	90-13-064
132H-400-040	NEW-P	90-03-078	132S-01-020	NEW	90-07-006	132X-60-180	NEW-P	90-10-041
132H-400-040	NEW-E	90-03-081	132S-01-030	NEW-P	90-03-082	132X-60-180	NEW	90-13-064
132H-400-040	NEW	90-09-067	132S-01-030	NEW	90-07-006	132X-60-190	NEW-P	90-10-041
132J-108-010	NEW-P	90-12-109	132S-01-040	NEW-P	90-03-082	132Y-108-010	NEW-P	90-02-062
132J-108-020	NEW-P	90-12-109	132S-01-040	NEW	90-07-006	132Y-108-010	NEW	90-08-022

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
132Y-108-020	NEW-P	90-02-062	136-40-132	REP-C	90-13-001	148-140-010	NEW-P	90-10-113
132Y-108-020	NEW	90-08-022	136-40-136	REP-C	90-13-001	148-140-020	NEW-P	90-10-113
132Y-108-030	NEW-P	90-02-062	136-40-140	REP-C	90-13-001	148-140-030	NEW-P	90-10-113
132Y-108-030	NEW	90-08-022	136-40-200	REP-C	90-13-001	148-140-040	NEW-P	90-10-113
132Y-108-040	NEW-P	90-02-062	136-40-204	REP-C	90-13-001	148-140-050	NEW-P	90-10-113
132Y-108-040	NEW	90-08-022	136-40-208	REP-C	90-13-001	148-140-060	NEW-P	90-10-113
132Y-108-050	NEW-P	90-02-062	136-40-212	REP-C	90-13-001	148-140-070	NEW-P	90-10-113
132Y-108-050	NEW	90-08-022	136-40-300	REP-C	90-13-001	148-140-080	NEW-P	90-10-113
132Y-108-060	NEW-P	90-02-062	136-40-304	REP-C	90-13-001	148-171-001	NEW-P	90-10-114
132Y-108-060	NEW	90-08-022	136-40-308	REP-C	90-13-001	148-171-010	NEW-P	90-10-114
132Y-108-070	NEW-P	90-02-062	136-40-312	REP-C	90-13-001	148-171-015	NEW-P	90-10-114
132Y-108-070	NEW	90-08-022	136-40-316	REP-C	90-13-001	148-171-100	NEW-P	90-10-114
132Y-108-080	NEW-P	90-02-062	136-40-320	REP-C	90-13-001	148-171-110	NEW-P	90-10-114
132Y-108-080	NEW	90-08-022	136-40-324	REP-C	90-13-001	148-171-120	NEW-P	90-10-114
132Y-133-020	NEW-P	90-02-063	136-40-400	REP-C	90-13-001	148-171-130	NEW-P	90-10-114
136-01-010	AMD	90-07-071	136-40-404	REP-C	90-13-001	148-171-140	NEW-P	90-10-114
136-01-030	AMD	90-07-071	136-40-408	REP-C	90-13-001	148-171-150	NEW-P	90-10-114
136-01-040	REP	90-07-071	136-40-412	REP-C	90-13-001	148-171-200	NEW-P	90-10-114
136-04-020	AMD	90-07-072	136-40-416	REP-C	90-13-001	148-171-210	NEW-P	90-10-114
136-04-030	AMD	90-07-072	136-40-500	REP-C	90-13-001	148-171-220	NEW-P	90-10-114
136-04-040	AMD	90-07-072	136-40-504	REP-C	90-13-001	148-171-230	NEW-P	90-10-114
136-04-060	AMD	90-07-072	136-40-508	REP-C	90-13-001	148-171-240	NEW-P	90-10-114
136-04-080	AMD	90-07-072	136-40-512	REP-C	90-13-001	148-171-400	NEW-P	90-10-114
136-04-090	AMD	90-07-072	136-40-600	REP-C	90-13-001	148-171-410	NEW-P	90-10-114
136-04-100	AMD	90-07-072	136-40-604	REP-C	90-13-001	148-171-420	NEW-P	90-10-114
136-10-010	AMD	90-07-073	136-40-608	REP-C	90-13-001	148-171-430	NEW-P	90-10-114
136-10-020	AMD	90-07-073	136-40-612	REP-C	90-13-001	148-171-500	NEW-P	90-10-114
136-10-030	AMD	90-07-073	136-40-616	REP-C	90-13-001	148-171-510	NEW-P	90-10-114
136-10-040	AMD	90-07-073	136-40-620	REP-C	90-13-001	148-171-600	NEW-P	90-10-114
136-10-050	AMD	90-07-073	136-40-624	REP-C	90-13-001	148-171-610	NEW-P	90-10-114
136-10-060	AMD	90-07-073	136-40-700	REP-C	90-13-001	148-171-620	NEW-P	90-10-114
136-12-010	AMD	90-07-074	136-40-704	REP-C	90-13-001	148-171-630	NEW-P	90-10-114
136-12-020	AMD	90-07-074	136-40-708	REP-C	90-13-001	148-171-640	NEW-P	90-10-114
136-12-030	AMD	90-07-074	136-40-712	REP-C	90-13-001	148-171-650	NEW-P	90-10-114
136-12-060	AMD	90-07-074	136-40-800	REP-C	90-13-001	148-276-010	NEW-P	90-10-115
136-12-070	AMD	90-07-074	136-40-804	REP-C	90-13-001	148-276-020	NEW-P	90-10-115
136-12-080	AMD	90-07-074	136-40-808	REP-C	90-13-001	148-276-030	NEW-P	90-10-115
136-14-010	AMD	90-07-075	136-40-812	REP-C	90-13-001	148-276-040	NEW-P	90-10-115
136-14-020	AMD	90-07-075	136-300-010	NEW-E	90-11-113	148-276-050	NEW-P	90-10-115
136-14-030	AMD	90-07-075	136-300-020	NEW-E	90-11-113	148-276-060	NEW-P	90-10-115
136-14-040	AMD	90-07-075	136-300-030	NEW-E	90-11-113	148-276-070	NEW-P	90-10-115
136-14-050	AMD	90-07-075	136-300-040	NEW-E	90-11-113	148-276-080	NEW-P	90-10-115
136-14-060	AMD	90-07-075	136-310-010	NEW-E	90-11-113	148-276-090	NEW-P	90-10-115
136-16-010	AMD	90-07-076	136-310-020	NEW-E	90-11-113	148-276-100	NEW-P	90-10-115
136-16-018	AMD	90-07-076	136-310-030	NEW-E	90-11-113	148-276-110	NEW-P	90-10-115
136-16-022	AMD	90-07-076	136-310-040	NEW-E	90-11-113	148-276-120	NEW-P	90-10-115
136-16-042	AMD	90-07-076	136-310-050	NEW-E	90-11-113	148-276-130	NEW-P	90-10-115
136-16-050	AMD	90-07-076	136-320-010	NEW-E	90-11-113	148-276-140	NEW-P	90-10-115
136-20-010	AMD-P	90-13-003	136-320-020	NEW-E	90-11-113	148-280-010	NEW-P	90-10-116
136-20-020	AMD-P	90-13-003	136-320-030	NEW-E	90-11-113	148-280-011	NEW-P	90-10-116
136-20-030	AMD-P	90-13-003	136-330-010	NEW-E	90-11-113	148-280-015	NEW-P	90-10-116
136-20-040	AMD-P	90-13-003	136-330-020	NEW-E	90-11-113	148-280-020	NEW-P	90-10-116
136-20-060	AMD-P	90-13-003	136-340-010	NEW-E	90-11-113	148-280-025	NEW-P	90-10-116
136-28-010	AMD-P	90-13-002	136-340-020	NEW-E	90-11-113	148-280-030	NEW-P	90-10-116
136-28-020	AMD-P	90-13-002	136-340-030	NEW-E	90-11-113	148-280-040	NEW-P	90-10-116
136-28-030	AMD-P	90-13-002	136-340-040	NEW-E	90-11-113	148-280-050	NEW-P	90-10-116
136-36-010	REP	90-07-077	136-340-050	NEW-E	90-11-113	148-280-055	NEW-P	90-10-116
136-36-020	REP	90-07-077	136-350-010	NEW-E	90-11-113	148-280-060	NEW-P	90-10-116
136-36-030	REP	90-07-077	136-350-020	NEW-E	90-11-113	148-280-070	NEW-P	90-10-116
136-36-040	REP	90-07-077	139-05-925	NEW-P	90-03-085	148-325-010	NEW-P	90-10-117
136-40-010	AMD-C	90-13-001	148-100-001	NEW	90-07-012	154-04-035	REP-P	90-02-086
136-40-020	AMD-C	90-13-001	148-108-010	NEW-P	90-10-110	154-04-035	REP	90-05-078
136-40-030	AMD-C	90-13-001	148-108-020	NEW-P	90-10-111	154-04-041	NEW-P	90-02-086
136-40-040	AMD-C	90-13-001	148-108-030	NEW-P	90-10-111	154-04-041	NEW	90-05-078
136-40-044	REP-C	90-13-001	148-108-040	NEW-P	90-10-111	154-04-110	REP-P	90-02-086
136-40-048	REP-C	90-13-001	148-108-050	NEW-P	90-10-111	154-08-050	REP	90-05-078
136-40-050	NEW-C	90-13-001	148-108-060	NEW-P	90-10-111	154-08-050	AMD-P	90-02-086
136-40-052	REP-C	90-13-001	148-108-070	NEW-P	90-10-111	154-12-010	AMD	90-05-078
136-40-060	NEW-C	90-13-001	148-108-080	NEW-P	90-10-111	154-12-010	AMD-P	90-02-086
136-40-100	REP-C	90-13-001	148-108-090	NEW-P	90-10-111	154-12-015	AMD	90-05-078
136-40-104	REP-C	90-13-001	148-108-100	NEW-P	90-10-111	154-12-015	AMD-P	90-02-086
136-40-108	REP-C	90-13-001	148-130-010	NEW-P	90-10-112	154-12-030	AMD	90-05-078
136-40-112	REP-C	90-13-001	148-130-020	NEW-P	90-10-112	154-12-030	AMD-P	90-02-086
136-40-116	REP-C	90-13-001	148-130-030	NEW-P	90-10-112	154-12-050	AMD	90-05-078
136-40-120	REP-C	90-13-001	148-130-035	NEW-P	90-10-112	154-12-050	AMD-P	90-02-086
136-40-124	REP-C	90-13-001	148-130-040	NEW-P	90-10-112	154-12-070	AMD	90-05-078
136-40-128	REP-C	90-13-001	148-130-050	NEW-P	90-10-112		AMD-P	90-02-086

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
154-12-070	AMD	90-05-078	173-19-4202	AMD-C	90-08-122	173-158-070	AMD-P	90-11-059
154-12-080	AMD-P	90-02-086	173-19-4202	AMD	90-11-072	173-158-084	NEW-P	90-11-059
154-12-080	AMD	90-05-078	173-19-4203	AMD-P	90-05-076	173-158-086	NEW-P	90-11-059
154-12-085	AMD-P	90-02-086	173-19-4203	AMD-C	90-08-122	173-158-100	REP-P	90-11-059
154-12-085	AMD	90-05-078	173-19-4204	AMD	90-11-072	173-158-110	REP-P	90-11-059
154-12-086	AMD-P	90-02-086	173-19-4204	AMD-P	90-05-076	173-158-120	AMD-P	90-11-059
154-12-086	AMD	90-05-078	173-19-4204	AMD-C	90-08-122	173-160-215	RE-AD	90-07-016
154-12-087	AMD-P	90-02-086	173-19-4204	AMD	90-11-072	173-166	AMD-P	90-02-096
154-12-087	AMD	90-05-078	173-19-4205	AMD-P	90-05-076	173-166	AMD-C	90-05-048
154-12-090	AMD-P	90-02-086	173-19-4205	AMD-C	90-08-122	173-166	AMD-C	90-06-010
154-12-090	AMD	90-05-078	173-19-4205	AMD	90-11-072	173-166	AMD-C	90-08-080
154-12-107	REP-P	90-02-086	173-19-4206	AMD-P	90-05-076	173-166-010	AMD-P	90-02-096
154-12-107	REP	90-05-078	173-19-4206	AMD-C	90-08-122	173-166-020	AMD-P	90-02-096
154-12-110	AMD-P	90-02-086	173-19-4206	AMD	90-11-072	173-166-030	AMD-P	90-02-096
154-12-110	AMD	90-05-078	173-19-4206	AMD-P	90-13-090	173-166-040	AMD-P	90-02-096
154-24-010	AMD-P	90-02-086	173-19-450	AMD-P	90-07-063	173-166-050	AMD-P	90-02-096
154-24-010	AMD	90-05-078	173-19-4507	AMD	90-07-063	173-166-050	AMD-P	90-02-096
154-24-010	AMD	90-05-078	173-32-010	AMD-P	90-11-122	173-166-060	AMD-P	90-02-096
154-32-010	AMD-P	90-02-086	173-32-020	AMD-P	90-11-122	173-166-070	AMD-P	90-02-096
154-32-010	AMD	90-05-078	173-32-030	AMD-P	90-11-122	173-166-080	NEW-P	90-02-096
154-32-020	AMD-P	90-02-086	173-32-040	AMD-P	90-11-122	173-166-080	NEW-P	90-02-096
154-32-020	AMD	90-05-078	173-32-040	AMD-P	90-11-122	173-166-090	NEW-P	90-02-096
154-40	AMD-P	90-02-086	173-50-010	RE-AD	90-07-017	173-166-100	NEW-P	90-02-096
154-40	AMD	90-05-078	173-50-020	RE-AD	90-07-017	173-166-110	NEW-P	90-02-096
154-40-010	AMD-P	90-02-086	173-50-030	RE-AD	90-07-017	173-166-120	NEW-P	90-02-096
154-40-010	AMD	90-05-078	173-50-030	RE-AD	90-07-017	173-166-130	NEW-P	90-02-096
154-40-010	AMD	90-05-078	173-50-040	RE-AD	90-07-017	173-166-130	NEW-P	90-02-096
154-44-010	AMD-P	90-02-086	173-50-040	AMD-P	90-12-086	173-170-010	NEW-P	90-13-104
154-44-010	AMD	90-05-078	173-50-050	RE-AD	90-07-017	173-170-010	NEW-P	90-13-104
154-44-010	AMD	90-05-078	173-50-050	AMD-P	90-12-086	173-170-020	NEW-P	90-13-104
154-64-050	AMD-P	90-02-086	173-50-050	AMD-P	90-12-086	173-170-030	NEW-P	90-13-104
154-64-050	AMD	90-05-078	173-50-060	RE-AD	90-07-017	173-170-040	NEW-P	90-13-104
162-08-091	REP-P	90-13-086	173-50-060	AMD-P	90-12-086	173-170-050	NEW-P	90-13-104
162-08-098	AMD-P	90-13-086	173-50-070	RE-AD	90-07-017	173-170-060	NEW-P	90-13-104
162-08-099	AMD-P	90-13-086	173-50-070	AMD-P	90-12-086	173-170-070	NEW-P	90-13-104
162-08-106	AMD-P	90-13-086	173-50-080	RE-AD	90-07-017	173-170-080	NEW-P	90-13-104
173-06-030	RE-AD	90-07-014	173-50-080	AMD-P	90-12-086	173-170-090	NEW-P	90-13-104
173-18-090	AMD-C	90-02-107	173-50-090	RE-AD	90-07-017	173-170-100	NEW-P	90-13-104
173-18-090	AMD	90-06-068	173-50-090	AMD-P	90-12-086	173-170-110	NEW-P	90-13-104
173-18-090	AMD-E	90-06-069	173-50-100	RE-AD	90-07-017	173-170-120	NEW-P	90-13-104
173-18-200	AMD-C	90-02-107	173-50-100	AMD-P	90-12-086	173-200-010	NEW-P	90-11-074
173-18-200	AMD	90-06-068	173-50-110	RE-AD	90-07-017	173-200-010	NEW-P	90-11-074
173-18-200	AMD-E	90-06-069	173-50-110	AMD-P	90-12-086	173-200-020	NEW-P	90-11-074
173-18-200	AMD-E	90-06-069	173-50-120	RE-AD	90-07-017	173-200-030	NEW-P	90-11-074
173-19-1104	AMD	90-02-105	173-50-120	AMD-P	90-12-086	173-200-040	NEW-P	90-11-074
173-19-120	AMD-P	90-13-091	173-50-130	RE-AD	90-07-017	173-200-050	NEW-P	90-11-074
173-19-220	AMD-P	90-03-112	173-50-130	AMD-P	90-12-086	173-200-060	NEW-P	90-11-074
173-19-220	AMD-C	90-07-061	173-50-140	AMD-P	90-12-086	173-200-070	NEW-P	90-11-074
173-19-220	AMD-C	90-08-122	173-50-140	RE-AD	90-07-017	173-200-080	NEW-P	90-11-074
173-19-220	AMD	90-11-072	173-50-140	AMD-P	90-12-086	173-200-090	NEW-P	90-11-074
173-19-220	AMD	90-13-079	173-50-150	RE-AD	90-07-017	173-200-100	NEW-P	90-11-074
173-19-240	RE-AD	90-07-027	173-50-150	AMD-P	90-12-086	173-216-125	NEW-P	90-12-086
173-19-2401	RE-AD	90-07-027	173-50-160	RE-AD	90-07-017	173-220-210	AMD-P	90-12-086
173-19-2505	AMD	90-06-067	173-50-170	RE-AD	90-07-017	173-221A-010	NEW-P	90-06-071
173-19-2510	AMD-P	90-13-092	173-50-180	RE-AD	90-07-017	173-221A-020	NEW-P	90-06-071
173-19-2512	AMD	90-06-106	173-50-190	RE-AD	90-07-017	173-221A-030	NEW-P	90-06-071
173-19-2517	AMD-P	90-09-097	173-50-190	AMD-P	90-12-086	173-221A-100	NEW-P	90-06-071
173-19-2519	AMD	90-02-101	173-50-200	RE-AD	90-07-017	173-221A-150	NEW-P	90-06-071
173-19-2520	AMD-P	90-05-074	173-50-200	AMD-P	90-12-086	173-224-015	RE-AD	90-07-015
173-19-280	AMD-P	90-09-096	173-50-210	RE-AD	90-07-017	173-224-020	RE-AD	90-07-015
173-19-3514	AMD-P	90-03-110	173-50-210	AMD-P	90-12-086	173-224-030	RE-AD	90-07-015
173-19-3514	AMD-C	90-08-122	173-50-220	NEW	90-12-086	173-224-040	RE-AD	90-07-015
173-19-3514	AMD	90-11-072	173-142-010	REP-P	90-11-059	173-224-050	RE-AD	90-07-015
173-19-360	AMD-P	90-03-111	173-142-020	REP-P	90-11-059	173-224-060	RE-AD	90-07-015
173-19-360	AMD-C	90-06-024	173-142-030	REP-P	90-11-059	173-224-070	RE-AD	90-07-015
173-19-360	RE-AD	90-07-026	173-142-040	REP-P	90-11-059	173-224-080	RE-AD	90-07-015
173-19-360	AMD-C	90-08-122	173-142-050	REP-P	90-11-059	173-224-090	RE-AD	90-07-015
173-19-360	AMD	90-11-072	173-142-070	REP-P	90-11-059	173-224-100	RE-AD	90-07-015
173-19-360	AMD	90-13-089	173-142-080	REP-P	90-11-059	173-224-110	RE-AD	90-07-015
173-19-3601	AMD-P	90-05-075	173-142-090	REP-P	90-11-059	173-224-120	RE-AD	90-07-015
173-19-3601	AMD-C	90-08-122	173-142-100	REP-P	90-11-059	173-303	PREP	90-06-002
173-19-3601	AMD	90-11-072	173-142-110	REP-P	90-11-059	173-303-281	AMD-P	90-10-085
173-19-390	RE-AD	90-07-025	173-158	AMD-P	90-11-059	173-303-282	NEW-P	90-10-085
173-19-3910	RE-AD	90-07-028	173-158-010	AMD-P	90-11-059	173-303-355	NEW-P	90-10-085
173-19-420	AMD-C	90-05-077	173-158-020	AMD-P	90-11-059	173-303-420	REP-P	90-10-085
173-19-420	AMD-C	90-08-122	173-158-030	RE-AD	90-06-059	173-303-806	AMD-P	90-10-085
173-19-420	AMD	90-11-072	173-158-030	AMD-P	90-11-059	173-306-010	NEW-P	90-02-088
173-19-4201	AMD-P	90-05-076	173-158-040	AMD-P	90-11-059	173-306-010	NEW	90-10-047
173-19-4201	AMD-C	90-08-122	173-158-045	NEW-P	90-11-059	173-306-050	NEW-P	90-02-088
173-19-4201	AMD	90-11-072	173-158-060	RE-AD	90-06-059	173-306-050	NEW	90-10-047
173-19-4202	AMD-P	90-05-076	173-158-060	REP-P	90-11-059	173-306-100	NEW-P	90-02-088
			173-158-064	NEW-P	90-11-059	173-306-100	NEW	90-10-047

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
173-306-150	NEW-P	90-02-088	173-322-110	NEW	90-10-057	173-340-340	NEW-W	90-02-097
173-306-150	NEW	90-10-047	173-322-120	NEW	90-10-057	173-340-340	NEW-P	90-02-098
173-306-200	NEW-P	90-02-088	173-336-010	REP-W	90-02-097	173-340-340	NEW	90-08-086
173-306-200	NEW	90-10-047	173-336-010	REP-P	90-02-098	173-340-350	NEW-W	90-02-097
173-306-300	NEW-P	90-02-088	173-336-010	REP	90-08-120	173-340-350	NEW-P	90-02-098
173-306-300	NEW	90-10-047	173-336-020	REP-W	90-02-097	173-340-350	NEW	90-08-086
173-306-310	NEW-P	90-02-088	173-336-020	REP-P	90-02-098	173-340-360	NEW-W	90-02-097
173-306-310	NEW	90-10-047	173-336-020	REP	90-08-120	173-340-360	NEW-P	90-02-098
173-306-320	NEW-P	90-02-088	173-336-030	REP-W	90-02-097	173-340-360	NEW	90-08-086
173-306-320	NEW	90-10-047	173-336-030	REP-P	90-02-098	173-340-400	NEW-W	90-02-097
173-306-330	NEW-P	90-02-088	173-336-030	REP	90-08-120	173-340-400	NEW-P	90-02-098
173-306-330	NEW	90-10-047	173-338-010	REP-W	90-02-097	173-340-400	NEW	90-08-086
173-306-340	NEW-P	90-02-088	173-338-010	REP-P	90-02-098	173-340-410	NEW-W	90-02-097
173-306-340	NEW	90-10-047	173-338-010	REP	90-08-120	173-340-410	NEW-P	90-02-098
173-306-345	NEW-P	90-02-088	173-338-020	REP-W	90-02-097	173-340-410	NEW	90-08-086
173-306-345	NEW	90-10-047	173-338-020	REP-P	90-02-098	173-340-420	NEW-W	90-02-097
173-306-350	NEW-P	90-02-088	173-338-020	REP	90-08-120	173-340-420	NEW-P	90-02-098
173-306-350	NEW	90-10-047	173-338-020	REP-W	90-02-097	173-340-420	NEW	90-08-086
173-306-400	NEW-P	90-02-088	173-338-030	REP-P	90-02-098	173-340-430	NEW-W	90-02-097
173-306-400	NEW	90-10-047	173-338-030	REP	90-08-120	173-340-430	NEW-P	90-02-098
173-306-405	NEW-P	90-02-088	173-338-040	REP-W	90-02-097	173-340-430	NEW	90-08-086
173-306-405	NEW	90-10-047	173-338-040	REP-P	90-02-098	173-340-500	NEW-W	90-02-097
173-306-410	NEW-P	90-02-088	173-338-040	REP	90-08-120	173-340-500	NEW-P	90-02-098
173-306-410	NEW	90-10-047	173-338-050	REP-W	90-02-097	173-340-500	NEW	90-08-086
173-306-440	NEW-P	90-02-088	173-338-050	REP-P	90-02-098	173-340-510	NEW-W	90-02-097
173-306-440	NEW	90-10-047	173-338-050	REP	90-08-120	173-340-510	NEW-P	90-02-098
173-306-450	NEW-P	90-02-088	173-340	AMD-W	90-02-097	173-340-510	NEW	90-08-086
173-306-450	NEW	90-10-047	173-340	AMD-P	90-02-098	173-340-520	NEW-W	90-02-097
173-306-470	NEW-P	90-02-088	173-340	AMD	90-08-086	173-340-520	NEW-P	90-02-098
173-306-470	NEW	90-10-047	173-340-010	REP-W	90-02-097	173-340-520	NEW	90-08-086
173-306-480	NEW-P	90-02-088	173-340-010	REP-P	90-02-098	173-340-530	NEW-W	90-02-097
173-306-480	NEW	90-10-047	173-340-010	REP	90-08-086	173-340-530	NEW-P	90-02-098
173-306-490	NEW-P	90-02-088	173-340-020	REP-W	90-02-097	173-340-530	NEW	90-08-086
173-306-490	NEW	90-10-047	173-340-020	REP-P	90-02-098	173-340-540	NEW-W	90-02-097
173-306-495	NEW-P	90-02-088	173-340-020	REP	90-08-086	173-340-540	NEW-P	90-02-098
173-306-495	NEW	90-10-047	173-340-030	REP-W	90-02-097	173-340-540	NEW	90-08-086
173-306-500	NEW-P	90-02-088	173-340-030	REP-P	90-02-098	173-340-550	NEW-W	90-02-097
173-306-500	NEW	90-10-047	173-340-030	REP	90-08-086	173-340-550	NEW-P	90-02-098
173-306-900	NEW-P	90-02-088	173-340-040	REP-W	90-02-097	173-340-550	NEW	90-08-086
173-306-900	NEW	90-10-047	173-340-040	REP-P	90-02-098	173-340-560	NEW-W	90-02-097
173-306-9901	NEW-P	90-02-088	173-340-040	REP	90-08-086	173-340-560	NEW-P	90-02-098
173-306-9901	NEW	90-10-047	173-340-050	REP-W	90-02-097	173-340-560	NEW	90-08-086
173-309-010	AMD-P	90-11-122	173-340-050	REP-P	90-02-098	173-340-600	NEW-W	90-02-097
173-309-020	AMD-P	90-11-122	173-340-050	REP	90-08-086	173-340-600	NEW-P	90-02-098
173-309-030	AMD-P	90-11-122	173-340-100	NEW-W	90-02-097	173-340-600	NEW	90-08-086
173-309-040	AMD-P	90-11-122	173-340-100	NEW-P	90-02-098	173-340-610	NEW-W	90-02-097
173-309-050	AMD-P	90-11-122	173-340-100	NEW	90-08-086	173-340-610	NEW-P	90-02-098
173-309-060	AMD-P	90-11-122	173-340-110	NEW-W	90-02-097	173-340-610	NEW	90-08-086
173-309-070	AMD-P	90-11-122	173-340-110	NEW-P	90-02-098	173-340-700	NEW-W	90-02-097
173-309-080	AMD-P	90-11-122	173-340-110	NEW	90-08-086	173-340-700	NEW-P	90-02-098
173-309-090	AMD-P	90-11-122	173-340-120	NEW-W	90-02-097	173-340-700	NEW	90-08-086
173-311-010	NEW-P	90-12-094	173-340-120	NEW-P	90-02-098	173-340-800	NEW-W	90-02-097
173-311-020	NEW-P	90-12-094	173-340-120	NEW	90-08-086	173-340-800	NEW-P	90-02-098
173-311-030	NEW-P	90-12-094	173-340-130	NEW-W	90-02-097	173-340-800	NEW	90-08-086
173-311-040	NEW-P	90-12-094	173-340-130	NEW-P	90-02-098	173-340-810	NEW-W	90-02-097
173-311-050	NEW-P	90-12-094	173-340-130	NEW	90-08-086	173-340-810	NEW-P	90-02-098
173-312-010	AMD-P	90-11-122	173-340-140	NEW-W	90-02-097	173-340-810	NEW	90-08-086
173-312-020	AMD-P	90-11-122	173-340-140	NEW-P	90-02-098	173-340-820	NEW-W	90-02-097
173-312-030	AMD-P	90-11-122	173-340-140	NEW	90-08-086	173-340-820	NEW-P	90-02-098
173-312-040	AMD-P	90-11-122	173-340-200	NEW-W	90-02-097	173-340-820	NEW	90-08-086
173-312-050	AMD-P	90-11-122	173-340-200	NEW-P	90-02-098	173-340-830	NEW-W	90-02-097
173-315-010	AMD	90-10-058	173-340-200	NEW	90-08-086	173-340-830	NEW-P	90-02-098
173-315-040	AMD	90-10-058	173-340-210	NEW-W	90-02-097	173-340-830	NEW	90-08-086
173-315-050	AMD	90-10-058	173-340-210	NEW-P	90-02-098	173-340-840	NEW-W	90-02-097
173-315-060	AMD-P	90-12-094	173-340-210	NEW	90-08-086	173-340-840	NEW-P	90-02-098
173-321-040	AMD-P	90-11-123	173-340-300	NEW-W	90-02-097	173-340-840	NEW	90-08-086
173-321-050	AMD-P	90-11-123	173-340-300	NEW-P	90-02-098	173-340-850	NEW-W	90-02-097
173-322-010	NEW	90-10-057	173-340-300	NEW	90-08-086	173-340-850	NEW-P	90-02-098
173-322-020	NEW	90-10-057	173-340-310	NEW-W	90-02-097	173-340-850	NEW	90-08-086
173-322-030	NEW	90-10-057	173-340-310	NEW-P	90-02-098	173-340-860	NEW-W	90-02-097
173-322-040	NEW	90-10-057	173-340-310	NEW	90-08-086	173-340-860	NEW-P	90-02-098
173-322-050	NEW	90-10-057	173-340-320	NEW-W	90-02-097	173-340-860	NEW	90-08-086
173-322-060	NEW	90-10-057	173-340-320	NEW-P	90-02-098	173-340-870	NEW-W	90-02-097
173-322-070	NEW	90-10-057	173-340-320	NEW	90-08-086	173-340-870	NEW-P	90-02-098
173-322-080	NEW	90-10-057	173-340-330	NEW-W	90-02-097	173-340-870	NEW	90-08-086
173-322-090	NEW	90-10-057	173-340-330	NEW-P	90-02-098	173-340-880	NEW-W	90-02-097
173-322-100	NEW	90-10-057	173-340-330	NEW	90-08-086	173-340-880	NEW-P	90-02-098

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
174-128-090	REP	90-04-011	174-168-020	NEW-C	90-10-001	180-24-350	AMD-P	90-13-083
174-128-990	REP	90-04-011	174-168-020	NEW	90-13-028	180-25-005	AMD-P	90-13-083
174-130-010	NEW	90-04-011	174-168-030	NEW-P	90-04-028	180-25-015	AMD-P	90-13-083
174-130-020	NEW	90-04-011	174-168-030	NEW-C	90-10-001	180-25-025	AMD	90-04-031
174-131-010	NEW	90-04-011	174-168-030	NEW	90-13-028	180-25-300	REP	90-04-032
174-132	AMD	90-04-011	174-168-040	NEW-P	90-04-028	180-26-005	AMD-P	90-13-083
174-132-010	AMD	90-04-011	174-168-040	NEW-C	90-10-001	180-27-005	AMD-P	90-13-083
174-132-020	REP	90-04-011	174-168-040	NEW	90-13-028	180-27-015	AMD-P	90-13-083
174-132-030	REP	90-04-011	174-168-050	NEW-P	90-04-028	180-27-020	AMD-P	90-13-083
174-132-040	REP	90-04-011	174-168-050	NEW-C	90-10-001	180-27-025	AMD-P	90-13-083
174-132-050	REP	90-04-011	174-168-050	NEW	90-13-028	180-27-030	AMD-P	90-13-083
174-132-060	REP	90-04-011	174-168-060	NEW-P	90-04-028	180-27-050	AMD	90-04-031
174-132-070	REP	90-04-011	174-168-060	NEW-C	90-10-001	180-27-058	AMD	90-04-031
174-132-080	REP	90-04-011	174-168-060	NEW	90-13-028	180-27-115	AMD-P	90-13-083
174-132-090	REP	90-04-011	174-168-070	NEW-P	90-04-028	180-27-405	AMD-P	90-13-083
174-132-100	REP	90-04-011	174-168-070	NEW-C	90-10-001	180-27-415	AMD-P	90-13-083
174-132-110	REP	90-04-011	174-168-070	NEW	90-13-028	180-27-425	NEW	90-04-031
174-132-120	REP	90-04-011	174-168-080	NEW-P	90-04-028	180-29-005	AMD-P	90-13-083
174-133-010	NEW	90-04-011	174-168-080	NEW-C	90-10-001	180-29-080	AMD-P	90-13-083
174-133-020	NEW	90-04-011	174-168-080	NEW	90-13-028	180-29-105	AMD-P	90-13-083
174-135-010	NEW	90-04-011	174-168-080	NEW	90-04-011	180-29-110	AMD-P	90-13-083
174-136-010	REP	90-04-011	174-276-010	NEW	90-04-011	180-29-300	REP	90-04-032
174-136-011	REP	90-04-011	174-276-020	NEW	90-04-011	180-30-015	AMD-P	90-13-083
174-136-012	REP	90-04-011	174-276-030	NEW	90-04-011	180-30-105	AMD-P	90-13-083
174-136-013	REP	90-04-011	174-276-040	NEW	90-04-011	180-30-220	AMD-P	90-13-083
174-136-014	REP	90-04-011	174-276-050	NEW	90-04-011	180-30-450	AMD-P	90-13-083
174-136-015	REP	90-04-011	174-276-060	NEW	90-04-011	180-30-460	AMD-P	90-13-083
174-136-016	REP	90-04-011	174-276-070	NEW	90-04-011	180-30-495	AMD-P	90-13-083
174-136-017	REP	90-04-011	174-276-080	NEW	90-04-011	180-30-725	AMD-P	90-13-083
174-136-018	REP	90-04-011	174-276-090	NEW	90-04-011	180-31-005	AMD-P	90-13-083
174-136-019	REP	90-04-011	174-276-100	NEW	90-04-011	180-32-005	AMD-P	90-13-083
174-136-02001	REP	90-04-011	174-276-110	NEW	90-04-011	180-32-005	AMD-P	90-13-083
174-136-021	REP	90-04-011	174-276-120	NEW	90-04-011	180-33-005	AMD-P	90-13-083
174-136-022	REP	90-04-011	174-280-010	NEW	90-04-011	180-33-020	AMD-P	90-13-083
174-136-022	REP	90-04-011	174-280-015	NEW	90-04-011	180-33-030	AMD-P	90-13-083
174-136-040	REP-W	90-11-067	174-280-020	NEW	90-04-011	180-33-005	AMD-P	90-13-083
174-136-042	REP-W	90-11-067	174-280-025	NEW	90-04-011	180-34-005	AMD-P	90-13-083
174-136-060	REP	90-04-011	174-280-025	NEW	90-04-011	180-34-010	AMD-P	90-13-083
174-136-080	REP	90-04-011	174-280-030	NEW	90-04-011	180-36-005	AMD-P	90-13-083
174-136-080	REP	90-04-011	174-280-035	NEW	90-04-011	180-38-005	AMD-P	90-13-083
174-136-090	REP	90-04-011	174-280-040	NEW	90-04-011	180-38-005	AMD-P	90-13-083
174-136-100	REP	90-04-011	174-280-040	NEW	90-04-011	180-38-025	AMD-P	90-13-083
174-136-100	REP	90-04-011	174-280-045	NEW	90-04-011	180-38-030	AMD-P	90-13-083
174-136-110	REP	90-04-011	174-280-045	NEW	90-04-011	180-38-030	AMD-P	90-13-083
174-136-110	REP	90-04-011	174-400-010	NEW	90-05-031	180-38-040	AMD-P	90-13-083
174-136-120	REP	90-04-011	180-10-003	AMD-P	90-13-083	180-38-045	AMD-P	90-13-083
174-136-130	REP	90-04-011	180-16-002	AMD-P	90-13-083	180-38-050	AMD-P	90-13-083
174-136-140	REP	90-04-011	180-16-006	AMD-P	90-13-083	180-39-005	AMD-P	90-13-083
174-136-160	REP	90-04-011	180-16-164	AMD-P	90-13-083	180-39-020	AMD-P	90-13-083
174-136-170	REP	90-04-011	180-16-180	AMD-P	90-13-083	180-40-200	AMD-P	90-13-083
174-136-170	REP	90-04-011	180-16-223	AMD-P	90-13-083	180-40-210	AMD-P	90-13-083
174-136-210	REP	90-04-011	180-16-240	AMD-P	90-13-083	180-40-210	AMD-P	90-13-083
174-136-220	REP	90-04-011	180-20-100	AMD-P	90-13-083	180-40-225	AMD-P	90-13-083
174-136-230	REP	90-04-011	180-20-105	AMD-P	90-13-083	180-40-235	AMD-P	90-13-082
174-136-240	REP	90-04-011	180-20-105	AMD-P	90-13-083	180-40-245	AMD-P	90-13-083
174-136-250	REP	90-04-011	180-20-106	AMD-P	90-13-083	180-40-260	AMD-P	90-13-083
174-136-300	REP	90-04-011	180-20-200	AMD-P	90-13-083	180-40-275	AMD-P	90-13-083
174-136-310	REP	90-04-011	180-22-100	AMD-P	90-13-083	180-41-010	AMD-P	90-13-083
174-136-320	REP	90-04-011	180-23-037	AMD-P	90-13-083	180-43-005	AMD-P	90-13-083
174-136-330	REP	90-04-011	180-23-043	AMD-P	90-13-083	180-43-010	AMD-P	90-13-083
174-157-600	REP	90-04-011	180-23-065	AMD-P	90-13-083	180-43-015	AMD-P	90-13-083
174-157-610	REP	90-04-011	180-23-077	AMD-P	90-13-083	180-44-005	AMD-P	90-13-083
174-157-620	REP	90-04-011	180-23-090	AMD-P	90-13-083	180-46-005	AMD-P	90-13-083
174-157-990	REP	90-04-011	180-23-120	AMD-P	90-13-083	180-50-100	AMD-P	90-13-083
174-160-010	REP	90-04-011	180-24-003	AMD-P	90-13-083	180-50-105	AMD-P	90-13-083
174-160-020	REP	90-04-011	180-24-007	AMD-P	90-13-083	180-50-115	AMD-P	90-13-083
174-160-030	REP	90-04-011	180-24-008	AMD-P	90-13-083	180-50-120	AMD-P	90-13-083
174-160-040	REP	90-04-011	180-24-013	AMD-P	90-13-083	180-50-125	AMD-P	90-13-083
174-162-010	REP	90-04-011	180-24-021	AMD-P	90-13-083	180-50-130	AMD-P	90-13-083
174-162-015	REP	90-04-011	180-24-021	AMD-P	90-13-083	180-50-135	AMD-P	90-13-083
174-162-020	REP	90-04-011	180-24-080	AMD-P	90-13-083	180-51-005	AMD-P	90-13-083
174-162-025	REP	90-04-011	180-24-115	AMD-P	90-13-083	180-51-075	AMD-P	90-13-083
174-162-030	REP	90-04-011	180-24-120	AMD-P	90-13-083	180-51-080	AMD-P	90-13-083
174-162-035	REP	90-04-011	180-24-125	AMD-P	90-13-083	180-51-085	AMD-P	90-13-083
174-162-040	REP	90-04-011	180-24-130	AMD-P	90-13-083	180-51-100	AMD-P	90-13-083
174-162-045	REP	90-04-011	180-24-140	AMD-P	90-13-083	180-51-105	AMD-P	90-13-083
174-168-010	NEW-W	90-03-037	180-24-200	AMD-P	90-13-083	180-51-115	AMD-P	90-13-083
174-168-010	NEW-P	90-04-028	180-24-205	AMD-P	90-13-083	180-52-015	AMD-P	90-13-083
174-168-010	NEW-C	90-10-001	180-24-305	AMD-P	90-13-083	180-53-005	AMD-P	90-13-083
174-168-010	NEW	90-13-028	180-24-312	AMD-P	90-13-083	180-55-005	AMD-P	90-13-083
174-168-020	NEW-W	90-03-037	180-24-320	AMD-P	90-13-083	180-55-015	AMD-P	90-13-083
174-168-020	NEW-P	90-04-028	180-24-330	AMD-P	90-13-083	180-56-205	AMD-P	90-13-083
174-168-020	NEW-P	90-04-028	180-24-335	AMD-P	90-13-083			

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180-57-005	AMD-P	90-13-083	180-79-230	AMD-E	90-09-027	180-87-015	NEW	90-02-075
180-57-100	AMD-P	90-13-083	180-79-230	AMD	90-12-075	180-87-020	NEW	90-02-075
180-58-015	AMD-P	90-13-083	180-79-245	AMD-P	90-08-114	180-87-025	NEW	90-02-075
180-58-075	AMD-P	90-13-083	180-79-245	AMD	90-12-075	180-87-030	NEW	90-02-075
180-59-005	AMD-P	90-13-083	180-79-362	AMD-P	90-08-114	180-87-035	NEW	90-02-075
180-59-035	AMD-P	90-13-083	180-79-362	AMD	90-12-075	180-87-040	NEW	90-02-075
180-59-145	AMD-P	90-13-083	180-79-364	AMD-P	90-08-114	180-87-045	NEW	90-02-075
180-72-045	AMD-P	90-13-083	180-79-364	AMD	90-12-075	180-87-050	NEW	90-02-075
180-75-003	AMD-P	90-13-083	180-81-003	AMD-P	90-13-083	180-87-055	NEW	90-02-075
180-75-005	AMD	90-02-073	180-85-045	AMD-P	90-08-115	180-87-060	NEW	90-02-075
180-75-018	REP	90-02-073	180-85-045	AMD	90-12-076	180-87-065	NEW	90-02-075
180-75-019	REP	90-02-073	180-85-080	REP-P	90-08-115	180-87-070	NEW	90-02-075
180-75-020	REP	90-02-073	180-85-080	REP	90-12-076	180-87-080	NEW	90-02-075
180-75-025	REP	90-02-073	180-85-083	REP-P	90-08-115	180-87-085	NEW	90-02-075
180-75-026	REP	90-02-073	180-85-083	REP	90-12-076	180-87-090	NEW	90-02-075
180-75-027	REP	90-02-073	180-85-085	AMD-P	90-08-115	180-87-095	NEW	90-02-075
180-75-030	REP	90-02-073	180-85-085	AMD	90-12-076	180-90-105	AMD-P	90-13-083
180-75-033	REP	90-02-073	180-85-100	AMD-P	90-08-115	180-90-125	AMD-P	90-13-083
180-75-034	REP	90-02-073	180-85-100	AMD	90-12-076	180-90-150	AMD-P	90-13-083
180-75-035	REP	90-02-073	180-85-105	AMD-P	90-08-115	180-90-160	AMD-P	90-13-083
180-75-037	REP	90-02-073	180-85-105	AMD	90-12-076	180-95-005	AMD-P	90-13-083
180-75-038	REP	90-02-073	180-85-106	NEW-P	90-08-115	180-95-010	AMD-P	90-13-083
180-75-039	REP	90-02-073	180-85-106	NEW	90-12-076	180-96-005	AMD-P	90-13-083
180-75-040	REP	90-02-073	180-85-107	NEW-P	90-08-115	180-96-050	AMD-P	90-13-083
180-75-042	REP	90-02-073	180-85-107	NEW	90-12-076	180-110-010	AMD-P	90-13-083
180-75-043	REP	90-02-073	180-85-108	NEW-P	90-08-115	180-115-005	AMD-P	90-13-083
180-75-044	REP	90-02-073	180-85-108	NEW	90-12-076	182-12-115	AMD-P	90-04-087
180-75-045	AMD	90-02-073	180-85-109	NEW-P	90-08-115	182-12-115	AMD	90-12-037
180-75-061	AMD-P	90-08-112	180-85-109	NEW	90-12-076	192-12-050	AMD	90-08-028
180-75-061	AMD	90-12-121	180-85-110	AMD-P	90-08-115	192-12-350	NEW	90-08-028
180-75-065	AMD-P	90-08-112	180-85-110	AMD	90-12-076	192-12-355	NEW	90-08-028
180-75-065	AMD-P	90-13-083	180-85-115	AMD-P	90-08-115	192-12-360	NEW	90-08-028
180-75-081	AMD	90-02-073	180-85-115	AMD	90-12-076	192-12-365	NEW	90-08-028
180-75-084	REP	90-02-073	180-85-202	REP-P	90-08-115	192-16-004	NEW-E	90-09-057
180-75-085	AMD-P	90-13-083	180-85-202	REP	90-12-076	192-16-004	NEW-P	90-11-120
180-75-086	REP	90-02-073	180-85-205	AMD-P	90-08-115	192-28-115	AMD-P	90-11-119
180-75-087	AMD-P	90-13-083	180-85-205	AMD	90-12-076	192-28-122	NEW-P	90-11-121
180-75-090	AMD-P	90-08-112	180-86-003	NEW	90-02-076	192-28-130	AMD-P	90-11-119
180-75-090	AMD	90-12-121	180-86-005	NEW	90-02-076	192-28-145	NEW-P	90-11-121
180-75-100	AMD-P	90-13-083	180-86-010	NEW	90-02-076	192-28-150	NEW-P	90-11-121
180-75-199	REP	90-02-073	180-86-012	NEW	90-02-076	196-08-030	REP	90-05-071
180-78-003	AMD-P	90-13-083	180-86-015	NEW	90-02-076	196-24-090	AMD	90-05-071
180-78-010	AMD-P	90-13-083	180-86-020	NEW	90-02-076	196-24-092	NEW	90-05-071
180-78-057	AMD-P	90-08-113	180-86-030	NEW	90-02-076	196-26-020	AMD	90-03-028
180-78-057	AMD	90-12-073	180-86-035	NEW	90-02-076	196-26-020	AMD-E	90-04-010
180-78-130	AMD-P	90-13-083	180-86-040	NEW	90-02-076	196-27-020	AMD	90-05-071
180-78-191	AMD	90-02-074	180-86-050	NEW	90-02-076	204-30-010	NEW-P	90-10-076
180-78-191	AMD	90-02-104	180-86-055	NEW	90-02-076	204-30-010	NEW	90-13-060
180-78-192	REP	90-02-074	180-86-065	NEW	90-02-076	204-30-020	NEW-P	90-10-076
180-78-192	REP	90-02-104	180-86-070	NEW	90-02-076	204-30-020	NEW	90-13-060
180-78-193	REP	90-02-074	180-86-075	NEW	90-02-076	204-30-030	NEW-P	90-10-076
180-78-193	REP	90-02-104	180-86-085	NEW	90-02-076	204-30-030	NEW	90-13-060
180-78-194	REP	90-02-074	180-86-090	NEW	90-02-076	204-30-040	NEW-P	90-10-076
180-78-194	REP	90-02-104	180-86-095	NEW	90-02-076	204-30-040	NEW	90-13-060
180-78-195	REP	90-02-074	180-86-097	NEW	90-02-076	204-30-050	NEW-P	90-10-076
180-78-195	REP	90-02-104	180-86-100	NEW	90-02-076	204-30-050	NEW	90-13-060
180-78-197	REP	90-02-074	180-86-105	NEW	90-02-076	204-30-060	NEW-P	90-10-076
180-78-197	REP	90-02-104	180-86-110	NEW	90-02-076	204-30-060	NEW	90-13-060
180-78-198	REP	90-02-074	180-86-115	NEW	90-02-076	204-30-070	NEW-P	90-10-076
180-78-198	REP	90-02-104	180-86-120	NEW	90-02-076	204-30-070	NEW	90-13-060
180-78-199	REP	90-02-074	180-86-130	NEW	90-02-076	204-30-080	NEW-P	90-10-076
180-78-199	REP	90-02-104	180-86-135	NEW	90-02-076	204-30-080	NEW	90-13-060
180-78-225	AMD-P	90-13-083	180-86-140	NEW	90-02-076	204-30-080	NEW	90-13-060
180-79-045	AMD-P	90-08-114	180-86-145	NEW	90-02-076	204-36-030	AMD-P	90-04-023
180-79-045	AMD	90-12-075	180-86-155	NEW	90-02-076	204-36-030	AMD	90-07-034
180-79-049	AMD-P	90-08-114	180-86-160	NEW	90-02-076	204-36-040	AMD-P	90-04-023
180-79-049	AMD	90-12-075	180-86-165	NEW	90-02-076	204-36-040	AMD	90-07-034
180-79-060	AMD-P	90-08-114	180-86-170	NEW	90-02-076	204-36-050	AMD-P	90-04-023
180-79-060	AMD	90-12-075	180-86-175	NEW	90-02-076	204-36-050	AMD	90-07-034
180-79-065	AMD-P	90-08-114	180-86-180	NEW	90-02-076	204-36-060	AMD-P	90-04-023
180-79-065	AMD	90-12-075	180-86-185	NEW	90-02-076	204-36-060	AMD	90-07-034
180-79-075	AMD-P	90-08-114	180-86-190	NEW	90-02-076	204-44-010	AMD	90-06-055
180-79-075	AMD	90-12-075	180-86-195	NEW	90-02-076	204-44-030	AMD	90-06-055
180-79-080	AMD-P	90-08-114	180-86-200	NEW	90-02-076	204-48-020	AMD-P	90-08-023
180-79-080	AMD	90-12-075	180-87-001	NEW	90-02-075	204-48-020	AMD-	90-11-021
180-79-080	AMD	90-12-075	180-87-003	NEW	90-02-075	204-68-010	REP-P	90-13-061
180-79-230	AMD-E	90-08-111	180-87-005	NEW	90-02-075	204-68-020	REP-P	90-13-061

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204-68-050	REP-P	90-13-061	220-20-025	AMD	90-06-045	220-52-03000F	NEW-E	90-11-012
204-68-060	REP-P	90-13-061	220-22-020	AMD	90-03-068	220-52-05100D	NEW-E	90-10-035
204-68-070	REP-P	90-13-061	220-22-030	AMD-P	90-09-093	220-52-05100E	NEW-E	90-11-030
204-68-080	REP-P	90-13-061	220-22-030	AMD	90-13-025	220-52-07100E	NEW-E	90-10-051
204-68-090	REP-P	90-13-061	220-24-02000L	NEW-E	90-10-033	220-52-07100E	REP-E	90-11-060
204-68-100	REP-P	90-13-061	220-24-02000L	REP-E	90-11-046	220-52-07100F	NEW-E	90-11-060
204-68-110	REP-P	90-13-061	220-24-02000M	NEW-E	90-11-046	220-52-07100G	NEW-E	90-13-024
204-68-120	REP-P	90-13-061	220-24-02000M	REP-E	90-11-086	220-52-07300H	NEW-E	90-03-067
204-68-130	REP-P	90-13-061	220-24-02000N	NEW-E	90-11-086	220-55-010	AMD-P	90-08-008
204-68-140	REP-P	90-13-061	220-24-02000N	REP-E	90-12-010	220-55-01000A	NEW-E	90-07-040
204-74-010	NEW-P	90-13-062	220-24-02000P	NEW-E	90-12-010	220-55-01000A	REP-E	90-08-034
204-74-020	NEW-P	90-13-062	220-24-02000P	REP-E	90-12-036	220-55-01000B	NEW-E	90-08-034
204-74-030	NEW-P	90-13-062	220-24-02000Q	NEW-E	90-12-036	220-55-015	AMD-P	90-08-008
204-74-040	NEW-P	90-13-062	220-24-02000Q	REP-E	90-13-007	220-55-086	AMD	90-03-068
204-74-050	NEW-P	90-13-062	220-24-02000R	NEW-E	90-13-007	220-55-150	NEW	90-03-068
204-74-060	NEW-P	90-13-062	220-24-02000R	REP-E	90-13-034	220-56	AMD-C	90-06-025
204-74-070	NEW-P	90-13-062	220-24-02000S	NEW-E	90-13-034	220-56-105	AMD-P	90-02-112
204-74-080	NEW-P	90-13-062	220-28-41303	NEW-E	90-02-065	220-56-105	AMD	90-06-026
204-74A-010	NEW-P	90-13-062	220-32-05100X	REP-E	90-04-046	220-56-115	AMD-P	90-02-112
204-74A-020	NEW-P	90-13-062	220-32-05100Y	NEW-E	90-04-046	220-56-115	AMD	90-06-026
204-74A-030	NEW-P	90-13-062	220-32-05500U	NEW-E	90-10-053	220-56-125	AMD-P	90-02-112
204-74A-040	NEW-P	90-13-062	220-32-05700E	NEW-E	90-03-006	220-56-125	AMD	90-06-026
204-74A-050	NEW-P	90-13-062	220-32-05900R	NEW-E	90-10-034	220-56-126	AMD-P	90-02-112
204-74A-060	NEW-P	90-13-062	220-33-01000L	REP-E	90-05-008	220-56-126	AMD	90-06-026
204-82A-020	AMD-P	90-13-063	220-33-01000M	NEW-E	90-05-008	220-56-127	AMD-P	90-02-112
204-82A-040	AMD-P	90-13-063	220-33-01000M	REP-E	90-05-030	220-56-127	AMD	90-06-026
204-82A-050	AMD-P	90-13-063	220-33-01000N	NEW-E	90-05-030	220-56-128	AMD-P	90-02-112
204-82A-070	NEW-P	90-13-063	220-33-03000B	NEW-E	90-11-071	220-56-128	AMD	90-06-026
204-88-030	AMD	90-06-056	220-36-021	AMD-P	90-09-092	220-56-156	AMD-C	90-06-081
204-93-010	AMD-P	90-13-063	220-36-023	AMD-P	90-09-092	220-56-156	AMD	90-08-001
204-93-020	AMD-P	90-13-063	220-36-031	AMD-P	90-09-092	220-56-160	AMD-P	90-02-112
204-93-030	AMD-P	90-13-063	220-40-021	AMD-P	90-09-092	220-56-160	AMD	90-06-026
204-93-040	AMD-P	90-13-063	220-40-026	REP-P	90-09-092	220-56-165	AMD-P	90-02-112
204-93-050	AMD-P	90-13-063	220-40-027	AMD-P	90-09-092	220-56-165	AMD	90-06-026
204-93-060	AMD-P	90-13-063	220-40-031	AMD-P	90-09-092	220-56-175	AMD-P	90-02-112
204-93-070	AMD-P	90-13-063	220-44-050	AMD-P	90-06-080	220-56-175	AMD	90-06-026
204-93-080	AMD-P	90-13-063	220-44-050	AMD	90-13-108	220-56-180	AMD-P	90-02-112
204-93-090	AMD-P	90-13-063	220-44-05000B	REP-E	90-04-047	220-56-180	AMD	90-06-026
204-93-100	AMD-P	90-13-063	220-44-05000C	NEW-E	90-04-047	220-56-190	AMD-P	90-02-112
204-93-110	AMD-P	90-13-063	220-44-05000C	REP-E	90-07-031	220-56-190	AMD	90-06-026
204-93-150	AMD-P	90-13-063	220-44-05000D	NEW-E	90-07-031	220-56-19000R	NEW-E	90-12-064
204-990	REP-P	90-08-024	220-44-05000D	REP-E	90-13-109	220-56-19000S	NEW-E	90-13-056
204-990	REP	90-11-022	220-44-05000E	NEW-E	90-13-109	220-56-195	AMD-P	90-02-112
212-17-300	AMD-P	90-04-097	220-47-304	AMD-P	90-09-093	220-56-195	AMD	90-06-026
212-17-300	AMD	90-10-006	220-47-304	AMD	90-13-025	220-56-197	AMD-P	90-02-112
212-17-305	AMD-P	90-04-097	220-47-307	AMD-P	90-09-093	220-56-197	AMD	90-06-026
212-17-305	AMD	90-10-006	220-47-307	AMD	90-13-025	220-56-205	AMD-P	90-02-112
212-17-310	AMD-P	90-04-097	220-47-311	AMD-P	90-09-093	220-56-205	AMD	90-06-026
212-17-310	AMD	90-10-006	220-47-311	AMD	90-13-025	220-56-230	NEW-P	90-02-112
212-17-315	AMD-P	90-04-097	220-47-312	REP-P	90-09-093	220-56-230	NEW	90-06-026
212-17-315	AMD	90-10-006	220-47-312	REP	90-13-025	220-56-235	AMD-P	90-02-112
212-17-317	NEW-P	90-04-097	220-47-313	REP-P	90-09-093	220-56-235	AMD	90-06-026
212-17-317	NEW	90-10-006	220-47-313	REP	90-13-025	220-56-240	AMD-P	90-02-112
212-17-325	AMD-P	90-04-097	220-47-319	AMD-P	90-09-093	220-56-240	AMD	90-06-026
212-17-325	AMD	90-10-006	220-47-319	AMD	90-13-025	220-56-24500G	NEW-E	90-08-003
212-17-330	AMD-P	90-04-097	220-47-401	AMD-P	90-09-093	220-56-25500F	NEW-E	90-08-003
212-17-330	AMD	90-10-006	220-47-401	AMD	90-13-025	220-56-282	AMD-P	90-02-112
212-17-335	AMD-P	90-04-097	220-47-402	REP-P	90-09-093	220-56-282	AMD	90-06-026
212-17-335	AMD	90-10-006	220-47-402	REP	90-13-025	220-56-307	AMD-P	90-02-112
220-12-01000B	NEW-E	90-06-058	220-47-403	REP-P	90-09-093	220-56-307	AMD	90-06-026
220-16	AMD-C	90-06-025	220-47-403	REP	90-13-025	220-56-310	AMD-P	90-02-112
220-16-410	AMD	90-03-068	220-47-411	AMD-P	90-09-093	220-56-310	AMD	90-06-026
220-16-420	NEW	90-03-068	220-47-411	AMD	90-13-025	220-56-320	AMD-P	90-02-112
220-16-430	NEW-C	90-07-002	220-47-412	AMD-P	90-09-093	220-56-320	AMD	90-06-026
220-16-430	NEW	90-07-003	220-47-412	AMD	90-13-025	220-56-32500R	NEW-E	90-10-035
220-16-440	NEW-P	90-02-112	220-47-413	REP-P	90-09-093	220-56-330	AMD-P	90-02-112
220-16-440	NEW	90-06-026	220-47-413	REP	90-13-025	220-56-330	AMD	90-06-026
220-16-450	NEW-P	90-02-112	220-47-414	REP-P	90-09-093	220-56-350	AMD-P	90-02-112
220-16-450	NEW	90-06-026	220-47-414	REP	90-13-025	220-56-350	AMD	90-06-026
220-20	AMD-C	90-06-043	220-47-500	NEW-P	90-09-093	220-56-35000I	NEW-E	90-06-058
220-20-010	AMD-P	90-06-079	220-47-500	NEW	90-13-025	220-56-36000T	NEW-E	90-07-039
220-20-017	AMD-P	90-08-008	220-48-01500D	NEW-E	90-06-001	220-56-36000T	REP-E	90-10-011
220-20-020	AMD-P	90-02-111	220-49-02000C	NEW-E	90-10-032	220-56-36000U	NEW-E	90-10-011
220-20-020	AMD	90-06-045	220-49-063	NEW-C	90-07-002	220-56-380	AMD-P	90-02-112
220-20-020	AMD-C	90-07-002	220-49-063	NEW	90-07-003	220-56-380	AMD	90-06-026

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220-56-38000F	NEW-E	90-03-007	230-08-120	AMD-P	90-05-034	232-28-221	NEW-P	90-06-095
220-56-38000F	REP-E	90-03-027	230-08-120	AMD	90-10-007	232-28-221	NEW	90-13-046
220-56-38000G	NEW-E	90-03-027	230-08-125	AMD-P	90-05-034	232-28-222	NEW-P	90-06-096
220-56-38000G	REP-E	90-04-041	230-08-125	AMD	90-10-007	232-28-222	NEW	90-13-047
220-56-38000H	NEW	90-04-041	230-08-260	AMD-P	90-10-008	232-28-223	NEW-P	90-06-097
220-56-400	AMD-P	90-02-112	230-08-260	AMD	90-13-022	232-28-223	NEW	90-13-048
220-56-400	AMD	90-06-026	230-20-064	AMD-P	90-05-034	232-28-224	NEW-P	90-13-100
220-57	AMD-C	90-06-025	230-20-064	AMD	90-10-007	232-28-413	REP-P	90-13-101
220-57	AMD-C	90-06-042	230-20-325	AMD	90-05-032	232-28-414	NEW-P	90-12-101
220-57-140	AMD-P	90-02-112	230-20-325	AMD-W	90-10-098	232-28-414	NEW-W	90-13-096
220-57-140	AMD	90-06-026	230-20-698	NEW	90-05-033	232-28-414	NEW-P	90-13-101
220-57-160	AMD-P	90-02-112	230-30-052	NEW-P	90-05-034	232-28-511	REP-P	90-13-102
220-57-160	AMD	90-06-026	230-30-052	NEW	90-10-007	232-28-512	NEW-P	90-13-102
220-57-16000D	NEW-E	90-08-032	230-30-070	AMD	90-05-032	232-28-61728	NEW	90-02-070
220-57-220	AMD-P	90-02-112	230-30-070	AMD-E	90-06-020	232-28-61729	NEW	90-02-071
220-57-220	AMD	90-06-026	230-30-070	AMD-P	90-06-021	232-28-61730	NEW-E	90-03-072
220-57-242	NEW-P	90-02-112	230-30-070	AMD	90-11-058	232-28-61731	NEW-E	90-08-066
220-57-260	AMD-P	90-02-112	230-40-010	AMD	90-05-032	232-28-61802	NEW-E	90-02-067
220-57-260	AMD	90-06-026	230-40-120	AMD	90-05-032	232-28-61802	NEW-P	90-04-101
220-57-270	AMD-P	90-02-112	230-40-125	NEW	90-05-032	232-28-61802	NEW	90-08-064
220-57-270	AMD	90-06-026	230-40-125	AMD-E	90-07-019	232-28-61803	NEW-E	90-02-068
220-57-290	AMD-P	90-02-112	230-40-125	AMD-P	90-07-022	232-28-61803	NEW-P	90-04-102
220-57-290	AMD	90-06-026	230-40-125	AMD	90-11-058	232-28-61803	NEW	90-08-065
220-57-29000L	NEW-E	90-13-006	230-46-025	NEW-P	90-10-008	232-28-61804	NEW-E	90-02-069
220-57-315	AMD-P	90-02-112	230-46-025	NEW	90-13-022	232-28-61804	NEW-P	90-04-103
220-57-31500S	NEW-E	90-07-032	230-50-012	AMD-P	90-03-060	232-28-61804	NEW	90-08-067
220-57-31500S	REP-E	90-12-082	230-50-012	AMD-E	90-03-061	232-28-61805	NEW-E	90-02-066
220-57-31500T	NEW-E	90-12-082	230-50-012	AMD	90-07-018	232-28-61805	NEW-P	90-04-104
220-57-328	NEW-P	90-02-112	230-50-560	AMD-E	90-09-073	232-28-61805	NEW	90-08-063
220-57-42500T	NEW-E	90-12-064	230-50-560	AMD-P	90-10-008	232-28-61806	NEW-P	90-06-086
220-57-465	AMD-P	90-02-112	230-50-560	AMD	90-13-022	232-28-61806	NEW-E	90-09-052
220-57-465	AMD	90-06-026	230-50-580	AMD-E	90-09-073	232-28-61807	NEW-P	90-06-087
220-57-497	NEW-P	90-02-112	230-50-580	AMD-P	90-10-008	232-28-61807	NEW	90-10-069
220-57-497	NEW	90-06-044	230-50-580	AMD	90-13-022	232-28-61808	NEW-P	90-13-103
220-57-49700E	NEW-E	90-13-006	230-60-010	AMD	90-03-064	232-28-712	REP	90-03-083
220-57-505	AMD-P	90-02-112	230-60-020	REP	90-03-064	232-28-713	NEW	90-03-083
220-57-505	AMD	90-06-026	230-60-025	AMD	90-03-064	232-28-811	REP-P	90-04-105
220-57-50500R	NEW-E	90-07-032	230-60-100	NEW	90-05-032	232-28-811	REP	90-11-064
220-57-515	AMD-P	90-02-112	232-12-011	AMD-P	90-04-098	232-28-812	NEW-P	90-04-105
220-57-51500E	NEW-E	90-07-032	232-12-011	AMD	90-11-065	232-28-812	NEW	90-11-064
220-57-51500E	REP-E	90-12-067	232-12-011	AMD-W	90-13-074	236-48-198	AMD-P	90-11-011
220-57-51500F	NEW-E	90-12-035	232-12-017	AMD-P	90-06-084	246-09-060	NEW-P	90-04-030
220-57-530	NEW-P	90-02-112	232-12-017	AMD	90-10-067	246-09-060	NEW	90-08-003
220-57A	AMD-C	90-06-025	232-12-019	AMD-P	90-06-085	248-06-385	AMD	90-06-019
220-57A-080	AMD-P	90-02-112	232-12-019	AMD	90-10-068	248-08-001	REP	90-06-018
220-57A-080	AMD	90-06-026	232-12-047	AMD-P	90-06-091	248-08-010	REP	90-06-018
220-57A-180	AMD-P	90-02-112	232-12-051	AMD-P	90-06-092	248-08-020	REP	90-06-018
220-57A-180	AMD	90-06-026	232-12-054	AMD	90-03-092	248-08-030	REP	90-06-018
220-69-220	AMD	90-03-068	232-12-141	AMD-P	90-13-097	248-08-040	REP	90-06-018
220-69-237	AMD	90-03-068	232-12-177	AMD-P	90-06-089	248-08-050	REP	90-06-018
220-69-237	AMD-P	90-09-050	232-12-177	AMD	90-11-050	248-08-060	REP	90-06-018
220-69-238	AMD	90-03-068	232-12-184	RE-AD-P	90-06-090	248-08-070	REP	90-06-018
220-69-238	AMD-P	90-09-050	232-12-184	RE-AD	90-11-049	248-08-075	REP	90-06-018
220-69-239	NEW-P	90-09-050	232-12-187	RE-AD-P	90-06-090	248-08-080	REP	90-06-018
220-69-23900A	NEW-E	90-09-051	232-12-187	RE-AD	90-11-049	248-08-090	REP	90-06-018
220-69-260	AMD	90-03-068	232-12-191	AMD-P	90-06-088	248-08-100	REP	90-06-018
220-69-264	AMD	90-03-068	232-12-191	AMD	90-11-051	248-08-110	REP	90-06-018
220-140-001	NEW	90-04-026	232-12-227	AMD-P	90-12-099	248-08-120	REP	90-06-018
220-140-010	NEW	90-04-026	232-12-251	RE-AD-P	90-06-090	248-08-130	REP	90-06-018
220-140-020	NEW	90-04-026	232-12-251	RE-AD	90-11-049	248-08-140	REP	90-06-018
220-140-030	NEW	90-04-026	232-12-254	RE-AD-P	90-06-090	248-08-150	REP	90-06-018
222-16-010	AMD-W	90-10-099	232-12-254	RE-AD	90-11-049	248-08-160	REP	90-06-018
222-16-050	AMD-W	90-10-099	232-12-297	NEW-P	90-04-099	248-08-170	REP	90-06-018
222-16-060	NEW-W	90-10-099	232-12-297	NEW	90-11-066	248-08-180	REP	90-06-018
222-20-040	AMD-W	90-10-099	232-12-297	NEW-W	90-13-075	248-08-190	REP	90-06-018
222-20-050	AMD-W	90-10-099	232-12-827	REP-P	90-12-100	248-08-200	REP	90-06-018
222-46-020	AMD-W	90-10-099	232-12-831	NEW-P	90-12-100	248-08-210	REP	90-06-018
222-46-030	AMD-W	90-10-099	232-16-710	NEW-P	90-13-098	248-08-220	REP	90-06-018
222-46-040	AMD-W	90-10-099	232-16-720	NEW-P	90-13-099	248-08-230	REP	90-06-018
224-12-090	AMD-P	90-03-091	232-28-022	NEW-P	90-04-100	248-08-240	REP	90-06-018
230-02-010	AMD	90-03-064	232-28-022	NEW	90-13-049	248-08-250	REP	90-06-018
230-02-022	AMD-P	90-05-034	232-28-215	REP-P	90-13-100	248-08-260	REP	90-06-018
230-02-022	AMD	90-10-007	232-28-218	REP-P	90-04-100	248-08-270	REP	90-06-018
230-02-030	AMD-P	90-11-057	232-28-219	NEW-P	90-06-093	248-08-280	REP	90-06-018
230-04-020	AMD	90-03-064	232-28-219	NEW	90-13-044	248-08-290	REP	90-06-018
230-04-190	AMD	90-03-064	232-28-220	NEW-P	90-06-094	248-08-300	REP	90-06-018
230-04-270	AMD	90-03-064	232-28-220	NEW	90-13-045	248-08-310	REP	90-06-018

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248-08-330	REP	90-06-018	248-14-249	NEW-P	90-13-031	248-19-806	NEW-P	90-08-102
248-08-340	REP	90-06-018	248-15-110	AMD	90-06-019	248-19-806	NEW	90-12-071
248-08-350	REP	90-06-018	248-16-031	AMD	90-06-019	248-19-810	NEW-P	90-08-105
248-08-360	REP	90-06-018	248-17-060	AMD	90-06-019	248-19-810	NEW	90-12-072
248-08-370	REP	90-06-018	248-17-230	AMD	90-06-019	248-19-811	NEW-P	90-08-105
248-08-380	REP	90-06-018	248-18-010	AMD-P	90-08-099	248-19-811	NEW	90-12-072
248-08-390	REP	90-06-018	248-18-010	AMD	90-12-014	248-19-820	NEW-P	90-08-105
248-08-400	REP	90-06-018	248-18-015	AMD	90-06-019	248-19-840	NEW-P	90-08-105
248-08-410	AMD	90-06-018	248-18-018	AMD-P	90-08-099	248-19-840	NEW	90-12-072
248-08-413	NEW	90-06-018	248-18-018	AMD	90-12-014	248-19-860	NEW-P	90-08-105
248-08-420	REP	90-06-018	248-18-020	AMD-P	90-08-099	248-19-860	NEW	90-12-072
248-08-425	NEW	90-06-018	248-18-020	AMD	90-12-014	248-19-880	NEW-P	90-08-103
248-08-428	NEW	90-06-018	248-18-221	AMD-P	90-08-099	248-19-880	NEW-W	90-10-083
248-08-430	REP	90-06-018	248-18-221	AMD	90-12-014	248-19-882	NEW-P	90-08-103
248-08-431	NEW	90-06-018	248-18-245	AMD-P	90-08-099	248-19-882	NEW-W	90-10-083
248-08-434	NEW	90-06-018	248-18-245	AMD	90-12-014	248-19-884	NEW-P	90-08-103
248-08-437	NEW	90-06-018	248-18-510	AMD-P	90-08-099	248-19-884	NEW-W	90-10-083
248-08-440	AMD	90-06-018	248-18-510	AMD	90-12-014	248-19-886	NEW-P	90-08-103
248-08-446	NEW	90-06-018	248-18-520	AMD-P	90-08-099	248-19-886	NEW-W	90-10-083
248-08-449	NEW	90-06-018	248-18-520	AMD	90-12-014	248-21-005	AMD	90-05-038
248-08-450	REP	90-06-018	248-18-525	AMD-P	90-08-099	248-22-005	AMD	90-06-019
248-08-452	NEW	90-06-018	248-18-525	AMD	90-12-014	248-23-010	AMD	90-06-019
248-08-460	REP	90-06-018	248-18-530	AMD-P	90-08-099	248-25-010	AMD	90-06-019
248-08-461	NEW	90-06-018	248-18-530	AMD	90-12-014	248-26-020	AMD	90-06-019
248-08-464	NEW	90-06-018	248-18-534	AMD-P	90-08-099	248-27-025	AMD	90-06-019
248-08-470	AMD	90-06-018	248-18-534	AMD	90-12-014	248-27-035	AMD	90-06-019
248-08-480	REP	90-06-018	248-18-555	AMD-P	90-08-099	248-27-045	AMD	90-06-019
248-08-490	REP	90-06-018	248-18-555	AMD	90-12-014	248-27-055	AMD	90-06-019
248-08-500	REP	90-06-018	248-18-560	AMD-P	90-08-099	248-29-020	AMD	90-06-019
248-08-510	REP	90-06-018	248-18-560	AMD	90-12-014	248-31-025	AMD	90-06-019
248-08-515	NEW	90-06-018	248-18-565	AMD-P	90-08-099	248-31-035	AMD	90-06-019
248-08-520	REP	90-06-018	248-18-565	AMD	90-12-014	248-31-045	AMD	90-06-019
248-08-525	NEW	90-06-018	248-18-568	AMD-P	90-08-099	248-31-055	AMD	90-06-019
248-08-530	REP	90-06-018	248-18-568	AMD	90-12-014	248-33-040	AMD	90-05-038
248-08-535	NEW	90-06-018	248-18-640	AMD-P	90-08-099	248-33-060	REP	90-05-038
248-08-540	REP	90-06-018	248-18-640	AMD	90-12-014	248-33-080	REP	90-05-038
248-08-545	NEW	90-06-018	248-18-645	AMD-P	90-08-099	248-36-025	AMD	90-06-019
248-08-550	REP	90-06-018	248-18-645	AMD	90-12-014	248-36-035	AMD	90-06-019
248-08-560	REP	90-06-018	248-18-650	AMD-P	90-08-099	248-36-045	AMD	90-06-019
248-08-565	NEW	90-06-018	248-18-650	AMD	90-12-014	248-36-055	AMD	90-06-019
248-08-570	REP	90-06-018	248-18-660	AMD-P	90-08-099	248-55-220	AMD	90-06-019
248-08-575	NEW	90-06-018	248-18-660	AMD	90-12-014	248-55-230	REP	90-06-019
248-08-580	REP	90-06-018	248-18-665	AMD-P	90-08-099	248-55-235	NEW	90-06-019
248-08-590	REP	90-06-018	248-18-665	AMD	90-12-014	248-55-240	AMD	90-06-019
248-08-700	REP	90-06-018	248-18-675	AMD-P	90-08-099	248-55-250	REP	90-06-019
248-08-705	REP	90-06-018	248-18-675	AMD	90-12-014	248-55-260	REP	90-06-019
248-08-710	REP	90-06-018	248-18-680	AMD-P	90-08-099	248-58-085	NEW	90-06-049
248-08-715	REP	90-06-018	248-18-680	AMD	90-12-014	248-59-030	AMD	90-06-019
248-08-720	REP	90-06-018	248-18-685	AMD-P	90-08-099	248-59-040	REP	90-06-019
248-08-725	REP	90-06-018	248-18-685	AMD	90-12-014	248-59-050	REP	90-06-019
248-08-730	REP	90-06-018	248-18-690	AMD-P	90-08-099	248-59-060	REP	90-06-019
248-08-735	REP	90-06-018	248-18-690	AMD	90-12-014	248-59-070	REP	90-06-019
248-08-740	REP	90-06-018	248-18-695	AMD-P	90-08-099	248-59-080	REP	90-06-019
248-08-750	REP	90-06-018	248-18-695	AMD	90-12-014	248-63-025	AMD	90-06-049
248-08-755	REP	90-06-018	248-18-705	AMD-P	90-08-099	248-91-060	AMD	90-06-019
248-08-760	REP	90-06-018	248-18-705	AMD	90-12-014	248-97-130	AMD	90-06-049
248-08-765	REP	90-06-018	248-18-719	AMD-P	90-08-099	248-97-135	NEW	90-06-049
248-08-770	REP	90-06-018	248-18-719	AMD	90-12-014	248-98-001	AMD-P	90-02-072
248-08-775	REP	90-06-018	248-18-99902	AMD-P	90-08-099	248-98-001	AMD	90-07-010
248-08-780	REP	90-06-018	248-18-99902	AMD	90-12-014	248-98-003	NEW-P	90-02-072
248-08-785	REP	90-06-018	248-19-220	AMD	90-02-093	248-98-003	NEW	90-07-010
248-08-790	REP	90-06-018	248-19-373	REP-P	90-08-105	248-98-005	NEW-P	90-02-072
248-08-800	REP	90-06-018	248-19-373	REP	90-12-072	248-98-005	NEW	90-07-010
248-08-805	REP	90-06-018	248-19-375	REP-P	90-08-105	248-98-010	AMD-P	90-02-072
248-08-810	REP	90-06-018	248-19-375	REP	90-12-072	248-98-010	AMD	90-07-010
248-08-815	REP	90-06-018	248-19-403	REP-P	90-08-105	248-98-015	NEW-P	90-02-072
248-08-820	REP	90-06-018	248-19-403	REP	90-12-072	248-98-015	NEW	90-07-010
248-08-825	REP	90-06-018	248-19-480	AMD	90-06-019	248-98-020	AMD-P	90-02-072
248-08-830	REP	90-06-018	248-19-600	NEW-P	90-10-022	248-98-020	AMD	90-07-010
248-08-835	REP	90-06-018	248-19-600	NEW	90-13-116	248-98-025	NEW-P	90-02-072
248-08-840	REP	90-06-018	248-19-601	NEW-P	90-12-096	248-98-025	NEW	90-07-010
248-08-845	REP	90-06-018	248-19-601	NEW-P	90-12-096	248-98-030	AMD-P	90-02-072
248-14-001	AMD-P	90-13-031	248-19-701	NEW-P	90-12-096	248-98-030	AMD	90-07-010
248-14-070	AMD-C	90-04-015	248-19-800	NEW-P	90-08-102	248-98-035	NEW-P	90-02-072
248-14-070	AMD	90-04-071	248-19-800	NEW	90-12-071	248-98-035	NEW	90-07-010
248-14-080	AMD-P	90-13-031	248-19-805	NEW-P	90-08-102	248-98-040	AMD-P	90-02-072

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
248-98-040	AMD	90-07-010	248-554-030	AMD	90-04-072	250-72-045	NEW-P	90-12-093
248-98-045	NEW-P	90-02-072	250-20-001	AMD	90-04-067	250-73-010	NEW-P	90-12-092
248-98-045	NEW	90-07-010	250-20-011	AMD	90-04-067	250-73-015	NEW-P	90-12-092
248-98-050	AMD-P	90-02-072	250-20-015	AMD	90-04-067	250-73-020	NEW-P	90-12-092
248-98-050	AMD	90-07-010	250-20-021	AMD	90-04-067	250-73-025	NEW-P	90-12-092
248-98-060	AMD-P	90-02-072	250-20-031	AMD	90-04-067	250-73-030	NEW-P	90-12-092
248-98-060	AMD	90-07-010	250-20-037	NEW	90-04-067	250-73-035	NEW-P	90-12-092
248-98-080	AMD-P	90-02-072	250-20-041	AMD	90-04-067	250-73-040	NEW-P	90-12-092
248-98-080	AMD	90-07-010	250-20-051	AMD	90-04-067	250-73-045	NEW-P	90-12-092
248-98-085	NEW-P	90-02-072	250-20-071	AMD	90-04-067	251-01-180	AMD-P	90-09-075
248-98-085	NEW	90-07-010	250-69-010	NEW-P	90-04-068	251-04-040	AMD	90-06-023
248-98-090	AMD-P	90-02-072	250-69-010	NEW	90-09-003	251-04-040	AMD-E	90-13-015
248-98-090	AMD	90-07-010	250-69-020	NEW-P	90-04-068	251-04-040	AMD-P	90-13-120
248-98-095	NEW-P	90-02-072	250-69-020	NEW	90-09-003	251-09-085	NEW-W	90-06-082
248-98-095	NEW	90-07-010	250-69-030	NEW-P	90-04-068	251-09-090	AMD-C	90-06-083
248-98-098	NEW-P	90-02-072	250-69-030	NEW	90-09-003	251-09-090	AMD	90-10-044
248-98-098	NEW	90-07-010	250-69-040	NEW-P	90-04-068	251-09-092	NEW-C	90-06-083
248-98-100	AMD-P	90-02-072	250-69-040	NEW	90-09-003	251-09-092	NEW	90-10-044
248-98-100	AMD	90-07-010	250-69-050	NEW-P	90-04-068	251-09-094	NEW-C	90-06-083
248-98-102	NEW-P	90-02-072	250-69-050	NEW	90-09-003	251-09-094	NEW	90-10-044
248-98-102	NEW	90-07-010	250-69-060	NEW-P	90-04-068	251-12-073	AMD-P	90-09-076
248-98-104	NEW-P	90-02-072	250-69-060	NEW	90-09-003	251-12-085	AMD-P	90-09-074
248-98-104	NEW	90-07-010	250-69-070	NEW-P	90-04-068	251-12-085	AMD	90-13-017
248-98-110	AMD-P	90-02-072	250-69-070	NEW	90-09-003	251-12-099	NEW-P	90-09-074
248-98-110	AMD	90-07-010	250-69-080	NEW-P	90-04-068	251-12-099	NEW	90-13-017
248-98-120	AMD-P	90-02-072	250-69-080	NEW	90-09-003	251-18-185	REP-E	90-13-016
248-98-120	AMD	90-07-010	250-69-090	NEW-P	90-04-068	251-18-185	REP-P	90-13-121
248-98-130	NEW-P	90-02-072	250-69-090	NEW	90-09-003	251-18-240	AMD-E	90-13-016
248-98-130	NEW	90-07-010	250-69-100	NEW-P	90-04-068	251-18-240	AMD-P	90-13-121
248-98-135	NEW-P	90-02-072	250-69-100	NEW	90-09-003	251-18-270	REP-E	90-13-016
248-98-135	NEW	90-07-010	250-69-110	NEW-P	90-04-068	251-18-270	REP-P	90-13-121
248-98-998	NEW-P	90-02-072	250-69-110	NEW	90-09-003	251-18-280	AMD-E	90-13-016
248-98-998	NEW	90-07-010	250-70-010	NEW-P	90-11-130	251-18-280	AMD-P	90-13-121
248-98-999	REP-P	90-02-072	250-70-020	NEW-P	90-11-130	251-22-165	AMD-P	90-09-075
248-98-999	REP	90-07-010	250-70-030	NEW-P	90-11-130	260-36-190	NEW-E	90-09-010
248-100-016	AMD-P	90-02-095	250-70-040	NEW-P	90-11-130	260-36-200	NEW-E	90-09-010
248-100-016	AMD	90-07-033	250-70-050	NEW-P	90-11-130	260-48-327	AMD-W	90-13-072
248-100-021	AMD-P	90-06-063	250-70-060	NEW-P	90-11-130	275-16-055	AMD-C	90-04-019
248-100-021	AMD	90-10-036	250-70-070	NEW-P	90-11-130	275-16-055	AMD	90-04-075
248-100-086	AMD-P	90-06-063	250-70-080	NEW-P	90-11-130	275-19-050	AMD-C	90-04-017
248-100-086	AMD	90-10-036	250-70-090	NEW-P	90-11-130	275-19-050	AMD	90-04-073
248-100-217	NEW-P	90-06-063	250-70-100	NEW-P	90-11-130	275-20-080	AMD-C	90-04-018
248-100-217	NEW	90-10-036	250-71-010	NEW-E	90-10-002	275-20-080	AMD	90-04-074
248-101-020	AMD-E	90-11-038	250-71-010	NEW-P	90-11-108	275-26-022	AMD-C	90-04-018
248-101-220	NEW-E	90-11-038	250-71-015	NEW-E	90-10-002	275-26-022	AMD	90-04-074
248-106-001	NEW	90-02-094	250-71-015	NEW-P	90-11-108	275-27-500	AMD-C	90-04-018
248-106-010	NEW	90-02-094	250-71-020	NEW-E	90-10-002	275-27-500	AMD	90-04-074
248-106-020	NEW	90-02-094	250-71-020	NEW-P	90-11-108	275-36-310	AMD-C	90-04-018
248-106-030	NEW-P	90-08-104	250-71-025	NEW-E	90-10-002	275-36-310	AMD	90-04-074
248-140-200	AMD	90-05-038	250-71-025	NEW-P	90-11-108	275-38-770	AMD-E	90-11-005
248-144-031	AMD	90-06-049	250-71-030	NEW-E	90-10-002	275-38-770	AMD-P	90-11-007
248-168-010	AMD-P	90-11-063	250-71-030	NEW-P	90-11-108	275-38-860	AMD-E	90-11-005
248-168-015	NEW-P	90-11-063	250-71-035	NEW-E	90-10-002	275-38-860	AMD-P	90-11-007
248-168-020	AMD-P	90-11-063	250-71-035	NEW-P	90-11-108	275-38-906	AMD-E	90-11-005
248-168-030	AMD-P	90-11-063	250-71-040	NEW-E	90-10-002	275-38-906	AMD-P	90-11-007
248-168-040	AMD-P	90-11-063	250-71-040	NEW-P	90-11-108	275-38-960	AMD-C	90-04-018
248-168-050	AMD-P	90-11-063	250-71-045	NEW-E	90-10-002	275-38-960	AMD	90-04-074
248-168-060	AMD-P	90-11-063	250-71-045	NEW-P	90-11-108	275-56-005	AMD	90-03-113
248-168-070	NEW-P	90-11-063	250-71-050	NEW-E	90-10-002	275-56-010	AMD	90-03-113
248-170-001	NEW	90-04-082	250-71-050	NEW-P	90-11-108	275-56-015	AMD	90-03-113
248-170-020	NEW	90-04-082	250-71-055	NEW-E	90-10-002	275-56-016	NEW	90-03-113
248-170-100	NEW	90-04-082	250-71-055	NEW-P	90-11-108	275-56-017	NEW	90-03-113
248-170-130	NEW	90-04-082	250-71-060	NEW-E	90-10-002	275-56-020	AMD	90-03-113
248-170-160	NEW	90-04-082	250-71-060	NEW-P	90-11-108	275-56-025	AMD	90-03-113
248-170-200	NEW	90-04-082	250-71-065	NEW-E	90-10-002	275-56-030	REP	90-03-113
248-170-300	NEW	90-04-082	250-71-065	NEW-P	90-11-108	275-56-035	AMD	90-03-113
248-170-320	NEW	90-04-082	250-71-070	NEW-E	90-10-002	275-56-040	AMD	90-03-113
248-180-010	NEW	90-03-052	250-71-070	NEW-P	90-11-108	275-56-042	NEW	90-03-113
248-180-020	NEW	90-03-052	250-71-075	NEW-E	90-10-002	275-56-043	NEW	90-03-113
248-320-340	NEW	90-06-018	250-71-075	NEW-P	90-11-108	275-56-050	AMD	90-03-113
248-320-350	NEW	90-06-018	250-72-010	NEW-P	90-12-093	275-56-055	AMD	90-03-113
248-320-360	NEW	90-06-018	250-72-015	NEW-P	90-12-093	275-56-060	AMD	90-03-113
248-320-370	NEW	90-06-018	250-72-020	NEW-P	90-12-093	275-56-065	AMD	90-03-113
248-320-400	NEW	90-06-018	250-72-025	NEW-P	90-12-093	275-56-070	AMD	90-03-113
248-320-410	NEW	90-06-018	250-72-030	NEW-P	90-12-093	275-56-075	AMD	90-03-113
248-320-500	NEW	90-06-018	250-72-035	NEW-P	90-12-093	275-56-080	AMD	90-03-113
248-554-030	AMD-C	90-04-016	250-72-040	NEW-P	90-12-093	275-56-085	AMD	90-03-113

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
275-56-087	NEW	90-03-113	275-56-450	REP	90-03-113	284-66-040	NEW-P	90-04-089
275-56-088	NEW	90-03-113	275-56-465	NEW	90-03-113	284-66-040	NEW	90-07-059
275-56-089	NEW	90-03-113	275-56-475	NEW	90-03-113	284-66-050	NEW-P	90-04-089
275-56-090	AMD	90-03-113	275-56-485	NEW	90-03-113	284-66-050	NEW	90-07-059
275-56-095	AMD	90-03-113	275-56-495	NEW	90-03-113	284-66-060	NEW-P	90-04-089
275-56-095	AMD-C	90-04-019	275-56-505	NEW	90-03-113	284-66-060	NEW	90-07-059
275-56-095	AMD-W	90-04-069	275-56-515	NEW	90-03-113	284-66-070	NEW-P	90-04-089
275-56-100	AMD	90-03-113	275-110-050	AMD-P	90-13-113	284-66-070	NEW	90-07-059
275-56-105	AMD	90-03-113	275-110-060	AMD-P	90-13-113	284-66-080	NEW-P	90-04-089
275-56-110	AMD	90-03-113	275-110-070	AMD-P	90-13-113	284-66-080	NEW	90-07-059
275-56-115	AMD	90-03-113	275-110-080	AMD-P	90-13-113	284-66-090	NEW-P	90-04-089
275-56-120	REP	90-03-113	284-112-010	REP	90-04-060	284-66-090	NEW	90-07-059
275-56-125	REP	90-03-113	284-12-030	REP	90-04-060	284-66-100	NEW-P	90-04-089
275-56-130	REP	90-03-113	284-12-040	REP	90-04-060	284-66-100	NEW	90-07-059
275-56-135	AMD	90-03-113	284-12-080	AMD	90-04-042	284-66-110	NEW-P	90-04-089
275-56-140	REP	90-03-113	284-17-121	NEW	90-04-060	284-66-110	NEW	90-07-059
275-56-145	REP	90-03-113	284-17-122	NEW	90-04-060	284-66-120	NEW-P	90-04-089
275-56-150	AMD	90-03-113	284-17-123	NEW	90-04-060	284-66-120	NEW	90-07-059
275-56-155	REP	90-03-113	284-24-015	AMD-P	90-10-056	284-66-130	NEW-P	90-04-089
275-56-160	REP	90-03-113	284-24-015	AMD	90-13-041	284-66-130	NEW	90-07-059
275-56-165	REP	90-03-113	284-24-055	NEW-P	90-10-056	284-66-140	NEW-P	90-04-089
275-56-170	AMD	90-03-113	284-24-055	NEW	90-13-041	284-66-140	NEW	90-07-059
275-56-175	AMD	90-03-113	284-24-060	AMD-P	90-10-056	284-66-150	NEW-P	90-04-089
275-56-180	AMD	90-03-113	284-24-060	AMD	90-13-041	284-66-150	NEW	90-07-059
275-56-185	AMD	90-03-113	284-24-100	AMD-P	90-10-056	284-66-160	NEW-P	90-04-089
275-56-190	REP	90-03-113	284-24-100	AMD	90-13-041	284-66-160	NEW	90-07-059
275-56-195	AMD	90-03-113	284-49-010	NEW-E	90-12-095	284-66-170	NEW-P	90-04-089
275-56-200	AMD	90-03-113	284-49-020	NEW-E	90-12-095	284-66-170	NEW	90-07-059
275-56-205	AMD	90-03-113	284-49-050	NEW-E	90-12-095	284-66-180	NEW-P	90-04-089
275-56-210	AMD	90-03-113	284-49-100	NEW-E	90-12-095	284-66-180	NEW	90-07-059
275-56-215	AMD	90-03-113	284-49-115	NEW-E	90-12-095	284-66-190	NEW-P	90-04-089
275-56-220	AMD	90-03-113	284-49-300	NEW-E	90-12-095	284-66-190	NEW	90-07-059
275-56-225	AMD	90-03-113	284-49-330	NEW-E	90-12-095	284-66-200	NEW-P	90-04-089
275-56-230	AMD	90-03-113	284-49-500	NEW-E	90-12-095	284-66-200	NEW	90-07-059
275-56-235	AMD	90-03-113	284-49-510	NEW-E	90-12-095	284-66-210	NEW-P	90-04-089
275-56-240	AMD	90-03-113	284-49-520	NEW-E	90-12-095	284-66-210	NEW	90-07-059
275-56-245	AMD	90-03-113	284-49-900	NEW-E	90-12-095	284-66-220	NEW-P	90-04-089
275-56-250	REP	90-03-113	284-49-999	NEW-E	90-12-095	284-66-220	NEW	90-07-059
275-56-255	REP	90-03-113	284-55-010	REP-P	90-04-089	284-66-230	NEW-P	90-04-089
275-56-260	AMD	90-03-113	284-55-010	AMD-P	90-13-085	284-66-230	NEW	90-07-059
275-56-265	REP	90-03-113	284-55-020	REP-P	90-04-089	284-66-240	NEW-P	90-04-089
275-56-270	REP	90-03-113	284-55-020	AMD-P	90-13-085	284-66-240	NEW	90-07-059
275-56-275	AMD	90-03-113	284-55-030	REP-P	90-04-089	284-66-250	NEW-P	90-04-089
275-56-280	REP	90-03-113	284-55-030	AMD-P	90-13-085	284-66-250	NEW	90-07-059
275-56-285	AMD	90-03-113	284-55-035	REP-P	90-04-089	284-66-260	NEW-P	90-04-089
275-56-290	AMD	90-03-113	284-55-040	REP-P	90-04-089	284-66-260	NEW	90-07-059
275-56-295	AMD	90-03-113	284-55-045	REP-P	90-04-089	284-66-270	NEW-P	90-04-089
275-56-300	AMD	90-03-113	284-55-050	REP-P	90-04-089	284-66-270	NEW	90-07-059
275-56-305	AMD	90-03-113	284-55-060	REP-P	90-04-089	284-66-300	NEW-P	90-04-089
275-56-310	REP	90-03-113	284-55-065	REP-P	90-04-089	284-66-300	NEW	90-07-059
275-56-315	REP	90-03-113	284-55-067	REP-P	90-04-089	284-66-310	NEW-P	90-04-089
275-56-320	REP	90-03-113	284-55-070	REP-P	90-04-089	284-66-310	NEW	90-07-059
275-56-325	REP	90-03-113	284-55-080	REP-P	90-04-089	284-66-320	NEW-P	90-04-089
275-56-330	REP	90-03-113	284-55-090	REP-P	90-04-089	284-66-320	NEW	90-07-059
275-56-335	AMD	90-03-113	284-55-095	REP-P	90-04-089	284-66-330	NEW-P	90-04-089
275-56-340	AMD	90-03-113	284-55-115	REP-P	90-04-089	284-66-330	NEW	90-07-059
275-56-345	REP	90-03-113	284-55-120	REP-P	90-04-089	284-66-340	NEW-P	90-04-089
275-56-350	REP	90-03-113	284-55-125	REP-P	90-04-089	284-66-340	NEW	90-07-059
275-56-355	AMD	90-03-113	284-55-150	REP-P	90-04-089	284-66-350	NEW-P	90-04-089
275-56-360	REP	90-03-113	284-55-155	REP-P	90-04-089	284-66-350	NEW	90-07-059
275-56-365	AMD	90-03-113	284-55-160	REP-P	90-04-089	284-66-400	NEW-P	90-04-089
275-56-370	REP	90-03-113	284-55-165	REP-P	90-04-089	284-66-400	NEW	90-07-059
275-56-375	REP	90-03-113	284-55-172	REP-P	90-04-089	292-08-010	NEW-P	90-03-095
275-56-380	REP	90-03-113	284-55-172	REP-P	90-13-085	292-08-010	NEW-E	90-08-077
275-56-385	AMD	90-03-113	284-55-177	REP-P	90-04-089	292-08-010	NEW	90-10-059
275-56-390	REP	90-03-113	284-55-177	REP-P	90-13-085	292-08-020	NEW-P	90-03-095
275-56-395	REP	90-03-113	284-55-180	REP-P	90-04-089	292-08-020	NEW-E	90-08-077
275-56-400	AMD	90-03-113	284-55-185	REP-P	90-04-089	292-08-020	NEW	90-10-059
275-56-405	REP	90-03-113	284-55-190	REP-P	90-04-089	292-08-030	NEW-P	90-03-095
275-56-410	REP	90-03-113	284-55-205	REP-P	90-04-089	292-08-030	NEW-E	90-08-077
275-56-415	REP	90-03-113	284-55-210	REP-P	90-04-089	292-08-030	NEW	90-10-059
275-56-420	REP	90-03-113	284-66-010	NEW-P	90-04-089	292-08-040	NEW-P	90-03-095
275-56-425	AMD	90-03-113	284-66-010	NEW	90-07-059	292-08-040	NEW-E	90-08-077
275-56-430	REP	90-03-113	284-66-020	NEW-P	90-04-089	292-08-040	NEW	90-10-059
275-56-435	REP	90-03-113	284-66-020	NEW	90-07-059	292-08-050	NEW-P	90-03-095
275-56-440	REP	90-03-113	284-66-030	NEW-P	90-04-089	292-08-050	NEW-E	90-08-077
275-56-445	AMD	90-03-113	284-66-030	NEW	90-07-059	292-08-050	NEW	90-10-059

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292-12-010	NEW	90-10-059	296-06-120	AMD	90-07-004	296-18A-510	AMD-P	90-09-072
292-12-020	NEW-P	90-03-095	296-06-130	AMD-P	90-02-089	296-18A-515	NEW-P	90-09-072
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292-12-030	NEW-P	90-03-095	296-06-140	AMD	90-07-004	296-20-01002	AMD	90-04-057
292-12-030	NEW-E	90-08-077	296-06-150	AMD-P	90-02-089	296-20-01002	AMD-P	90-09-072
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292-12-040	NEW-E	90-08-077	296-06-170	AMD	90-07-004	296-20-02010	AMD	90-04-057
292-12-040	NEW	90-10-059	296-06-170	AMD	90-02-089	296-20-022	AMD	90-04-057
292-12-050	NEW-P	90-03-095	296-06-990	REP-P	90-02-089	296-20-024	AMD	90-04-057
292-12-050	NEW-E	90-08-077	296-06-990	REP	90-07-004	296-20-03001	AMD	90-04-057
292-12-050	NEW	90-10-059	296-06-99001	REP-P	90-02-089	296-20-045	AMD	90-04-057
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292-12-060	NEW-E	90-08-077	296-14-010	AMD-P	90-13-112	296-20-097	AMD-P	90-13-112
292-12-060	NEW	90-10-059	296-14-400	AMD	90-04-007	296-20-097	AMD-P	90-13-112
292-12-070	NEW-P	90-03-095	296-14-400	AMD-P	90-13-112	296-20-1103	AMD-P	90-09-072
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292-12-070	NEW-E	90-08-077	296-14-970	NEW-E	90-12-105	296-22-053	AMD-P	90-13-111
292-12-070	NEW	90-10-059	296-14-970	NEW-P	90-12-103	296-22-082	AMD-P	90-13-111
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292-12-130	NEW-E	90-08-077	296-17-50904	AMD-C	90-11-099	296-24-102	NEW	90-03-029
292-12-130	NEW	90-10-059	296-17-50904	AMD	90-13-018	296-24-10203	NEW	90-03-029
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292-12-140	NEW	90-10-059	296-17-519	AMD	90-13-018	296-24-16507	AMD	90-03-029
292-12-150	NEW-P	90-03-095	296-17-532	AMD-P	90-08-092	296-24-16515	AMD	90-03-029
292-12-150	NEW-E	90-08-077	296-17-532	AMD-C	90-11-099	296-24-16517	AMD	90-03-029
292-12-150	NEW	90-10-059	296-17-532	AMD	90-13-018	296-24-20503	AMD	90-03-029
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292-12-160	NEW	90-10-059	296-17-57602	AMD	90-13-018	296-24-550	AMD	90-03-029
292-12-170	NEW-P	90-03-095	296-17-590	AMD-P	90-08-092	296-24-58513	AMD	90-03-029
292-12-170	NEW-E	90-08-077	296-17-590	AMD-C	90-11-099	296-24-75009	AMD	90-03-029
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292-12-180	NEW-E	90-08-077	296-17-592	AMD-C	90-11-099	296-24-81003	AMD	90-03-029
292-12-180	NEW	90-10-059	296-17-592	AMD	90-13-018	296-24-81005	AMD	90-03-029
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296-04-160	AMD-S	90-07-084	296-17-634	AMD-P	90-08-092	296-24-87003	REP	90-09-026
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296-04-340	AMD	90-10-019	296-17-634	AMD	90-13-018	296-24-87005	REP	90-09-026
296-04-350	AMD	90-10-019	296-17-679	AMD-P	90-08-092	296-24-87007	REP-P	90-03-093
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296-06-020	AMD-P	90-02-089	296-17-870	AMD-C	90-11-099	296-24-87011	NEW-P	90-03-093
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296-06-100	AMD-P	90-02-089	296-17-895	AMD	90-13-018	296-24-87031	NEW-P	90-03-093
296-06-100	AMD	90-07-004	296-18A-440	AMD-P	90-09-072	296-24-87031	NEW	90-09-026
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296-24-87037	NEW	90-09-026	296-127-440	NEW-E	90-06-008	308-14-110	NEW-P	90-05-058
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296-36-170	AMD-P	90-12-106	296-127-460	NEW-E	90-06-008	308-14-200	NEW-P	90-05-058
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296-36-210	AMD-P	90-12-106	296-131-001	AMD-P	90-07-078	308-20-107	AMD	90-07-030
296-46-910	AMD-P	90-12-104	296-131-001	AMD-C	90-12-069	308-20-140	AMD-P	90-03-018
296-46-915	AMD-P	90-12-104	296-131-005	NEW-P	90-07-078	308-20-140	AMD	90-07-030
296-52-417	AMD	90-03-029	296-131-005	NEW-C	90-12-069	308-20-155	AMD-P	90-03-018
296-52-419	AMD	90-03-029	296-131-020	NEW-P	90-07-078	308-20-155	AMD	90-07-030
296-52-461	AMD	90-03-029	296-131-020	NEW-C	90-12-069	308-20-210	AMD-P	90-03-018
296-52-473	REP	90-03-029	296-131-100	NEW-P	90-07-078	308-20-210	AMD	90-07-030
296-52-477	AMD	90-03-029	296-131-100	NEW-C	90-12-069	308-25-010	REP-W	90-12-002
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296-52-509	AMD	90-03-029	296-131-105	NEW-C	90-12-069	308-25-015	AMD-W	90-12-002
296-52-510	NEW	90-03-029	296-131-110	NEW-P	90-07-078	308-25-031	NEW-W	90-12-002
296-54-569	AMD-P	90-03-093	296-131-110	NEW-C	90-12-069	308-25-035	AMD-W	90-12-002
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296-62-07007	REP	90-09-026	296-131-120	NEW-P	90-07-078	308-25-038	NEW-P	90-09-062
296-62-07107	AMD-P	90-03-093	296-131-120	NEW-C	90-12-069	308-25-038	NEW	90-12-068
296-62-07107	AMD	90-09-026	296-131-125	NEW-P	90-07-078	308-25-041	NEW-W	90-12-002
296-62-07314	AMD	90-03-029	296-131-125	NEW-C	90-12-069	308-25-045	NEW-W	90-12-002
296-62-07507	AMD	90-03-029	296-131-126	NEW-P	90-07-078	308-25-046	NEW-W	90-12-002
296-62-07515	AMD	90-03-029	296-131-130	NEW-P	90-07-078	308-25-047	NEW-W	90-12-002
296-62-07517	AMD-P	90-03-093	296-131-130	NEW-C	90-12-069	308-25-065	AMD	90-04-094
296-62-07517	AMD	90-09-026	296-131-135	NEW-P	90-07-078	308-25-290	NEW-P	90-10-037
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296-62-07521	AMD-P	90-12-106	296-131-140	NEW-P	90-07-078	308-25-320	NEW-P	90-10-037
296-62-07531	AMD-P	90-03-093	296-131-140	NEW-C	90-12-069	308-25-330	NEW-P	90-10-037
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296-62-40027	NEW-P	90-12-106	296-155-697	AMD-P	90-12-106	308-31-240	NEW	90-12-013
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296-116-185	AMD	90-09-013	308-12-320	PREP	90-05-041	308-34-170	AMD	90-13-084
296-116-300	AMD-P	90-03-097	308-12-320	AMD-P	90-13-059	308-39-100	AMD-P	90-06-065
296-116-300	AMD	90-08-095	308-12-326	AMD	90-03-032	308-39-110	AMD-P	90-06-065
296-116-300	AMD-E	90-13-055	308-13-150	AMD	90-03-031	308-39-120	REP-P	90-06-065
296-127-016	REP-E	90-08-061	308-13-150	AMD-P	90-11-061	308-39-125	NEW-P	90-06-065
296-127-040	AMD-E	90-09-047	308-14-080	NEW-P	90-05-058	308-39-130	NEW-P	90-06-065
296-127-045	AMD-E	90-09-047	308-14-080	NEW	90-10-009	308-39-140	NEW-P	90-06-065

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
308-39-150	NEW-P	90-06-065	308-72-520	AMD	90-13-037
308-39-160	NEW-P	90-06-065	308-72-540	AMD-P	90-08-116
308-39-170	NEW-P	90-06-065	308-72-540	AMD	90-13-037
308-39-180	NEW-P	90-06-065	308-72-542	NEW-P	90-08-116
308-39-190	NEW-P	90-06-065	308-72-542	NEW	90-13-037
308-39-200	NEW-P	90-06-065	308-72-570	AMD-P	90-08-116
308-39-210	NEW-P	90-06-065	308-72-570	AMD	90-13-037
308-39-220	NEW-P	90-06-101	308-72-690	AMD-P	90-08-116
308-40-107	NEW-P	90-04-085	308-72-690	AMD	90-13-037
308-40-107	NEW	90-08-011	308-77-034	AMD-P	90-08-117
308-40-115	NEW-P	90-07-067	308-77-034	AMD	90-13-038
308-40-115	NEW	90-11-083	308-77-040	AMD-P	90-08-117
308-40-125	AMD-E	90-04-083	308-77-040	AMD	90-13-038
308-40-125	AMD	90-04-094	308-77-120	AMD-P	90-08-117
308-40-130	REP	90-05-039	308-77-120	AMD	90-13-038
308-40-135	NEW	90-05-039	308-77-125	NEW-E	90-08-060
308-40-150	NEW-P	90-07-068	308-77-125	NEW-P	90-08-119
308-40-151	NEW-P	90-07-068	308-77-125	NEW	90-13-036
308-40-152	NEW-P	90-07-068	308-77-165	NEW-P	90-08-117
308-42-045	AMD-P	90-04-095	308-77-165	NEW	90-13-038
308-42-060	AMD-P	90-04-095	308-78-010	AMD-P	90-08-118
308-42-145	AMD-P	90-04-095	308-78-010	AMD	90-13-039
308-48-800	AMD-P	90-04-110	308-78-030	AMD-P	90-08-118
308-48-800	AMD	90-07-024	308-78-030	AMD	90-13-039
308-50-295	AMD-W	90-03-069	308-78-040	AMD-P	90-08-118
308-50-295	AMD-P	90-08-107	308-78-040	AMD	90-13-039
308-50-310	AMD-W	90-03-069	308-78-070	AMD-P	90-08-118
308-50-310	AMD-P	90-08-107	308-78-070	AMD	90-13-039
308-50-440	AMD	90-04-094	308-91-010	AMD-P	90-10-091
308-51-120	AMD-P	90-07-069	308-91-010	AMD-W	90-13-057
308-51-120	AMD	90-13-005	308-91-010	AMD-P	90-13-058
308-51-130	AMD-P	90-07-069	308-91-030	AMD-P	90-10-091
308-51-130	AMD	90-13-005	308-91-030	AMD-W	90-13-057
308-52-100	AMD	90-05-001	308-91-030	AMD-P	90-13-058
308-52-260	AMD-E	90-12-113	308-91-040	AMD-P	90-10-091
308-52-260	AMD-P	90-12-116	308-91-040	AMD-W	90-13-057
308-52-590	AMD-E	90-04-093	308-91-040	AMD-P	90-13-058
308-52-590	AMD-E	90-06-100	308-91-050	AMD-P	90-10-091
308-52-590	AMD-P	90-08-009	308-91-050	AMD-W	90-13-057
308-52-690	AMD-E	90-09-007	308-91-050	AMD-P	90-10-091
308-52-690	AMD-E	90-11-044	308-91-060	AMD-P	90-10-091
308-53-075	AMD-P	90-08-106	308-91-060	AMD-W	90-13-057
308-53-075	AMD	90-11-080	308-91-060	AMD-P	90-13-058
308-53-084	AMD-P	90-08-106	308-91-070	AMD-P	90-10-091
308-53-084	AMD	90-11-080	308-91-070	AMD-W	90-13-057
308-53-085	AMD-P	90-08-106	308-91-070	AMD-P	90-13-058
308-53-085	AMD	90-11-080	308-91-080	AMD-P	90-10-091
308-53-210	PREP	90-12-065	308-91-080	AMD-W	90-13-057
308-53-265	PREP	90-12-065	308-91-080	AMD-P	90-13-058
308-54-315	AMD	90-04-094	308-91-090	AMD-P	90-10-091
308-56A-420	AMD-P	90-06-022	308-91-090	AMD-W	90-13-057
308-56A-420	AMD	90-10-013	308-91-090	AMD-P	90-13-058
308-56A-500	NEW-P	90-06-015	308-91-160	REP-P	90-10-091
308-56A-500	NEW-E	90-06-016	308-91-160	REP-W	90-13-057
308-56A-500	NEW	90-11-091	308-91-160	REP-P	90-13-058
308-56A-505	NEW-P	90-06-015	308-93-010	AMD	90-08-018
308-56A-505	NEW-E	90-06-016	308-93-050	AMD	90-08-018
308-56A-505	NEW	90-11-091	308-93-140	AMD	90-08-018
308-56A-510	NEW-P	90-06-015	308-93-660	NEW	90-08-018
308-56A-510	NEW-E	90-06-016	308-115-405	AMD	90-04-094
308-56A-510	NEW	90-11-091	308-117-500	AMD	90-04-094
308-56A-515	NEW-P	90-06-015	308-120-165	AMD	90-04-059
308-56A-515	NEW-E	90-06-016	308-120-275	AMD	90-04-094
308-56A-515	NEW	90-11-091	308-120-620	NEW	90-04-059
308-56A-520	NEW-P	90-06-015	308-121-030	REP-P	90-12-117
308-56A-520	NEW-E	90-06-016	308-121-040	REP-P	90-12-117
308-56A-520	NEW	90-11-091	308-121-050	REP-P	90-12-117
308-66-150	AMD-P	90-04-048	308-121-055	REP-P	90-12-117
308-66-150	AMD-C	90-12-089	308-121-060	REP-P	90-12-117
308-66-152	NEW-P	90-04-048	308-121-070	REP-P	90-12-117
308-66-152	NEW-C	90-12-089	308-121-110	NEW-P	90-10-084
308-66-190	AMD-P	90-06-022	308-121-110	NEW-C	90-12-115
308-66-190	AMD	90-10-013	308-121-120	NEW-P	90-10-084
308-67-010	NEW	90-03-022	308-121-120	NEW-C	90-12-115
308-72-509	NEW-P	90-08-116	308-121-130	NEW-P	90-10-084
308-72-509	NEW	90-13-037	308-121-130	NEW-C	90-12-115
308-72-520	AMD-P	90-08-116	308-121-140	NEW-P	90-10-084
308-121-140	NEW-C	90-12-115	308-121-140	NEW-C	90-12-115
308-121-145	NEW-P	90-10-084	308-121-145	NEW-C	90-12-115
308-121-145	NEW-C	90-12-115	308-121-150	NEW-P	90-10-084
308-121-150	NEW-P	90-10-084	308-121-150	NEW-C	90-12-115
308-121-155	NEW-P	90-10-084	308-121-155	NEW-P	90-10-084
308-121-155	NEW-C	90-12-115	308-121-160	NEW-C	90-10-084
308-121-160	NEW-P	90-10-084	308-121-160	NEW-P	90-12-115
308-121-160	NEW-C	90-12-115	308-121-165	NEW-P	90-10-084
308-121-165	NEW-P	90-10-084	308-121-165	NEW-C	90-12-115
308-121-170	NEW-P	90-10-084	308-121-170	NEW-P	90-10-084
308-121-170	NEW-C	90-12-115	308-121-170	NEW-C	90-12-115
308-121-175	NEW-P	90-10-084	308-121-175	NEW-P	90-10-084
308-121-175	NEW-C	90-12-115	308-121-180	NEW-P	90-10-084
308-121-180	NEW-P	90-10-084	308-121-180	NEW-C	90-12-115
308-122-275	AMD	90-04-094	308-122-275	AMD	90-04-094
308-122-500	AMD-E	90-05-016	308-122-500	AMD-E	90-05-016
308-122-500	AMD-P	90-05-040	308-122-500	AMD-P	90-05-040
308-122-500	AMD-W	90-10-100	308-122-500	AMD-W	90-10-100
308-122-503	REP	90-05-015	308-122-503	REP	90-05-015
308-122-503	REP-E	90-05-017	308-122-503	REP-E	90-05-017
308-122-550	REP	90-05-015	308-122-550	REP	90-05-015
308-122-550	REP-E	90-05-017	308-122-550	REP-E	90-05-017
308-122-555	REP	90-05-015	308-122-555	REP	90-05-015
308-122-555	REP-E	90-05-017	308-122-555	REP-E	90-05-017
308-122-560	REP	90-05-015	308-122-560	REP	90-05-015
308-122-560	REP-E	90-05-017	308-122-560	REP-E	90-05-017
308-122-565	REP	90-05-015	308-122-565	REP	90-05-015
308-122-565	REP-E	90-05-017	308-122-565	REP-E	90-05-017
308-122-570	REP	90-05-015	308-122-570	REP	90-05-015
308-122-570	REP-E	90-05-017	308-122-570	REP-E	90-05-017
308-122-575	REP	90-05-015	308-122-575	REP	90-05-015
308-122-575	REP-E	90-05-017	308-122-575	REP-E	90-05-017
308-122-580	REP	90-05-015	308-122-580	REP	90-05-015
308-122-580	REP-E	90-05-017	308-122-580	REP-E	90-05-017
308-124C-020	AMD-P	90-10-075	308-124C-020	AMD-P	90-10-075
308-124C-020	AMD-W	90-11-008	308-124C-020	AMD-W	90-11-008
308-124C-020	AMD-P	90-11-098	308-124E-014	AMD-P	90-02-103
308-124E-014	AMD-P	90-02-103	308-124E-014	AMD-C	90-05-073
308-124E-014	AMD-C	90-05-073	308-124E-014	AMD	90-09-014
308-124H	AMD-P	90-02-102	308-124H	AMD-P	90-02-102
308-124H	AMD-C	90-05-072	308-124H	AMD-C	90-05-072
308-124H	AMD	90-10-010	308-124H-011	AMD	90-10-010
308-124H-011	NEW-P	90-02-102	308-124H-011	NEW-P	90-02-102
308-124H-011	NEW-C	90-05-072	308-124H-011	NEW-C	90-05-072
308-124H-011	NEW	90-10-010	308-124H-011	NEW	90-10-010
308-124H-020	REP-P	90-02-102	308-124H-020	REP-P	90-02-102
308-124H-020	REP-C	90-05-072	308-124H-020	REP-C	90-05-072
308-124H-020	REP	90-10-010	308-124H-020	REP	90-10-010
308-124H-021	NEW-P	90-02-102	308-124H-021	NEW-P	90-02-102
308-124H-021	NEW-C	90-05-072	308-124H-021	NEW-C	90-05-072
308-124H-021	NEW	90-10-010	308-124H-021	NEW	90-10-010
308-124H-025	NEW-P	90-02-102	308-124H-025	NEW-P	90-02-102
308-124H-025	NEW-C	90-05-072	308-124H-025	NEW-C	90-05-072
308-124H-025	NEW	90-10-010	308-124H-025	NEW	90-10-010
308-124H-030	REP-P	90-02-102	308-124H-030	REP-P	90-02-102
308-124H-030	REP-C	90-05-072	308-124H-030	REP-C	90-05-072
308-124H-030	REP	90-10-010	308-124H-030	REP	90-10-010
308-124H-033	REP-P	90-02-102	308-124H-033	REP-P	90-02-102
308-124H-033	REP-C	90-05-072	308-124H-033	REP-C	90-05-072
308-124H-033	REP	90-10-010	308-124H-033	REP	90-10-010
308-124H-035	AMD-P	90-02-102	308-124H-035	AMD-P	90-02-102
308-124H-035	AMD-C	90-05-072	308-124H-035	AMD-C	90-05-072
308-124H-035	AMD	90-10-010	308-124H-035	AMD	90-10-010
308-124H-036	AMD-P	90-02-102	308-124H-036	AMD-P	90-02-102
308-124H-036	AMD-C	90-05-072	308-124H-036	AMD-C	90-05-072
308-124H-036	AMD	90-10-010	308-124H-036	AMD	90-10-010
308-124H-037	AMD-P	90-02-102	308-124H-037	AMD-P	90-02-102
308-124H-037	AMD-C	90-05-072	308-124H-037	AMD-C	90-05-072
308-124H-037	AMD	90-10-010	308-124H-037	AMD	90-10-010
308-124H-038	REP-P	90-02-102	308-124H-038	REP-P	90-02-102
308-124H-038	REP-C	90-05-072	308-124H-038	REP-C	90-05-072
308-124H-038	REP	90-10-010	308-124H-038	REP	90-10-010
308-124H-040	REP-P	90-02-102	308-124H-040	REP-P	90-02-102

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
308-124H-040	REP-C	90-05-072	308-124H-580	NEW-C	90-05-072	308-173-230	NEW-P	90-10-084
308-124H-040	REP	90-10-010	308-124H-580	NEW	90-10-010	308-173-230	NEW-C	90-12-115
308-124H-041	NEW-P	90-02-102	308-124H-800	NEW-P	90-10-075	308-173-240	NEW-P	90-10-084
308-124H-041	NEW-C	90-05-072	308-124H-800	NEW-W	90-11-008	308-173-240	NEW-C	90-12-115
308-124H-041	NEW	90-10-010	308-124H-800	NEW-P	90-11-098	308-173-245	NEW-P	90-10-084
308-124H-043	REP-P	90-02-102	308-124I-010	NEW-P	90-02-102	308-173-245	NEW-C	90-12-115
308-124H-043	REP-C	90-05-072	308-124I-020	NEW-P	90-02-102	308-173-250	NEW-P	90-10-084
308-124H-043	REP	90-10-010	308-124I-030	NEW-P	90-02-102	308-173-250	NEW-C	90-12-115
308-124H-045	REP-P	90-02-102	308-124I-040	NEW-P	90-02-102	308-173-255	NEW-P	90-10-084
308-124H-045	REP-C	90-05-072	308-124I-050	NEW-P	90-02-102	308-173-255	NEW-C	90-12-115
308-124H-045	REP	90-10-010	308-124I-060	NEW-P	90-02-102	308-173-260	NEW-P	90-10-084
308-124H-050	REP-P	90-02-102	308-124I-070	NEW-P	90-02-102	308-173-260	NEW-C	90-12-115
308-124H-050	REP-C	90-05-072	308-124I-080	NEW-P	90-02-102	308-173-265	NEW-P	90-10-084
308-124H-050	REP	90-10-010	308-124I-090	NEW-P	90-02-102	308-173-265	NEW-C	90-12-115
308-124H-051	NEW-P	90-02-102	308-124I-100	NEW-P	90-02-102	308-173-270	NEW-P	90-10-084
308-124H-051	NEW-C	90-05-072	308-124I-110	NEW-P	90-02-102	308-173-270	NEW-C	90-12-115
308-124H-051	NEW	90-10-010	308-124I-120	NEW-P	90-02-102	308-173-275	NEW-P	90-10-084
308-124H-055	REP-P	90-02-102	308-124I-130	NEW-P	90-02-102	308-173-275	NEW-C	90-12-115
308-124H-055	REP-C	90-05-072	308-124I-140	NEW-P	90-02-102	308-173-280	NEW-P	90-10-084
308-124H-055	REP	90-10-010	308-124J-010	NEW-P	90-02-102	308-173-280	NEW-C	90-12-115
308-124H-060	REP-P	90-02-102	308-124J-020	NEW-P	90-02-102	308-175-140	AMD	90-04-094
308-124H-060	REP-C	90-05-072	308-124J-030	NEW-P	90-02-102	308-175-200	AMD-E	90-06-004
308-124H-060	REP	90-10-010	308-124J-040	NEW-P	90-02-102	308-175-200	AMD-P	90-11-019
308-124H-061	NEW-P	90-02-102	308-124J-050	NEW-P	90-02-102	308-177-110	AMD	90-04-094
308-124H-061	NEW-C	90-05-072	308-124J-060	NEW-P	90-02-102	308-180-120	AMD-P	90-05-053
308-124H-061	NEW	90-10-010	308-124J-070	NEW-P	90-02-102	308-180-120	AMD	90-11-093
308-124H-062	NEW-P	90-02-102	308-124J-080	NEW-P	90-02-102	308-180-150	AMD-P	90-08-002
308-124H-062	NEW-C	90-05-072	308-127-010	REP-P	90-04-088	308-180-150	AMD	90-12-114
308-124H-062	NEW	90-10-010	308-127-010	REP	90-07-023	308-180-210	AMD-P	90-08-002
308-124H-065	REP-P	90-02-102	308-127-020	REP-P	90-04-088	308-180-210	AMD	90-12-114
308-124H-065	REP-C	90-05-072	308-127-020	REP	90-07-023	308-180-250	AMD-P	90-08-002
308-124H-065	REP	90-10-010	308-127-030	REP-P	90-04-088	308-180-250	AMD	90-12-114
308-124H-070	REP-P	90-02-102	308-127-030	REP	90-07-023	308-180-260	AMD	90-04-094
308-124H-070	REP-C	90-05-072	308-127-035	NEW-P	90-04-088	308-180-260	AMD-P	90-08-009
308-124H-070	REP	90-10-010	308-127-035	NEW	90-07-023	308-190-010	AMD	90-04-094
308-124H-210	NEW-C	90-05-072	308-127-040	AMD-P	90-04-088	308-190-010	AMD-P	90-08-009
308-124H-210	NEW	90-10-010	308-127-040	AMD	90-07-023	308-310-010	AMD	90-04-094
308-124H-220	NEW-C	90-05-072	308-127-100	REP-P	90-04-088	308-320-010	NEW	90-02-060
308-124H-220	NEW	90-10-010	308-127-100	REP	90-07-023	308-320-010	NEW-E	90-02-061
308-124H-230	NEW-C	90-05-072	308-127-105	NEW-P	90-04-088	308-320-020	NEW	90-02-060
308-124H-230	NEW	90-10-010	308-127-105	NEW	90-07-023	308-320-020	NEW-E	90-02-061
308-124H-240	NEW-C	90-05-072	308-127-110	AMD-P	90-04-088	308-320-030	NEW	90-02-060
308-124H-240	NEW	90-10-010	308-127-110	AMD	90-07-023	308-320-030	NEW-E	90-02-061
308-124H-250	NEW-C	90-05-072	308-127-120	AMD-P	90-04-088	308-320-040	NEW	90-02-060
308-124H-250	NEW	90-10-010	308-127-120	AMD	90-07-023	308-320-040	NEW-E	90-02-061
308-124H-260	NEW-C	90-05-072	308-127-130	AMD-P	90-04-088	308-320-050	NEW	90-02-060
308-124H-260	NEW	90-10-010	308-127-130	AMD	90-07-023	308-320-050	NEW-E	90-02-061
308-124H-270	NEW-C	90-05-072	308-127-140	AMD-P	90-04-088	308-320-060	NEW	90-02-060
308-124H-270	NEW	90-10-010	308-127-140	AMD	90-07-023	308-320-060	NEW-E	90-02-061
308-124H-280	NEW-C	90-05-072	308-127-155	REP-P	90-04-088	308-320-070	NEW	90-02-060
308-124H-280	NEW	90-10-010	308-127-155	REP	90-07-023	308-320-070	NEW-E	90-02-061
308-124H-290	NEW-C	90-05-072	308-127-160	NEW-P	90-04-088	308-320-080	NEW	90-02-060
308-124H-290	NEW	90-10-010	308-127-160	NEW	90-07-023	308-320-080	NEW-E	90-02-061
308-124H-300	NEW-C	90-05-072	308-127-200	AMD-P	90-04-088	308-320-090	NEW	90-02-060
308-124H-300	NEW	90-10-010	308-127-200	AMD	90-07-023	308-320-090	NEW-E	90-02-061
308-124H-310	NEW-C	90-05-072	308-127-210	AMD-P	90-04-088	308-320-100	NEW-W	90-11-068
308-124H-310	NEW	90-10-010	308-127-210	AMD	90-07-023	308-400-042	AMD	90-04-051
308-124H-320	NEW-C	90-05-072	308-127-220	REP-P	90-04-088	308-400-095	AMD	90-04-051
308-124H-320	NEW	90-10-010	308-127-220	REP	90-07-023	314-12-135	NEW-P	90-10-088
308-124H-330	NEW-C	90-05-072	308-127-225	NEW-P	90-04-088	314-12-175	AMD-P	90-10-087
308-124H-330	NEW	90-10-010	308-127-225	NEW	90-07-023	314-16-170	AMD-P	90-03-088
308-124H-340	NEW-C	90-05-072	308-127-300	AMD-P	90-04-088	314-20-020	AMD-P	90-10-090
308-124H-340	NEW	90-10-010	308-127-300	AMD	90-07-023	314-20-025	NEW-P	90-03-089
308-124H-510	NEW-C	90-05-072	308-128B-060	REP	90-03-098	314-40-020	AMD-P	90-10-089
308-124H-510	NEW	90-10-010	308-128B-080	AMD	90-03-099	314-60-040	AMD	90-02-109
308-124H-520	NEW-C	90-05-072	308-138-080	AMD	90-04-094	315-04-132	AMD-P	90-07-086
308-124H-520	NEW	90-10-010	308-152-030	AMD	90-04-094	315-04-132	AMD	90-11-040
308-124H-530	NEW-C	90-05-072	308-152-030	AMD-P	90-08-009	315-06-080	AMD-P	90-07-086
308-124H-530	NEW	90-10-010	308-171-001	AMD-P	90-04-096	315-06-080	AMD	90-11-040
308-124H-540	NEW-C	90-05-072	308-171-010	AMD-P	90-04-096	315-08-010	NEW-P	90-07-086
308-124H-540	NEW	90-10-010	308-171-020	AMD-P	90-04-096	315-08-010	NEW	90-11-040
308-124H-550	NEW-C	90-05-072	308-171-041	NEW-P	90-04-096	315-08-020	NEW-P	90-07-086
308-124H-550	NEW	90-10-010	308-173-130	AMD	90-04-094	315-08-020	NEW	90-11-040
308-124H-560	NEW-C	90-05-072	308-173-210	NEW-P	90-10-084	315-08-030	NEW-P	90-07-086
308-124H-560	NEW	90-10-010	308-173-210	NEW-C	90-12-115	315-08-030	NEW	90-11-040
308-124H-570	NEW-C	90-05-072	308-173-220	NEW-P	90-10-084	315-08-040	NEW-P	90-07-086
308-124H-570	NEW	90-10-010	308-173-220	NEW-C	90-12-115	315-08-040	NEW	90-11-040

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315-11-491	AMD	90-03-023	316-55-520	REP-P	90-03-039	352-32-252	AMD-E	90-08-121
315-11-530	NEW-P	90-03-109	316-55-520	REP	90-06-047	352-32-270	AMD-P	90-06-108
315-11-530	NEW	90-06-060	316-55-525	AMD-P	90-03-039	352-32-270	AMD	90-10-023
315-11-531	NEW-P	90-03-109	316-55-525	AMD	90-06-047	352-36-010	REP-P	90-06-109
315-11-531	NEW	90-06-060	316-55-600	RE-AD-P	90-03-039	352-36-010	REP	90-10-024
315-11-532	NEW-P	90-03-109	316-55-600	RE-AD	90-06-047	352-36-020	REP-P	90-06-109
315-11-532	NEW	90-06-060	316-55-700	NEW-P	90-03-039	352-36-020	REP	90-10-024
315-11-540	NEW-P	90-03-109	316-55-700	NEW	90-06-047	352-36-025	REP-P	90-06-109
315-11-540	NEW	90-06-060	316-55-710	NEW-P	90-03-039	352-36-025	REP	90-10-024
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315-11-542	NEW	90-06-060	316-85-001	NEW-P	90-03-040	352-36-040	REP	90-10-024
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315-33-010	NEW-P	90-03-109	316-85-060	NEW	90-06-046	352-36-110	REP-P	90-06-109
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316-55-001	AMD	90-06-047	332-130-030	AMD	90-06-028	352-37-020	NEW	90-07-050
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316-55-010	AMD-P	90-03-039	332-130-080	AMD-P	90-03-066	352-37-030	NEW	90-07-050
316-55-010	AMD	90-06-047	332-130-080	AMD	90-06-028	352-37-040	NEW-P	90-04-106
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316-55-020	AMD	90-06-047	332-130-090	AMD	90-06-028	352-37-040	NEW	90-07-050
316-55-030	AMD-P	90-03-039	352-12-020	AMD-P	90-04-108	352-37-050	NEW-P	90-04-106
316-55-030	AMD	90-06-047	352-12-020	AMD	90-07-062	352-37-050	NEW-E	90-06-006
316-55-050	AMD-P	90-03-039	352-12-020	AMD-E	90-08-121	352-37-050	NEW	90-07-050
316-55-050	AMD	90-06-047	352-12-030	AMD-P	90-04-108	352-37-060	NEW-P	90-04-106
316-55-070	AMD-P	90-03-039	352-12-030	AMD	90-07-062	352-37-060	NEW-E	90-06-006
316-55-070	AMD	90-06-047	352-12-030	AMD-E	90-08-121	352-37-060	NEW	90-07-050
316-55-090	RE-AD-P	90-03-039	352-20-010	AMD-P	90-04-108	352-37-070	NEW-P	90-04-106
316-55-090	RE-AD	90-06-047	352-20-010	AMD	90-07-062	352-37-070	NEW-E	90-06-006
316-55-110	AMD-P	90-03-039	352-20-010	AMD-E	90-08-121	352-37-070	NEW	90-07-050
316-55-110	AMD	90-06-047	352-20-050	AMD-P	90-04-108	352-37-080	NEW-P	90-04-106
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316-55-120	NEW	90-06-047	352-20-050	AMD-E	90-08-121	352-37-080	NEW	90-07-050
316-55-130	RE-AD-P	90-03-039	352-32-010	AMD-P	90-04-108	352-37-090	NEW-P	90-04-106
316-55-130	RE-AD	90-06-047	352-32-010	AMD-W	90-07-064	352-37-090	NEW-E	90-06-006
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316-55-160	AMD-P	90-03-039	352-32-045	AMD-E	90-08-121	352-37-100	NEW-E	90-06-006
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316-55-505	AMD	90-06-047	352-32-250	AMD-E	90-08-121	352-37-120	NEW	90-07-050
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352-37-150	NEW-E 90-06-006	352-75-050	NEW 90-10-052	356-34-110	REP-C 90-07-053
352-37-150	NEW 90-07-050	352-75-060	NEW-P 90-06-110	356-34-110	REP-E 90-10-017
352-37-160	NEW-P 90-04-106	352-75-060	NEW 90-10-052	356-34-110	REP 90-10-018
352-37-160	NEW-E 90-06-006	352-75-070	NEW-P 90-06-110	356-34-113	REP-P 90-03-101
352-37-160	NEW 90-07-050	352-75-070	NEW 90-10-052	356-34-113	REP-C 90-07-053
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352-37-170	NEW 90-07-050	352-75-090	NEW-P 90-06-110	356-34-115	REP-P 90-03-101
352-37-180	NEW-P 90-04-106	352-75-090	NEW 90-10-052	356-34-115	REP-C 90-07-053
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352-37-190	NEW-E 90-06-006	356-06-020	AMD-E 90-12-026	356-34-117	REP-C 90-07-053
352-37-190	NEW 90-07-050	356-06-020	AMD 90-12-027	356-34-117	REP-E 90-10-017
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352-37-200	NEW-E 90-06-006	356-06-055	AMD-E 90-12-026	356-34-118	REP-P 90-03-101
352-37-200	NEW 90-07-050	356-06-055	AMD 90-12-027	356-34-118	REP-C 90-07-053
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356-37-070	NEW-P	90-03-101	374-20-070	NEW-P	90-10-093	388-08-545	NEW-C	90-04-020
356-37-070	NEW	90-07-057	374-20-080	NEW-P	90-10-093	388-08-545	NEW	90-04-076
356-37-080	NEW-P	90-03-101	374-20-090	NEW-P	90-10-093	388-08-550	REP-C	90-04-020
356-37-080	NEW	90-07-057	374-20-100	NEW-P	90-10-093	388-08-550	REP	90-04-076
356-37-090	NEW-P	90-03-101	374-30-010	NEW-P	90-10-094	388-08-555	NEW-C	90-04-020
356-37-090	NEW	90-07-057	374-30-020	NEW-P	90-10-094	388-08-555	NEW	90-04-076
356-37-100	NEW-P	90-03-101	374-30-030	NEW-P	90-10-094	388-08-560	REP-C	90-04-020
356-37-100	NEW	90-07-057	374-30-040	NEW-P	90-10-094	388-08-560	REP	90-04-076
356-37-110	NEW-P	90-03-101	374-30-050	NEW-P	90-10-094	388-08-565	NEW-C	90-04-020
356-37-110	NEW	90-07-057	374-30-060	NEW-P	90-10-094	388-08-565	NEW	90-04-076
356-37-120	NEW-P	90-03-101	388-08	AMD-C	90-12-041	388-08-575	NEW-C	90-04-020
356-37-120	NEW	90-07-057	388-08-00201	REP-C	90-04-020	388-08-575	NEW	90-04-076
356-37-130	NEW-P	90-03-101	388-08-00201	REP	90-04-076	388-08-580	REP-C	90-04-020
356-37-130	NEW	90-07-057	388-08-00401	REP-C	90-04-020	388-08-580	REP	90-04-076
356-37-140	NEW-P	90-03-101	388-08-00401	REP	90-04-076	388-08-590	REP-C	90-04-020
356-37-140	NEW	90-07-057	388-08-006	REP-C	90-04-020	388-08-590	REP	90-04-076
356-37-150	NEW-P	90-03-101	388-08-006	REP	90-04-076	388-09-010	REP-C	90-04-020
356-37-150	NEW	90-07-057	388-08-00601	REP-C	90-04-020	388-09-010	REP	90-05-020
356-42-055	AMD-P	90-03-104	388-08-00601	REP	90-04-076	388-09-020	REP-C	90-04-020
356-42-055	AMD	90-08-020	388-08-010	REP-C	90-04-020	388-09-020	REP	90-05-020
356-42-056	NEW-P	90-03-103	388-08-010	REP	90-04-076	388-09-030	REP-C	90-04-020
356-46-060	AMD-P	90-07-052	388-08-405	REP-C	90-04-020	388-09-030	REP	90-05-020
356-46-060	AMD	90-12-028	388-08-405	REP	90-04-076	388-09-040	REP-C	90-04-020
356-46-135	NEW-P	90-08-071	388-08-406	REP-C	90-04-020	388-09-040	REP	90-05-020
356-46-135	NEW-C	90-12-016	388-08-406	REP	90-04-076	388-11-100	AMD-C	90-04-021
356-46-135	NEW-C	90-13-067	388-08-409	REP-C	90-04-020	388-11-100	AMD	90-04-077
356-46-140	NEW-P	90-08-071	388-08-409	REP	90-04-076	388-11-105	REP-C	90-04-021
356-46-140	NEW-C	90-12-016	388-08-410	NEW-C	90-04-020	388-11-105	REP	90-04-077
356-46-140	NEW-C	90-13-067	388-08-410	NEW	90-04-076	388-11-180	AMD-C	90-04-021
356-46-145	NEW-P	90-08-071	388-08-410	AMD-P	90-09-095	388-11-180	AMD	90-04-077
356-46-145	NEW-C	90-12-016	388-08-410	AMD-W	90-13-053	388-11-185	REP-C	90-04-021
356-46-145	NEW-C	90-13-067	388-08-413	AMD-C	90-04-020	388-11-185	REP	90-04-077
356-47-030	AMD-P	90-08-073	388-08-413	AMD	90-04-076	388-13-050	AMD-C	90-04-021
356-47-030	AMD-E	90-12-023	388-08-416	REP-C	90-04-020	388-13-050	AMD	90-04-077
356-47-030	AMD	90-12-024	388-08-416	REP	90-04-076	388-13-060	AMD-C	90-04-021
356-47-090	AMD-P	90-08-070	388-08-425	NEW-C	90-04-020	388-13-060	AMD	90-04-077
356-47-090	AMD	90-12-025	388-08-425	NEW	90-04-076	388-13-070	AMD-C	90-04-021
360-10-050	AMD-P	90-03-053	388-08-428	NEW-C	90-04-020	388-13-070	AMD	90-04-077
360-10-050	AMD-W	90-11-069	388-08-428	NEW	90-04-076	388-13-080	REP-C	90-04-021
360-10-050	AMD	90-11-079	388-08-431	NEW-C	90-04-020	388-13-080	REP	90-04-077
360-15-010	NEW	90-03-054	388-08-431	NEW	90-04-076	388-13-110	AMD-C	90-04-021
360-15-020	NEW	90-03-054	388-08-434	NEW-C	90-04-020	388-13-110	AMD	90-04-077
360-15-030	NEW	90-03-054	388-08-434	NEW	90-04-076	388-13-120	AMD-C	90-04-021
360-15-040	NEW	90-03-054	388-08-435	REP-C	90-04-020	388-13-120	AMD	90-04-077
360-15-050	NEW	90-03-054	388-08-435	REP	90-04-076	388-14-200	AMD	90-05-022
360-15-060	NEW	90-03-054	388-08-437	NEW-C	90-04-020	388-14-260	AMD-C	90-04-021
360-15-070	NEW	90-03-054	388-08-437	NEW	90-04-076	388-14-260	AMD	90-04-077
360-16A-010	NEW	90-03-055	388-08-440	NEW-C	90-04-020	388-14-270	AMD-P	90-03-041
360-16A-020	NEW	90-03-055	388-08-440	NEW	90-04-076	388-14-270	AMD-E	90-03-042
360-16A-030	NEW	90-03-055	388-08-446	NEW-C	90-04-020	388-14-270	AMD-C	90-04-021
360-16A-040	NEW	90-03-055	388-08-446	NEW	90-04-076	388-14-270	AMD-W	90-04-069
360-16A-050	NEW-W	90-11-070	388-08-449	NEW-C	90-04-020	388-14-270	AMD-E	90-11-048
360-16A-060	NEW	90-03-055	388-08-449	NEW	90-04-076	388-14-300	AMD-P	90-12-083
360-16A-070	NEW	90-03-055	388-08-452	NEW-C	90-04-020	388-14-300	AMD-E	90-12-085
360-16A-080	NEW	90-03-055	388-08-452	NEW	90-04-076	388-14-302	REP-P	90-12-083
360-16A-090	NEW	90-03-055	388-08-461	NEW-C	90-04-020	388-14-302	REP-E	90-12-085
360-16A-100	NEW	90-03-055	388-08-461	NEW	90-04-076	388-14-305	REP-P	90-12-083
365-110-020	AMD-P	90-03-017	388-08-464	NEW-C	90-04-020	388-14-305	REP-E	90-12-085
365-110-020	AMD	90-09-008	388-08-464	NEW	90-04-076	388-14-310	AMD-P	90-12-083
365-110-030	REP-P	90-03-017	388-08-470	NEW-C	90-04-020	388-14-310	AMD-E	90-12-085
365-110-030	REP	90-09-008	388-08-470	NEW	90-04-076	388-14-385	AMD-C	90-04-021
365-110-035	AMD-P	90-03-017	388-08-482	NEW-P	90-09-095	388-14-385	AMD	90-04-077
365-110-035	AMD	90-09-008	388-08-482	NEW-W	90-10-028	388-14-390	AMD-C	90-04-021
365-110-040	REP-P	90-03-017	388-08-485	NEW-P	90-09-095	388-14-390	AMD	90-04-077
365-110-040	REP	90-09-008	388-08-485	NEW-W	90-10-028	388-14-415	AMD-C	90-04-021
365-110-050	REP-P	90-03-017	388-08-488	NEW-P	90-09-095	388-14-415	AMD	90-04-077
365-110-050	REP	90-09-008	388-08-488	NEW-W	90-10-028	388-14-420	AMD-P	90-12-083
365-110-060	REP-P	90-03-017	388-08-491	NEW-P	90-09-095	388-14-420	AMD-E	90-12-085
365-110-060	REP	90-09-008	388-08-491	NEW-W	90-10-028	388-15-207	AMD-P	90-11-124
365-110-080	REP-P	90-03-017	388-08-515	NEW-C	90-04-020	388-15-208	AMD-P	90-11-124
365-110-080	REP	90-09-008	388-08-515	NEW	90-04-076	388-15-209	AMD-P	90-11-124
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388-15-630	AMD-P	90-11-006	388-49-190	AMD-P	90-10-066	388-76-490	AMD	90-03-051
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388-15-820	AMD-P	90-02-084	388-49-190	AMD-P	90-11-016	388-76-530	AMD	90-03-051
388-15-820	AMD	90-06-038	388-49-410	AMD-E	90-07-036	388-77-005	AMD-E	90-09-088
388-15-870	AMD-E	90-02-079	388-49-410	AMD-P	90-07-079	388-77-005	AMD-P	90-09-085
388-15-870	AMD-P	90-02-084	388-49-410	AMD	90-11-004	388-77-005	AMD	90-12-059
388-15-870	AMD	90-06-038	388-49-470	AMD-P	90-08-041	388-77-006	NEW-E	90-09-088
388-15-880	AMD-E	90-02-079	388-49-470	AMD-E	90-08-058	388-77-006	NEW-P	90-09-085
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388-15-880	AMD	90-06-038	388-49-470	AMD-P	90-12-005	388-77-200	AMD-E	90-09-088
388-17-100	AMD-C	90-04-022	388-49-470	AMD-E	90-12-006	388-77-200	AMD-P	90-09-085
388-17-100	AMD	90-04-070	388-49-500	AMD-P	90-09-078	388-77-200	AMD	90-12-059
388-17-500	AMD-C	90-04-022	388-49-500	AMD	90-12-054	388-77-256	NEW-E	90-09-088
388-17-500	AMD	90-04-070	388-49-560	RESCIND	90-03-008	388-77-256	NEW-P	90-09-085
388-17-510	AMD-C	90-04-022	388-49-560	AMD-C	90-03-050	388-77-256	NEW	90-12-059
388-17-510	AMD	90-04-070	388-49-560	AMD-C	90-06-030	388-77-515	AMD-P	90-09-084
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388-19-005	AMD	90-12-112	388-49-560	AMD	90-12-084	388-81-043	AMD-P	90-09-082
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388-19-025	AMD	90-12-112	388-51-300	NEW	90-06-032	388-82-140	AMD	90-12-045
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388-19-030	AMD	90-12-112	388-70-590	AMD	90-04-072	388-83-028	REP-P	90-08-048
388-19-035	AMD-P	90-10-065	388-73-036	AMD-C	90-04-016	388-83-028	REP-E	90-08-052
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388-24	AMD-C	90-13-042	388-76-040	AMD	90-03-051	388-83-032	AMD-P	90-08-044
388-24-050	AMD-P	90-09-079	388-76-045	NEW	90-03-051	388-83-032	AMD-E	90-08-056
388-24-050	AMD-C	90-12-039	388-76-050	AMD	90-03-051	388-83-032	AMD	90-12-052
388-24-050	AMD-C	90-13-043	388-76-060	AMD	90-03-051	388-83-033	AMD-P	90-08-047
388-24-070	AMD-P	90-09-054	388-76-070	AMD	90-03-051	388-83-033	AMD-E	90-08-051
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388-29-100	AMD-E	90-11-082	388-76-160	AMD	90-03-051	388-85-105	AMD-P	90-08-039
388-29-110	AMD	90-06-035	388-76-170	AMD	90-03-051	388-85-105	AMD-E	90-08-053
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388-29-160	AMD	90-06-035	388-76-185	NEW	90-03-051	388-86-005	AMD-P	90-08-109
388-29-200	AMD	90-06-035	388-76-190	AMD	90-03-051	388-86-005	AMD-E	90-08-110
388-29-220	AMD	90-06-035	388-76-200	AMD	90-03-051	388-86-005	AMD	90-12-051
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388-33-382	AMD	90-09-035	388-76-350	AMD	90-03-051	388-87-011	AMD-E	90-08-054
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388-96-561	AMD	90-09-061	391-08-010	RE-AD	90-06-070	391-35-030	RE-AD	90-06-073
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388-96-585	AMD-P	90-05-014	391-08-030	RE-AD	90-06-070	391-35-070	RE-AD	90-06-073
388-96-585	AMD	90-09-061	391-08-040	RE-AD	90-06-070	391-35-080	NEW	90-06-073
388-96-713	AMD-P	90-05-014	391-08-040	RE-AD	90-06-070	391-35-090	RE-AD	90-06-073
388-96-713	AMD	90-09-061	391-08-100	RE-AD	90-06-070	391-35-099	RE-AD	90-06-073
388-96-719	AMD-P	90-05-014	391-08-110	REP	90-06-070	391-35-110	RE-AD	90-06-073
388-96-719	AMD	90-09-061	391-08-120	AMD	90-06-070	391-35-130	RE-AD	90-06-073
388-96-745	AMD-P	90-05-014	391-08-160	REP	90-06-070	391-35-170	AMD	90-06-073
388-96-745	AMD	90-09-061	391-08-180	AMD	90-06-070	391-35-190	RE-AD	90-06-073
388-96-754	AMD-E	90-05-013	391-08-200	REP	90-06-070	391-35-210	RE-AD	90-06-073
388-96-754	AMD-P	90-05-014	391-08-210	REP	90-06-070	391-35-230	RE-AD	90-06-073
388-96-754	AMD	90-09-061	391-08-230	RE-AD	90-06-070	391-35-250	RE-AD	90-06-073
388-96-763	AMD-P	90-05-014	391-08-300	AMD	90-06-070	391-35-250	RE-AD	90-06-073
388-96-763	AMD	90-09-061	391-08-310	AMD	90-06-070	391-45-001	AMD	90-06-074
388-96-768	AMD-P	90-05-014	391-08-315	NEW	90-06-070	391-45-002	RE-AD	90-06-074
388-96-768	AMD	90-09-061	391-08-500	REP	90-06-070	391-45-010	RE-AD	90-06-074
388-96-771	AMD-P	90-05-014	391-08-510	REP	90-06-070	391-45-019	RE-AD	90-06-074
388-96-771	AMD	90-09-061	391-08-600	REP	90-06-070	391-45-030	RE-AD	90-06-074
388-96-773	REP-P	90-05-014	391-08-610	RE-AD	90-06-070	391-45-050	RE-AD	90-06-074
388-96-773	REP	90-09-061	391-08-630	AMD	90-06-070	391-45-070	RE-AD	90-06-074
388-96-774	AMD-P	90-05-014	391-08-800	RE-AD	90-06-070	391-45-090	RE-AD	90-06-074
388-96-774	AMD	90-09-061	391-08-810	RE-AD	90-06-070	391-45-110	RE-AD	90-06-074
388-96-904	AMD-C	90-04-015	391-08-820	AMD	90-06-070	391-45-130	RE-AD	90-06-074
388-96-904	AMD	90-04-071	391-08-900	REP	90-06-070	391-45-170	AMD	90-06-074
388-98-003	NEW-P	90-02-099	391-08-910	REP	90-06-070	391-45-190	RE-AD	90-06-074
388-98-003	NEW-E	90-02-100	391-08-920	REP	90-06-070	391-45-210	RE-AD	90-06-074
388-98-003	NEW	90-06-031	391-08-930	REP	90-06-070	391-45-230	RE-AD	90-06-074
388-98-810	NEW-P	90-08-108	391-25-001	AMD	90-06-072	391-45-250	RE-AD	90-06-074
388-98-810	NEW	90-12-048	391-25-002	RE-AD	90-06-072	391-45-260	AMD	90-06-074
388-99-010	AMD	90-04-033	391-25-010	RE-AD	90-06-072	391-45-270	AMD	90-06-074
388-99-020	AMD	90-06-034	391-25-012	RE-AD	90-06-072	391-45-290	RE-AD	90-06-074
388-99-030	AMD	90-04-034	391-25-030	RE-AD	90-06-072	391-45-310	RE-AD	90-06-074
388-99-030	AMD-E	90-04-035	391-25-050	RE-AD	90-06-072	391-45-330	RE-AD	90-06-074
388-100-010	AMD-P	90-08-038	391-25-070	RE-AD	90-06-072	391-45-350	RE-AD	90-06-074
388-100-010	AMD-E	90-08-049	391-25-090	RE-AD	90-06-072	391-45-370	RE-AD	90-06-074
388-100-010	AMD	90-12-053	391-25-092	RE-AD	90-06-072	391-45-390	RE-AD	90-06-074
388-320	AMD-C	90-04-020	391-25-110	RE-AD	90-06-072	391-45-410	RE-AD	90-06-074
388-320	AMD	90-04-076	391-25-130	RE-AD	90-06-072	391-45-430	RE-AD	90-06-074
388-320-020	AMD-P	90-13-030	391-25-140	RE-AD	90-06-072	391-45-431	RE-AD	90-06-074
388-320-180	NEW-P	90-13-030	391-25-150	RE-AD	90-06-072	391-45-550	RE-AD	90-06-074
388-320-185	NEW-P	90-09-095	391-25-170	RE-AD	90-06-072	391-45-552	RE-AD	90-06-074
388-320-185	NEW-C	90-13-013	391-25-190	RE-AD	90-06-072	391-95-001	AMD	90-06-075
388-320-185	NEW	90-13-054	391-25-210	RE-AD	90-06-072	391-95-010	RE-AD	90-06-075
388-320-340	NEW-C	90-04-020	391-25-220	NEW	90-06-072	391-95-030	RE-AD	90-06-075
388-320-340	NEW	90-04-076	391-25-230	RE-AD	90-06-072	391-95-050	RE-AD	90-06-075
388-320-350	NEW-C	90-04-020	391-25-250	RE-AD	90-06-072	391-95-070	RE-AD	90-06-075
388-320-350	NEW	90-04-076	391-25-252	RE-AD	90-06-072	391-95-090	RE-AD	90-06-075
388-320-360	NEW-C	90-04-020	391-25-253	RE-AD	90-06-072	391-95-110	RE-AD	90-06-075
388-320-360	NEW	90-04-076	391-25-270	RE-AD	90-06-072	391-95-130	RE-AD	90-06-075
388-320-370	NEW-C	90-04-020	391-25-290	RE-AD	90-06-072	391-95-150	RE-AD	90-06-075
388-320-370	NEW	90-04-076	391-25-299	RE-AD	90-06-072	391-95-170	AMD	90-06-075
388-320-400	NEW-C	90-04-020	391-25-310	RE-AD	90-06-072	391-95-190	RE-AD	90-06-075
388-320-400	NEW	90-04-076	391-25-350	RE-AD	90-06-072	391-95-230	AMD	90-06-075
388-320-410	NEW-C	90-04-020	391-25-370	RE-AD	90-06-072	391-95-250	RE-AD	90-06-075
388-320-410	NEW	90-04-076	391-25-390	RE-AD	90-06-072	391-95-260	RE-AD	90-06-075
388-320-500	NEW-C	90-04-020	391-25-391	RE-AD	90-06-072	391-95-270	RE-AD	90-06-075
390-12-050	AMD-P	90-12-091	391-25-410	RE-AD	90-06-072	391-95-280	RE-AD	90-06-075
390-12-250	AMD-P	90-12-091	391-25-412	RE-AD	90-06-072	391-95-290	RE-AD	90-06-075
390-12-255	AMD-P	90-12-091	391-25-413	RE-AD	90-06-072	391-95-310	RE-AD	90-06-075
390-16-033	AMD-P	90-16-091	391-25-430	RE-AD	90-06-072	392-100-060	AMD-P	90-07-043
390-16-041	AMD-P	90-16-091	391-25-450	RE-AD	90-06-072	392-100-060	AMD	90-11-027
390-16-120	AMD-P	90-16-091	391-25-470	RE-AD	90-06-072	392-103-005	AMD-P	90-11-128
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			391-25-510	RE-AD	90-06-072	392-109-037	AMD-P	90-11-128

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392-120-060	NEW-P 90-05-035	392-127-010	REP-P 90-09-020	392-137-105	NEW-E 90-12-074
392-120-060	NEW 90-09-038	392-127-010	REP 90-12-078	392-137-110	NEW-E 90-12-074
392-120-065	NEW-P 90-05-035	392-127-011	NEW-P 90-09-020	392-137-110	NEW-E 90-12-074
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392-120-070	NEW-P 90-05-035	392-127-015	NEW 90-09-020	392-137-120	NEW-E 90-12-074
392-120-070	NEW 90-09-038	392-127-015	NEW 90-12-078	392-137-125	NEW-E 90-12-074
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392-123-046	AMD-P 90-11-128	392-127-080	NEW 90-12-078	392-139-115	AMD-P 90-11-128
392-123-070	AMD-P 90-11-128	392-127-085	NEW-P 90-09-020	392-139-120	AMD-P 90-11-128
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392-126-006	NEW-P 90-12-122	392-129-003	AMD-P 90-11-128	392-139-900	AMD-P 90-09-021
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392-140-192	NEW	90-06-007	392-142-025	REP	90-02-077	392-171-361	AMD-P	90-11-128
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392-140-194	NEW	90-06-007	392-142-035	REP	90-02-077	392-171-491	AMD-P	90-11-128
392-140-195	NEW	90-06-007	392-142-040	REP	90-02-077	392-171-711	AMD-P	90-11-128
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392-140-201	NEW	90-06-007	392-142-070	REP	90-02-077	392-171-810	NEW	90-10-096
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392-140-338	NEW-P	90-09-022	392-142-115	NEW	90-02-077	392-171-830	NEW	90-10-096
392-140-338	NEW	90-12-081	392-142-120	NEW	90-02-077	392-173-003	AMD-P	90-11-128
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