

Washington State Register

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CITATION

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

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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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

(Computed and filed by the State Treasurer under RCW 19.52.025)

The maximum allowable interest rate applicable for the month of May 1995 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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.

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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
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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following six sections:

- (a) **PREPROPOSAL**-includes the Preproposal Statement of Intent that will be used to solicit public comments on a general area of proposed rule making before the agency files a formal notice.
- (b) **PROPOSED**-includes the full text of formal proposals, continuances, supplemental notices, and withdrawals.
- (c) **PERMANENT**-includes the full text of permanently adopted rules.
- (d) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (e) **MISCELLANEOUS**-includes notice of public meetings of state agencies, rules coordinator notifications, summaries of attorney general opinions, executive orders and emergency declarations of the governor, rules of the state Supreme Court, and other miscellaneous documents filed with the code reviser's office under RCW 34.08.020 and 42.30.075.
- (f) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (g) **INDEX**-includes a combined subject matter and agency index.

Documents are arranged within each section 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 with a section's material.

2. 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 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.

3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

Material contained in the Register other than rule-making actions taken under the APA (chapter 34.05 RCW) 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.

4. EFFECTIVE DATE OF RULES

- (a) Permanently adopted agency rules normally take effect thirty-one 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.

5. 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].

1994 - 1995

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		
<i>For Inclusion in--</i>	<i>File no later than--</i>			<i>Count 20 days from--</i>	<i>For hearing on or after</i>
94-16	Jul 6	Jul 20	Aug 3	Aug 17	Sep 6
94-17	Jul 27	Aug 10	Aug 24	Sep 7	Sep 27
94-18	Aug 10	Aug 24	Sep 7	Sep 21	Oct 11
94-19	Aug 24	Sep 7	Sep 21	Oct 5	Oct 25
94-20	Sep 7	Sep 21	Oct 5	Oct 19	Nov 8
94-21	Sep 21	Oct 5	Oct 19	Nov 2	Nov 22
94-22	Oct 5	Oct 19	Nov 2	Nov 16	Dec 6
94-23	Oct 26	Nov 9	Nov 23	Dec 7	Dec 27
94-24	Nov 9	Nov 23	Dec 7	Dec 21	Jan 10, 1995
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95-02	Dec 7	Dec 21, 1994	Jan 4, 1995	Jan 18	Feb 7
95-03	Dec 21, 1994	Jan 4, 1995	Jan 18	Feb 1	Feb 21
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95-05	Jan 18	Feb 1	Feb 15	Mar 1	Mar 21
95-06	Feb 1	Feb 15	Mar 1	Mar 15	Apr 4
95-07	Feb 22	Mar 8	Mar 22	Apr 5	Apr 25
95-08	Mar 8	Mar 22	Apr 5	Apr 19	May 9
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95-10	Apr 5	Apr 19	May 3	May 17	Jun 6
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95-24	Nov 8	Nov 22	Dec 6	Dec 20	Jan 9, 1996

¹All documents are due at the code reviser's office by **12:00 noon** 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.

REGULATORY FAIRNESS ACT

The Regulatory Fairness Act, chapter 19.85 RCW, was enacted in 1982 to minimize the impact of state regulations on small business. Amended in 1994, the act requires a small business economic impact analysis of proposed rules that impose more than a minor cost on twenty percent of the businesses in all industries, or ten percent of the businesses in any one industry. The Regulatory Fairness Act defines industry as businesses within a four digit SIC classification, and for the purpose of this act, small business is defined by RCW 19.85.020 as "any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, that has the purpose of making a profit, and that has fifty or fewer employees."

Small Business Economic Impact Statements (SBEIS)

A small business economic impact statement (SBEIS) must be prepared by state agencies when a proposed rule meets the above criteria. Chapter 19.85 RCW requires the Washington State Business Assistance Center (BAC) to develop guidelines for agencies to use in determining whether the impact of a rule is more than minor and to provide technical assistance to agencies in developing a SBEIS. All permanent rules adopted under the Administrative Procedure Act, chapter 34.05 RCW, must be reviewed to determine if the requirements of the Regulatory Fairness Act apply; if an SBEIS is required it must be completed before permanent rules are filed with the Office of the Code Reviser.

Mitigation

In addition to completing the economic impact analysis for proposed rules, state agencies must take reasonable, legal, and feasible steps to reduce or mitigate the impact of rules on small businesses when there is a disproportionate impact on small versus large business. State agencies are encouraged to reduce the economic impact of rules on small businesses when possible and when such steps are in keeping with the stated intent of the statute(s) being implemented by proposed rules. Since 1994, small business economic impact statements must contain a list of the mitigation steps taken, or reasonable justification for not taking steps to reduce the impact of rules on small businesses.

When is an SBEIS Required?

When:

The proposed rule has more than a minor (as defined by the BAC) economic impact on businesses in more than twenty percent of all industries or more than ten percent of any one industry.

When is an SBEIS Not Required?

When:

The rule is proposed only to comply or conform with a federal law or regulation, and the state has no discretion in how the rule is implemented;

There is less than minor economic impact on business;

The rule REDUCES costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

The rule is adopted as an emergency rule, although an SBEIS may be required when an emergency rule is proposed for adoption as a permanent rule; or

The rule is pure restatement of state statute.

WSR 95-09-007
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF TRANSPORTATION
 [Filed April 7, 1995, 9:58 a.m.]

Specific Statutory Authority for New Rule: Chapter 47.44 RCW.

Reasons Why the New Rule is Needed: To allow implementation of revisions to the existing system of granting utility franchises and permits.

Goals of New Rule: To improve efficiency of application, review and approval process for utility franchises and permits.

Process for Developing New Rule: Pilot rule making.

How Interested Parties can Participate in Formulation of the New Rule: Representatives from four utility companies participated in all meetings held in development of proposed rule changes. For background information please contact Harold Peterfeso, phone 705-7299, FAX 705-6815.

April 6, 1995
 S. A. Moon
 Deputy Secretary
 for Operations

WSR 95-09-010
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed April 7, 1995, 11:44 a.m.]

Specific Statutory Authority for New Rule: Chapter 49.17 RCW.

Reasons Why the New Rule is Needed: The corrective amendments to WAC 296-24-13501(2) on safety color codes for marking physical hazards are to make the standard at-least-as-effective-as the federal standard. The department has identified that WAC 296-24-13501(2) is not as effective as the federal standard. The correction deletes the last two sentences in WAC 296-24-13501(2).

Goals of New Rule: To make the standard at-least-as-effective-as the federal standard.

Process for Developing New Rule: The department must adopt rules identical or "at-least-as-effective-as" the federal rules required by RCW 49.17.010 and the OSHA/WISHA state plan agreement.

How Interested Parties can Participate in Formulation of the New Rule: Marcia Holt, Standards Supervisor, Division of Consultation and Compliance, Standards Section, P.O. Box 44620, Olympia, WA 98504-4620, phone (360) 902-5530, FAX (360) 902-5529.

April 7, 1995
 Mark O. Brown
 Director

WSR 95-09-011
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed April 7, 1995, 11:45 a.m.]

Specific Statutory Authority for New Rule: The Hazard Communication Standard, chapter 296-62 WAC, Part C; chapter 49.17 RCW; and Federal Register Volume 59, Number 245, dated December 12, 1994.

Reasons Why the New Rule is Needed: The Occupational Safety and Health Administration (OSHA) issued corrections to the federal final rule to improve safety and health conditions for workers affected by the hazard communication standard, and to correct and clarify portions of the WISHA standard that are not as effective as the federal final rule. The corrections to be at least as effective as the federal final rule increase compliance requirements at WAC 296-62-05407 (3)(c) by amending the note to be a citable subsection (3)(d); WAC 296-62-05413(1) is amended to require material safety data sheets to be "in the workplace"; and at WAC 296-62-05413(2) to clarify the training requirements. All other corrective amendments are administrative in nature and do not add further compliance requirements[.] 29 CFR Part 1910.1200 and chapter 296-62 WAC, Part C, set requirements for hazard communication information for employees. OSHA has issued corrective amendments to the federal final rule in Federal Register Volume 59, Number 245, dated December 12, 1994, and a letter of correction to the WISHA standard. The final rule promulgated by OSHA is more effective than the WISHA standard. WISHA is amending chapter 296-62 WAC, Part C, to be at least as effective as the federal final rule.

Goals of New Rule: The corrective amendments to the WISHA hazard communication standard are to make the standard at least as effective as the federal final rule by amending and clarifying the standard, per OSHA requirements.

Process for Developing New Rule: The department must adopt rules identical or "at-least-as-effective-as": The OSHA rules required by RCW 49.17.010 and the OSHA/WISHA state plan agreement. The department will propose to adopt the OSHA rule corrections into WAC 296-62-05403, 296-62-05405, 296-62-05407, and 296-62-05413.

How Interested Parties can Participate in Formulation of the New Rule: Patricia Wolhete, Industrial Safety Engineer, Division of Consultation and Compliance, Standards Section, P.O. Box 44620, Olympia, WA 98504-4620, phone (360) 902-5524, FAX (360) 902-5529.

April 7, 1995
 Mark O. Brown
 Director

WSR 95-09-012
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed April 10, 1995, 2:25 p.m.]

Subject of Possible Rule Making: Amending WAC 388-216-2150, 388-216-2450, 388-216-2650, and 388-216-2800.

Specific Statutory Authority for New Rule: RCW 74.08.090.

Reasons Why the New Rule is Needed: Update language in current WAC for clarification. Add specific new provisions per federal statute.

Goals of New Rule: Clarify language intent of current WAC. Add new provisions as mandated by federal law.

Process for Developing New Rule: Internal (management) and external (field staff) review process whereby draft material is distributed for review and comment. All comments are taken into consideration before the final rule is issued.

How Interested Parties can Participate in Formulation of the New Rule: Contact Rena Milare, Program Manager, AFDC/Refugee Assistance, Division of Income Assistance, Mailstop 45400, phone (360) 438-8311 or (SCAN 585), FAX (360) 438-8258 or (SCAN 585).

April 10, 1995
 Jeanette Sevedge-App
 Acting Chief
 Office of Vendor Services

WSR 95-09-013
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed April 10, 1995, 2:26 p.m.]

Subject of Possible Rule Making: WAC 388-215-1000 Summary of eligibility conditions.

Specific Statutory Authority for New Rule: 45 CFR 233.10 (a)(1)(ii)(B).

Reasons Why the New Rule is Needed: The department currently has no legal authority to enforce cooperation with the quality control (QC) review process. As a result, ineligible persons can continue to receive assistance because the department is unable to determine eligibility.

Goals of New Rule: Enable the department to accurately determine eligibility for aid to dependent children (AFDC) benefits.

Process for Developing New Rule: Negotiated rule making.

How Interested Parties can Participate in Formulation of the New Rule: Contact Betty Brinkman, Program Manager, AFDC/Refugee Assistance, Division of Income Assistance, Mailstop 45400, Lacey, Washington 95804, phone (360) 438-8309 or SCAN 585-8309, FAX (360) 438-8258 or SCAN 585-8258.

April 10, 1995
 Jeanette Sevedge-App
 Acting Chief
 Office of Vendor Services

WSR 95-09-017
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF HEALTH

[Filed April 11, 1995, 9:59 a.m.]

Subject of Possible Rule Making: Revision to Group B public water system rule, chapter 246-291 WAC.

Specific Statutory Authority for New Rule: RCW 43.20.050.

Reasons Why the New Rule is Needed: The department needs to clarify what water systems are subject to this rule and what systems may be exempted from some or all requirements.

Goals of New Rule: Allow for waiver of all rule requirements for public water systems with only two residential connections. Allow for elimination of certain ongoing requirements for all approved residential Group B systems. Clarify what public water systems are subject to this rule.

Process for Developing New Rule: Drafted by department staff and distributed for comments.

How Interested Parties can Participate in Formulation of the New Rule: Interested parties can participate by sending written comments to the department at the following address: Division of Drinking Water, Group B Revision Comments, P.O. Box 47822, Olympia, WA 98504-7822, 1-800-521-0323, FAX (206) 586-5529, TDD Relay 1-800-833-6388.

Bruce Miyahara
 Secretary

WSR 95-09-020
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed April 11, 1995, 10:53 a.m.]

Specific Statutory Authority for New Rule: RCW 7.68.030, 51.04.020(1), 51.04.030.

Reasons Why the New Rule is Needed: (1) To ensure continued eligibility for federal funds; and (2) to save program costs.

Goals of New Rule: To require all victims who may be eligible for Medicaid to apply for Medicaid benefits.

Process for Developing New Rule: The amendment was first determined to be necessary by the crime victims program staff when an analysis of a change in federal statute indicated that the program's federal grant could be in jeopardy under the language of the old rule. The cost savings that the amendment would produce was another consideration of the program. The amendment was discussed with the program's affected stakeholders. These stakeholders included members of the program's advisory committee, consisting mainly of victim advocates, and members of the program's mental health subcommittee, composed primarily of mental health therapists. Through

these discussions, the amendment was modified to apply only to new claims.

How Interested Parties can Participate in Formulation of the New Rule: Primary contact Cletus Nnanabu, CVC Program Manager, P.O. Box 44520, Olympia, WA 98504-4520, phone (360) 902-5340, FAX (360) 902-5333.

Other opportunities for participation: (1) Attend the CVC Advisory Committee. (2) Attend the public hearing.

April 11, 1995
Mark O. Brown
Director

AMENDATORY SECTION (Amending WSR 89-23-004, filed 11/3/89, effective 11/10/89)

WAC 296-30-025 Medical assistance eligibility. The benefits provided under chapter 7.68 RCW that are available and equivalent to those services provided under chapter 74.09 RCW or Title XIX of the Federal Social Security Act are not available to persons eligible for services provided under chapter 74.09 RCW or Title XIX of the Federal Social Security Act, except to the extent that costs for such services exceed service limits established by the department of social and health services. Accordingly:

(1) Applicants for benefits provided under chapter 7.68 RCW shall provide, concurrent with their application for crime victims' benefits, information requested by the department to determine the applicant's probable eligibility for services provided under chapter 74.09 RCW and Title XIX of the Federal Social Security Act. The applicant, or a person on behalf of the applicant, shall send the application and other requested information to the offices of the crime victims' compensation program in Olympia.

(2) The department shall provide application forms for crime victims' benefits, any forms used to determine probable eligibility for services provided under chapter 74.09 RCW or Title XIX of the Federal Social Security Act, and a pamphlet describing the crime victims' compensation program to hospitals, law enforcement agencies, community organizations, prosecutor based victim/witness units and, as requested, to other service groups. The pamphlet shall (a) explain the limitations of benefits provided under chapter 7.68 RCW; (b) provide assistance for an applicant in completing the forms; and (c) provide an applicant information about where additional assistance is available if the instructions for completing the forms are not understood or if unusual circumstances exist.

(3) Any claimant who is eligible for benefits provided under chapter 7.68 RCW and who the department determines may be eligible for services provided under chapter 74.09 RCW and Title XIX of the Federal Social Security Act, based upon the completed eligibility form referenced above, shall apply to the department of social and health services for a conclusive determination of eligibility for such services.

(4) Because a claimant's circumstances can change and in order to assure that the department provides crime victims' benefits secondary to other available public and private insurance, persons receiving benefits provided under chapter 7.68 RCW but not initially eligible to receive services provided under chapter 74.09 RCW or Title XIX of the Federal Social Security Act shall annually provide

information requested by the department to determine the applicant's probable eligibility for services provided under chapter 74.09 RCW and Title XIX of the Federal Social Security Act in order to continue receiving benefits under chapter 7.68 RCW.

(5) The department shall not provide benefits for services provided under chapter 74.09 RCW and Title XIX of the Federal Social Security Act to persons who refuse or who otherwise fail to cooperate or comply in good faith with the requirements of this section, except to the extent that the costs for such services exceed service limits established by the department of social and health services.

(6) ~~((a))~~ Except for claims submitted pursuant to RCW 7.68.170 for sexual assault examinations, ~~((or as provided in (b) of this subsection))~~ the department shall not consider applications for benefits under chapter 7.68 RCW until the information requested to determine probable eligibility for services provided under chapter 74.09 RCW and Title XIX of the Federal Social Security Act is received by the department.

~~((b) If the applicant seeks only services that are covered under chapter 7.68 RCW but are not services provided under chapter 74.09 RCW or Title XIX of the Federal Social Security Act, such as appropriate counseling provided by a health care provider pursuant to WAC 296-30-080, the department shall consider applications for benefits under chapter 7.68 RCW without requiring information to determine probable eligibility for other services:))~~

WSR 95-09-023

PREPROPOSAL STATEMENT OF INTENT LIQUOR CONTROL BOARD

[Filed April 12, 1995, 10:07 a.m.]

Specific Statutory Authority for New Rule: RCW 66.08.030.

Reasons Why the New Rule is Needed: The board wants to gather input as to whether or not a pass-through window for sales is an acceptable way to increase safety for off-premises licensees while still allowing for service.

Goals of New Rule: To provide off-premises licensees with a potential option for increasing employee safety for walk-up customer service.

Process for Developing New Rule: Negotiated rule making; and agency study.

How Interested Parties can Participate in Formulation of the New Rule: Contact Assistant Director David Goyette, Regulatory Services, Washington State Liquor Control Board, P.O. Box 43075, Olympia, WA 98504-3075 by May 10, 1995, FAX (360) 753-2710, phone (360) 753-2724.

April 11, 1995
Joe McGavick
Chairman

WSR 95-09-024
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed April 12, 1995, 2:32 p.m.]

Specific Statutory Authority for New Rule: Confined and enclosed spaces and other dangerous atmospheres in shipyard employment, final rule filed in Federal Register Volume 59, Number 141, dated July 25, 1994. Corrective amendments filed in Federal Register Volume 60, Number 51, dated March 16, 1995. Reference: 29 CFR Part 1915 and RCW 49.17.040, [49.17].050, and [49.17].060.

Reasons Why the New Rule is Needed: Corrective amendments required by OSHA for the final rule to be at-least-as-effective as Federal Register Volume 59, Number 141, dated July 25, 1994, and federal corrective amendments published by OSHA in Federal Register Volume 60, Number 51, dated March 16, 1995. 29 CFR Part 1915 and chapter 296-304 WAC, set requirements for work in explosive and other dangerous atmospheres in vessels and vessel sections and applies to shipbuilding, ship repairing, and shipbreaking operations and to related employment. The final rule promulgated by OSHA is more effective than the WISHA standard. WISHA is amending chapter 296-304 WAC, to be at least as effective as the federal final rule. Corrective amendments to the final rule have also been published by OSHA. These corrective amendments are to further clarify the rule and to correct minor spelling errors.

Goals of New Rule: Corrective amendments to be at-least-as-effective-as the federal final rule, and federal housekeeping amendments for clarity and spelling error.

Process for Developing New Rule: The department must adopt rules identical or at-least-as-effective-as OSHA rules as required by RCW 49.17.010 and the OSHA/WISHA state plan agreement.

How Interested Parties can Participate in Formulation of the New Rule: Patricia Wolhete, Industrial Safety Engineer, Division of Consultation and Compliance, Standards Section, P.O. Box 44620, Olympia, WA 98504-4620, phone (360) 902-5524, FAX (360) 902-5529.

April 12, 1995
Mark O. Brown
Director

WSR 95-09-028
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF HEALTH
[Filed April 13, 1995, 9:39 a.m.]

Subject of Possible Rule Making: WAC 246-924-500 Retired active psychologist license, 246-924-470 License application fees—Failure to appear at examination session, 246-924-250 Continuing education—Special considerations, and 246-924-080 Psychology examination—Application submittal.

Specific Statutory Authority for New Rule: RCW 18.83.050 Examining board—Powers and duties and 18.130.250 Retired active license status.

Reasons Why the New Rule is Needed: WAC 246-924-500 is necessary to allow persons who have retired but wish to offer psychological services to nonprofit agencies, to do

so at a reduced fee; WAC 246-924-470 is necessary to ensure candidates are informed that their examination administration fee will be forfeited if they fail to appear for a scheduled exam; WAC 246-924-250 is necessary to correct a typographical error; and WAC 246-924-080 is necessary to ensure that candidates are aware that not only is their application due sixty days in advance of an examination, but that their examination administration fee is also due.

Goals of New Rule: Establish criteria and opportunity for licensed psychologists to place their license on retired active status at a reduced fee; fully inform candidates of deadlines for submitting their examination administration fee and that they could forfeit that fee if they failed to appear at an examination after scheduled, correct a typographical error.

Process for Developing New Rule: Open public meetings, mailings to persons on mailing list, newsletter article to all 1,300 licensees.

How Interested Parties can Participate in Formulation of the New Rule: Terry J. West, Program Manager, Department of Health, Examining Board of Psychology, P.O. Box 47869, Olympia, WA 98504-7869, (360) 753-3095, FAX (360) 586-7774.

March 30, 1995
Janis T. Horike, Ph.D., Chair
Examining Board of Psychology

WSR 95-09-032
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed April 13, 1995, 4:41 p.m.]

Subject of Possible Rule Making: WAC 388-49-380 Voluntary quit.

Specific Statutory Authority for New Rule: RCW 74.04.510.

Reasons Why the New Rule is Needed: Rule will correct a portion of WAC 388-49-380 by adding language to indicate that exemption criteria in another area of WAC, specifically WAC 388-49-360 (3)(c) and (d), do not apply to WAC 388-49-380 (1)(c).

Goals of New Rule: Goal is to bring WAC in line with CFR language by not allowing participation (being registered) in a IV-A program or the receipt of UC to be remedies (exclusionary) from voluntary quit provisions.

Process for Developing New Rule: CFR language/regulation. Internal and external review process whereby draft material is distributed for review and comment. All comments are taken into consideration before a final rule is issued.

How Interested Parties can Participate in Formulation of the New Rule: Al Frazier, Division of Employment and Social Services, P.O. Box 45470, Olympia, WA 98504-5470, (360) 438-8272.

April 13, 1995
Jeanette Sevedge-App
Acting Chief
Office of Vendor Services

WSR 95-09-037**PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF AGRICULTURE**

[Filed April 14, 1995, 8:50 a.m.]

Subject of Possible Rule Making: Inspection of fruits and vegetables, cherry grade standards.

Specific Statutory Authority for New Rule: Chapter 15.17 RCW.

Reasons Why the New Rule is Needed: Industry request, uniformity of regulation between the United States and state standards, reflection of current industry practices.

Goals of New Rule: To bring state regulation in line with federal marketing order (FMO) for all cherry production areas of Washington, add requirements to be used if and when containers are marked with row count/row size, create a new Northwest No. 1 grade reflective of FMO, make it mandatory for dark varieties of sweet cherries in all production areas of Washington to be certified, bring regulation in line with industry practice.

Process for Developing New Rule: Negotiated rule making.

How Interested Parties can Participate in Formulation of the New Rule: Contact Jim Quigley, Washington State Department of Agriculture Plant Services, P.O. Box 42560, Olympia, WA 98504-2560, FAX (206) 902-2094.

April 13, 1995
K. Diane Dolstad
Assistant Director

WSR 95-09-044**PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Filed April 14, 1995, 4:02 p.m.]

Subject of Possible Rule Making: WAC 388-265-1750 Protective payee fees.

Specific Statutory Authority for New Rule: RCW 74.08.090.

Reasons Why the New Rule is Needed: To implement: (1) CFR 234.60 which requires the state to establish protective payments for some recipients of assistance to families with dependent children; (2) RCW 74.08.280 and 74.50.060 which authorizes the department to establish protective payments for some clients receiving general assistance grants; and (3) RCW 74.08.280 which authorizes the department to establish administrative fees attributable to the protective payment program. Current WAC 388-265-1750, as adopted, prohibits adequate implementation of above cited protective payments administration and imposes unrealistic fees on the department.

Goals of New Rule: To immediately authorize the department to pay adequate fees in order to attract protective payment contractors.

Process for Developing New Rule: Negotiated rule making; and agency study - internal (management) and external (field staff) review process whereby draft material is distributed for review and comment. All comments are taken into consideration before a final rule is issued.

How Interested Parties can Participate in Formulation of the New Rule: Val Ivey, Program Manager, Social Services Section, Division of Employment and Social Services, Mailstop 45470, P.O. Box 45470, Lacey, WA 98504, phone (360) 438-8435, FAX (360) 438-8379. Please call to set up informal April meeting.

April 14, 1995
Jeanette Sevedge-App
Acting Chief
Office of Vendor Services

WSR 95-09-053**PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Filed April 18, 1995, 8:08 a.m.]

Subject of Possible Rule Making: Chapter 388-15 WAC, Social services for families, children and adults.

Specific Statutory Authority for New Rule: ESSB 5622, Long term care services.

Reasons Why the New Rule is Needed: To update the rules to bring them into conformity with recent changes in law through enacting the ESSB 5622 and to implement the King County Superior Court Order No. 94-2-90298-7.

Goals of New Rule: Comply with new laws; eliminate redundancy; clarify department's purpose and intent; implement court order; incorporate new COPEs services approved by the Health Care Financing Administration; modify chore eligibility; delete rules for obsolete and unfunded services.

Process for Developing New Rule: Negotiated rule making; agency study; and King County Superior Court Order No. 94-2-09298-7 and internal and external review process whereby draft material is distributed for review and comment. All comments are taken into consideration before final rule is issued.

How Interested Parties can Participate in Formulation of the New Rule: Lois Wusterbarth, Chore Program Manager, phone (360) 493-2538 and Mary Lou Pearson, COPEs Program Manager, phone (360) 493-2536; address: Aging and Adult Services, P.O. Box 45600, Olympia, WA 98504-5600, FAX (360) 438-8633.

April 18, 1995
Jeanette Sevedge-App
Acting Chief
Office of Vendor Services

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

WSR 95-09-056**PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF HEALTH**

[Filed April 18, 1995, 9:29 a.m.]

Subject of Possible Rule Making: Amendment of optometry fees, WAC 246-851-990.

Specific Statutory Authority for New Rule: RCW 43.70.250.

Reasons Why the New Rule is Needed: Amendment of fees to allow for a fee for a national board waiver.

Goals of New Rule: Provide a fee for national board waiver for optometrists.

Process for Developing New Rule: Review of fees.

How Interested Parties can Participate in Formulation of the New Rule: Send comments to Judy Haenke, Program Manager, Health Professions Section Four, P.O. Box 47863, Olympia, WA 98504-7863, FAX (360) 586-7774.

April 16, 1995
Mimi Fields, M.D.
for Bruce Miyahara
Secretary

WSR 95-09-057
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF HEALTH
(Board of Optometry)
[Filed April 18, 1995, 9:32 a.m.]

Subject of Possible Rule Making: Designation of national examination as state licensing exam, replacing state prepared and administered exam.

Specific Statutory Authority for New Rule: RCW 18.54.070.

Reasons Why the New Rule is Needed: Amend existing rules to allow the optometry board to designate a national exam as the state examination.

Goals of New Rule: To increase mobility for optometrists seeking licensure in Washington.

Process for Developing New Rule: Survey a representative sample of licensees and other state boards.

How Interested Parties can Participate in Formulation of the New Rule: Send comments by May 15, 1995, to Judy Haenke, Program Manager, P.O. Box 47863, Olympia, WA 98504-7863, FAX (360) 586-7774.

Public Meeting: Board of Optometry, May 5, 1995, WestCoast Sea-Tac Hotel, 18220 Pacific Highway South, Seattle, WA 98188.

April 11, 1995
Judy Haenke
Program Manager

WSR 95-09-058
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF HEALTH
[Filed April 18, 1995, 9:34 a.m.]

Subject of Possible Rule Making: Consideration of denial of RN licensure by exam or endorsement to applicants who did not have clinical teaching/learning experiences in nursing in their nursing education program, in accordance with Nursing Commission rules, WAC 246-839-030, 246-839-090, and 246-839-575. An example of such a program is the nursing program of the Regents College of the University of the State of New York.

Specific Statutory Authority for New Rule: RCW 18.70.160.

Reasons Why the New Rule is Needed: To clarify current WAC language regarding equivalency of nontraditional nursing education to Washington approved programs.

Goals of New Rule: To clarify current WACs, and require denial of licensure if clinical experiences in nursing are not included in the applicant's nursing education program.

Process for Developing New Rule: The Nursing Commission will review current WACs for possible changes and will analyze comments from the public in determining these changes.

How Interested Parties can Participate in Formulation of the New Rule: Public meeting: June 2, 1995, at 1:00 p.m. at the Washington State Nursing Commission meeting to be held at the Red Lion Inn, 2525 North 20th, Pasco, WA 99301.

A second meeting will be held at SeaTac, date and time to be announced. Please call the Nursing Commission at the number below for information.

Written comments may be sent to the Nursing Commission at P.O. Box 47864, Olympia, WA 98504-7864, phone (360) 753-2686, FAX (360) 586-5935.

April 5, 1995
Patricia O. Brown, RN, MSN
Executive Director

WSR 95-09-065
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF LICENSING
[Filed April 18, 1995, 4:05 p.m.]

Subject of Possible Rule Making: Honorary consul special license plates.

Specific Statutory Authority for New Rule: RCW 46.16.371.

Reasons Why the New Rule is Needed: Persons that are no longer honorary consuls or official representatives may be requested to perform these functions after the exequatur expires. The rule amendment would permit such persons, after activating the special plate, to use the plate on his/her vehicle.

Goals of New Rule: Authorize persons who are no longer recognized as an honorary consul or official representatives of a foreign government to retain the special license plate.

Process for Developing New Rule: Agency study.

How Interested Parties can Participate in Formulation of the New Rule: Individuals may participate in this rule-making activity by providing written or verbal information to Jack Lince, Contracts Manager, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, phone (360) 902-3773, FAX (360) 664-0831, by May 31, 1995.

April 18, 1995
Nancy Kelly
Administrator

WSR 95-09-073
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF LICENSING
 [Filed April 19, 1995, 9:54 a.m.]

Subject of Possible Rule Making: Transferring vehicle/vessel title where the registered owner is deceased, affidavit of succession.

Specific Statutory Authority for New Rule: RCW 46.12.030 and 11.62.010.

Reasons Why the New Rule is Needed: Administrative rules review indicates the requirements for transferring vehicle/vessel title where the registered owner is deceased and the estate is less than \$60,000 and nonadministered may not conform with chapter 11.62 RCW.

Goals of New Rule: Conform vehicle/vessel deceased owner transfer of title with probate and trust laws.

Process for Developing New Rule: Agency study.

How Interested Parties can Participate in Formulation of the New Rule: Individuals may participate in this rule-making activity by providing written or verbal information to Jack Lince, Contracts Manager, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, phone (360) 902-3773, FAX (360) 664-0831, by May 31, 1995.

April 19, 1995

Nancy Kelly
 Administrator

WSR 95-09-075
PREPROPOSAL STATEMENT OF INTENT
WASHINGTON STATE PATROL
 [Filed April 19, 1995, 10:05 a.m.]

Subject of Possible Rule Making: Chapter 446-65 WAC, Commercial motor vehicle regulations.

Specific Statutory Authority for New Rule: RCW 46.32.020.

Reasons Why the New Rule is Needed: To bring administrative codes in line with current Department of Licensing procedures. Add a new section on physical qualifications for commercial motor vehicle drivers. Allow drivers of vehicles with a gross vehicle weight rating of 10,001 to 26,000 pounds operating intrastate an exclusion from the requirements of obtaining a waiver and keeping a log book.

Goals of New Rule: Department of Licensing requested the amendment so they could grant waivers to drivers of commercial motor vehicles. The amendment will bring administrative codes in line with current procedures for granting waivers.

Process for Developing New Rule: Negotiated rule making.

How Interested Parties can Participate in Formulation of the New Rule: Submit comments to Lieutenant Ralph DeWitt, Washington State Patrol Commercial Vehicle Section, P.O. Box 42614, Olympia, WA 98504-2614, phone (360) 753-6554, FAX (360) 586-8233.

Proposed Hearing Date: June 1995.

April 19, 1995
 Annette M. Sandberg
 Chief

AMENDATORY SECTION (Amending WSR 94-01-178, filed 12/22/93, effective 1/22/94)

WAC 446-65-010 Transportation requirements. (1) The Washington state patrol hereby adopts the following parts of Title 49 Code of Federal Regulations, for motor carriers used in intrastate or interstate commerce, in their entirety: Parts 390 General, 391 Qualification of drivers, 392 Driving of motor vehicles, 393 Parts and accessories necessary for safe operation, 395 Hours of service of drivers, 396 Inspection, repair, and maintenance, 397 Transportation of hazardous materials; driving and parking rules, provided, however, motor carriers operating vehicles with a gross vehicle weight rating between 10,001 lbs. and 26,000 lbs. operating solely intrastate, and not used to transport hazardous materials in a quantity requiring placarding, are exempt from Parts 390 General, 391 Qualifications of drivers, 392 Driving of motor vehicles, 395 Hours of service, and 396 Inspection, repair, and maintenance.

(2) Copies of Title 49 CFR, parts 390 through 397, now in force are on file at the code reviser's office, Olympia and at the Washington state patrol headquarters, commercial vehicle enforcement section, Olympia. Additional copies may be available for review at Washington state patrol district headquarters offices, public libraries, Washington utilities and transportation commission offices, and at the United States Department of Transportation, Bureau of Motor Carrier Safety Office, Olympia. Copies of the CFR may be purchased through the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402.

NEW SECTION

WAC 446-65-020 Physical qualifications for drivers. This section provides a process whereby drivers of commercial motor vehicles, which operate solely intrastate and require a commercial driver's license, may receive a clearance to obtain a medical certificate for certain physical conditions.

(1) A person shall not drive a commercial motor vehicle unless they are physically qualified to do so and, except as provided in CFR 49, Part 391.67, and WAC 446-65-010(1), has on their person the original, or a photographic copy, of a medical examiner's certificate that they are physically qualified to drive a motor vehicle.

(2) A person is physically qualified to drive a motor vehicle if that person:

(a) Has no loss of a foot, a leg, a hand, or an arm, or has obtained from the department of licensing the proper driver's license, endorsement, and restrictions (if any) for the operation of the class of motor vehicle the person is driving;

(b) Has no impairment of:

(i) A hand or finger which interferes with prehension of power grasping; or

(ii) An arm, foot, or leg which interferes with the ability to perform normal tasks associated with operating a motor vehicle; or any other significant limb defect or limitation which interferes with the ability to perform normal tasks associated with operating a motor vehicle; or has obtained from the department of licensing the proper license, endorsement, and restrictions (if any) for the class of motor vehicle the person is driving;

(c) Has no established medical history of clinical diagnosis of diabetes mellitus currently requiring insulin for control, or if diagnosed as having diabetes mellitus requiring insulin for control, has been cleared by the department of licensing for the operation of the class of motor vehicle the person is driving;

(d) Has no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure, or if diagnosed as having any of these medical complications, has been cleared by the department of licensing for the operation of the class of motor vehicle the person is driving;

(e) Has no established medical history or clinical diagnosis of a respiratory dysfunction likely to interfere with his/her ability to control and drive a motor vehicle safely, or if diagnosed as having a respiratory dysfunction which could interfere with his/her ability to control and drive a motor vehicle safely, has been cleared by the department of licensing for the operation of the class of motor vehicle the person is driving;

(f) Has no current clinical diagnosis of high blood pressure likely to interfere with his/her ability to operate a motor vehicle safely, or if diagnosed as having high blood pressure likely to interfere with his/her ability to operate a motor vehicle safely, has been cleared by the department of licensing for the operation of the class of motor vehicle the person is driving;

(g) Has no established medical history of clinical diagnosis of rheumatic, arthritic, orthopedic, muscular, neuromuscular, or vascular disease which interferes with his/her ability to control and operate a motor vehicle safely, or if diagnosed as having any of these medical complications which might interfere with his/her ability to control and operate a motor vehicle safely, has been cleared by the department of licensing for the operation of the class of motor vehicle the person is driving;

(h) Has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a motor vehicle, or if diagnosed as having epilepsy or any other condition likely to cause loss of consciousness or any loss of ability to control a motor vehicle, has been cleared by the department of licensing for the operation of the class of motor vehicle the person is driving;

(i) Has no mental, nervous, organic, or functional disease or psychiatric disorder likely to interfere with his/her ability to drive a motor vehicle safely, or if diagnosed as having any of these complications likely to interfere with his/her ability to drive a motor vehicle safely, has been cleared by the department of licensing for the operation of the class motor vehicle the person is driving;

(j) Has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° horizontal Meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber, or if not meeting these standards, has been cleared by the department

of licensing for the operation of the class of motor vehicle the person is driving.

(k) First perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid, or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5-1951, or if not meeting these standards, has been cleared by the department of licensing for the operation of the class of motor vehicle the person is driving;

(l) Does not use any unprescribed amphetamine, narcotic, or habit-forming drug and if using a prescribed amphetamine, narcotic, or habit-forming drug, it must be used according to the directions regarding dosage and the operation of motor vehicles or heavy equipment; and

(m) Has no current clinical diagnosis of untreated alcoholism.

(3) If the medical examiner finds that the person he/she examined is physically qualified to drive a motor vehicle in accordance with subsection (2) of this section and the items listed in Chapter 49, CFR 391.43, he/she shall complete a certificate in the form prescribed in Chapter 49 CFR 391.43 and shall furnish one copy to the person who was examined and one copy to the motor carrier that employs him/her.

(4) If the medical examiner finds any physical condition listed in subsection (2)(a) through (m) of this section that is likely to interfere with the driver's ability to operate or control a motor vehicle safely, it shall be the responsibility of the driver to immediately forward a copy of the driver's medical examination to the Department of Licensing, Responsibility Division, Medical Section, PO Box 9030, Olympia WA 98507-9030. Upon receipt of the medical examination, the department of licensing will review and evaluate the driver's physical qualifications to operate the class of motor vehicle the person intends to drive.

The department of licensing shall send a notice of determination to the driver. A department of licensing clearance notification shall be sufficient cause for the medical examiner to issue a medical examiner's certificate.

A failure by the driver to furnish a copy of the medical examination to the department of licensing as required above shall result in no clearance action being taken by the department of licensing.

WSR 95-09-076
PREPROPOSAL STATEMENT OF INTENT
PERSONNEL RESOURCES BOARD

[Filed April 19, 1995, 10:15 a.m.]

Subject of Possible Rule Making: Provides the director of the Department of Personnel with additional authority to delegate.

Specific Statutory Authority for New Rule: RCW 41.06.150.

Reasons Why the New Rule is Needed: Modify Title 356 WAC to allow the director to delegate additional authority to agencies to perform administrative and technical personnel activities.

Goals of New Rule: The goal is to increase the efficiency of agencies regarding personnel issues by allowing the director to delegate additional administrative and technical personnel activities.

Process for Developing New Rule: Department of Personnel rule development process. In the development and revision of rules, the Department of Personnel encourages participation of affected agencies, institutions of higher education, employee organizations, and other interested parties. Rule proposals are discussed at monthly joint rule meetings and possibly in task forces established for a specific topic. Rule proposals from these groups are submitted to the Washington Personnel Resources Board for adoption. Agendas and meeting notices, including the Washington Personnel Resources Board meeting agenda, are distributed to all identified interested parties.

How Interested Parties can Participate in Formulation of the New Rule: Persons interested in rules being considered or developed by the Department of Personnel for presentation to the board should contact the Department of Personnel, Office of Client Relations, 521 Capitol Way South, P.O. Box 47500, Olympia, WA 98504-7500 or telephone the Office of Client Relations at (206) 586-1770, (206) 664-3255, or FAX (206) 586-4694 for information about the joint rule and/or Washington Personnel Resources Board meetings.

April 19, 1995
Dennis Karras
Secretary

WSR 95-09-077
PREPROPOSAL STATEMENT OF INTENT
PERSONNEL RESOURCES BOARD

[Filed April 19, 1995, 10:16 a.m.]

Subject of Possible Rule Making: Provides the director of the Department of Personnel the authority to delegate.

Specific Statutory Authority for New Rule: RCW 41.06.150.

Reasons Why the New Rule is Needed: Modify Title 251 WAC to allow the director to delegate authority to institutions of higher education to perform additional administrative and technical personnel activities.

Goals of New Rule: The goal is to increase the efficiency of institutions of higher education regarding personnel issues by allowing the director to delegate additional administrative and technical personnel activities.

Process for Developing New Rule: Department of Personnel rule development process. In the development and revision of rules, the Department of Personnel encourages participation of affected agencies, institutions of higher education, employee organizations, and other interested parties. Rule proposals are discussed at monthly joint rule meetings and possibly in task forces established for a specific topic. Rule proposals from these groups are submitted to the Washington Personnel Resources Board for adoption. Agendas and meeting notices, including the Washington Personnel Resources Board meeting agenda, are distributed to all identified interested parties.

How Interested Parties can Participate in Formulation of the New Rule: Persons interested in rules being considered

or developed by the Department of Personnel for presentation to the board should contact the Department of Personnel, Office of Client Relations, 521 Capitol Way South, P.O. Box 47500, Olympia, WA 98504-7500 or telephone the Office of Client Relations at (206) 586-1770, (206) 664-3255, or FAX (206) 586-4694 for information about the joint rule and/or Washington Personnel Resources Board meetings.

April 19, 1995
Dennis Karras
Secretary

WSR 95-09-078
PREPROPOSAL STATEMENT OF INTENT
ENERGY FACILITY
SITE EVALUATION COUNCIL

[Filed April 19, 1995, 10:17 a.m.]

Subject of Possible Rule Making: Chapter 463-39 WAC, incorporating chapters 173-406 and 173-460 WAC for acid rain and toxic air pollutant regulations; adding new rules regarding fees for air operating permits and permit issuance.

Specific Statutory Authority for New Rule: RCW 80.50.040(1), 80.50.040912) [80.50.040(12)], and chapter 70.94 RCW.

Reasons Why the New Rule is Needed: To retain Energy Facility Site Evaluation Council's authority for permitting air emissions under the state implementation plan (SIP) and air operating permits. Under Title IV of the Clean Air Act, 42 U.S.C. 7401, et seq. as amended by the Clean Air Act amendments of 1990, U.S.C. 7651, et seq.; regulations are required to control acid rain and toxic air pollutants. The Energy Facility Site Evaluation Council proposed to adopt by reference chapter 173-406 WAC, Acid rain regulations and chapter 173-460 WAC, Controls for new sources of toxic air pollutants, promulgated by the Department of Ecology to comply with the state and federal Clean Air Acts and the state implementation plan.

Goals of New Rule: To update Energy Facility Site Evaluation Council's air rules (chapter 463-39 WAC) to be consistent with the requirements of the 1990 Clean Air Act amendments and the state implementation plan for: Control of pollutants causing acid rain and toxic air pollutants; to identify the fee structure for air operating permits and the governor's execution of the permits for facilities under Energy Facility Site Evaluation Council's regulatory authority.

Process for Developing New Rule: Energy Facility Site Evaluation Council's process for developing new rules will follow the following procedure: (1) Announcement of the intent for rule making at a regular monthly meeting. Issuance of proposed intent for rule making with a preliminary rule to Energy Facility Site Evaluation Council's mail list with an explanation of the new rule's purpose, the preliminary rule, methods for public comment prior to filing CR-102 with the state code reviser; (2) public discussion of the preliminary rule during the following regular monthly meeting; (3) filing a CR-102 with the state code reviser after the public comment is received at the regular monthly Energy Facility Site Evaluation Council meeting; (4) formal

comment and hearing on the proposed rule; and (5) filing a CR-103 with the code reviser of the final rule.

How Interested Parties can Participate in Formulation of the New Rule: Interested parties may participate in the above process by attending Energy Facility Site Evaluation Council's regular monthly meetings held every 2nd Monday of each month at 1:30 p.m. in the auditorium of the Labor and Industries Building located at 7273 Linderson Way, Tumwater, WA; or call Mr. Jason Zeller, Energy Facility Site Evaluation Council Manager at (360) 956-2047, or write to Mr. Zeller at P.O. Box 43712 [43172], Olympia, WA 98504-3172. Comments will also be taken by FAX (360) 956-2158.

April 19, 1995
Allen J. Fiksdal
EFS Specialist

WSR 95-09-079
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF AGRICULTURE

(Hop Commission)

[Filed April 19, 1995, 10:22 a.m.]

Subject of Possible Rule Making: WAC 16-532-035 Hop inspection requirements, 16-532-040 Assessments and collection, 16-532-101 Affected unit, and 16-532-120 Adding labeling of new hop varieties.

Specific Statutory Authority for New Rule: RCW 15.65.280.

Reasons Why the New Rule is Needed: The proposed change in the annual assessment for the crop year 1996 and beyond will allow the commission to maintain existing programs beyond the expiration of the current assessment level. The proposed changes in affected unit and inspection requirements will clarify the application of current inspection requirements to hops that are first marketed in a processed form, and ensure that hops which are processed prior to the first sale are inspected for seed, leaf and stem prior to processing. Changes in the labeling section reflect the release of two new commercial varieties.

Goals of New Rule: To ensure that all hops produced in the state are inspected for quality and condition (seed, leaf and stem) prior to marketing or processing, if processed prior to marketing. To ensure that existing programs of the Washington Hop Commission can continue to operate beyond 1996.

Process for Developing New Rule: A notice of the proposed changes will be sent to all affected producers. Written comment will be accepted up to the date of the public hearing.

How Interested Parties can Participate in Formulation of the New Rule: In addition to notices being sent to affected producers, a public hearing will be set to give interested parties and opportunity to participate and comment on the proposed rule changes. In addition, the assessment portion would require a referendum vote.

Ann George, Administrator, FAX (509) 457-8561, Washington Hop Commission, phone (509) 453-4749, 504 North Naches Avenue, Yakima, WA 98901.

Walter Swenson, Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, (360) 902-1928, FAX 902-2089.

April 19, 1995
Walter Swenson
Agricultural Programs Administrator

WSR 95-09-080
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
FISH AND WILDLIFE

(Fisheries)

[Filed April 19, 1995, 10:46 a.m.]

Subject of Possible Rule Making: 1995 Puget Sound net seasons.

Specific Statutory Authority for New Rule: RCW 75.08.080.

Reasons Why the New Rule is Needed: To harvest salmon available under guidelines proposed by the Pacific Fisheries Management Council.

Goals of New Rule: Provide for an orderly fishery and harvest of available surplus.

Process for Developing New Rule: Agency study.

How Interested Parties can Participate in Formulation of the New Rule: Bruce Crawford, Assistant Director for Fish Management, 600 North Capitol Way, Olympia, WA 98501, (360) 902-2325.

April 19, 1995
Evan Jacoby
Rules Coordinator

WSR 95-09-082
PREPROPOSAL STATEMENT OF INTENT
HIGHER EDUCATION
COORDINATING BOARD

[Filed April 19, 1995, 11:07 a.m.]

Subject of Possible Rule Making: Running start program rules.

Specific Statutory Authority for New Rule: RCW 28A.600.390 [28A.600.390], 28A.150.260, and 28A.150.290.

Reasons Why the New Rule is Needed: The Higher Education Coordinating Board previously adopted running start rules by reference to chapter 392-169 WAC. These rules are being amended to clarify chapter 205, Laws of 1994 which extend the running start program to include attendance at Eastern Washington University, Central Washington University and Washington State University.

Goals of New Rule: Amend chapter 250-79 WAC as appropriate to reflect that student participation on the running start program may include attendance at the three four-year universities.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

How Interested Parties can Participate in Formulation of the New Rule: Send written comments to Rules Coordinator, Higher Education Coordinating Board, P.O. Box

43430, Olympia, WA 98504-3430, FAX (206) 753-7808,
TDD (206) 753-7809.

April 19, 1995
Elson S. Floyd
Executive Director

WSR 95-09-083
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF REVENUE

[Filed April 19, 1995, 11:15 a.m.]

Subject of Possible Rule Making: Amending sections of chapter 458-53 WAC, Property tax annual ratio study, amending WAC 458-53-010 Declaration of purpose, 458-53-020 Definitions, 458-53-030 Stratification of assessment rolls—Real property, 458-53-050 Land use code—Abstract report, 458-53-070 Sales studies, 458-53-080 Sales sample, 458-53-090 Sales samples—Assessed valuation, 458-53-100 Use of county sales studies, 458-53-130 Real property appraisal studies, 458-53-140 Personal property audit studies, 458-53-160 Indicated personal property ratio—Computation, 458-53-200 Certification of county preliminary and indicated ratios—Review and 458-53-210 Appeals; new sections WAC 458-53-095 Property values used in the ratio study, 458-53-105 Review procedures for county studies and 458-53-135 Indicated real property ratio—Computation; and repealing WAC 458-53-040 Land use code—Ratio study, 458-53-051 Ratio determination by land use class, 458-53-110 Property values used in the ratio study, 458-53-120 Review procedures for county studies, 458-53-141 Personal property audit selection, 458-53-142 Personal property audit studies—Date of valuation, 458-53-150 Indicated real property ratio—Computation, 458-53-163 Mobile homes—Use in study, 458-53-165 Property not properly valued—Use in study, and 458-53-180 Use of indicated ratios.

Specific Statutory Authority for New Rule: RCW 84.48.075.

Reasons Why the New Rule is Needed: Some of the existing rules are not in compliance with recent legislative changes. Other rules are redundant and unclear. The proposed rules are needed to define and clarify the ratio process.

Goals of New Rule: The proposed new rules are intended to clearly set forth the processes to be used by both the department and the counties in establishing the indicated real and personal property ratios for purposes of the state levy.

Process for Developing New Rule: Department of Revenue modified negotiated rule making.

How Interested Parties can Participate in Formulation of the New Rule: Written comments should be submitted by the public meeting dates to ensure full consideration, but will be accepted until the date of adoption. Written comments on and/or requests for copies of the rule may be directed to: James A. Winterstein, Counsel, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 586-4283, FAX (360) 664-0693.

Locations and Dates of Public Meetings: Department of Revenue Information Systems Conference Room, Carpet Exchange Building, 6300 Linderson Way, Tumwater, WA (street parking only), use south tower entrance and elevator

to second floor information systems receptionist, on May 18, 1995, at 10:00 a.m.; and at Spokane Community College, Building 6, The Lair, Upstairs Conference Room, North 1810 North Greene Street, Spokane, WA, on May 22, 1995, at 1:30 p.m.

Accommodations or assistance for persons with disabilities or to request a copy of the information in an alternate format contact: Sandra Chan by May 11, 1995, TTY 1-800-451-7985, or (360) 753-3217.

April 19, 1995
Lesley J. Jaster
Rules Coordinator

WSR 95-09-084
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF LICENSING
(Business and Professions Division)

[Filed April 19, 1995, 11:35 a.m.]

Subject of Possible Rule Making: Increase the licensing and renewal fees for employment agency main and branch offices and to identify the processing fee for renewals charged by master license services (MLS).

Specific Statutory Authority for New Rule: RCW 19.31.070.

Reasons Why the New Rule is Needed: The employment agency program is not recovering sufficient revenue to defray the cost of administering the program. RCW 43.24.086 requires that all licensing programs be self-supporting by the fees collected. Also to identify the processing fee for renewals charged by MLS.

Goals of New Rule: To increase the licensing and renewal fees for employment agency main and branch offices; thus increasing the revenue collected to defray the cost of administering the licensing program. Also to identify the processing fee for renewals charged by MLS.

Process for Developing New Rule: Agency study.

How Interested Parties can Participate in Formulation of the New Rule: Submit written comments by mail or FAX to Department of Licensing, Business and Professions Division, Employment Agency Section, P.O. Box 9649, Olympia, WA 98507-9649, FAX (360) 664-2550. All comments must be received by May 18, 1995.

April 19, 1995
Harumi Tucker Tolbert
Program Manager

WSR 95-09-086
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed April 19, 1995, 11:41 a.m.]

Specific Statutory Authority for New Rule: Chapter 49.17 RCW.

Reasons Why the New Rule is Needed: The Department of Labor and Industries intends to propose amendments to chapter 296-24 WAC, General safety and health standards, as a result of a one year development process with agriculture industry management and labor representatives.

Goals of New Rule: The amended rules will remove the existing March 1, 1995, effective date for applicability of the following sections to agriculture to be consistent with changes made to chapter 296-306 WAC, Safety standards for agriculture: WAC 296-24-12001, 296-24-14011, 296-24-33003, 296-24-58503, and 296-24-73501. In addition, the following amendments will be proposed: WAC 296-24-12001, adding an agriculture industry exemption to the shower requirements in WAC 296-24-12009(3); WAC 296-24-33003, reinstating the exemption for storage of flammable and combustible liquids on farms; WAC 296-24-58503, reinstating the exemption to agriculture operations for fire brigades, portable and fixed fire suppression equipment, fire detections systems, and fire or employee alarm systems; and WAC 296-24-73501, reinstating the exemption for agriculture work relating to walking working surfaces.

Process for Developing New Rule: Meetings have been held with labor and management representatives of the agriculture industry.

How Interested Parties can Participate in Formulation of the New Rule: Gail Hughes, Technical Support and Standards Program Manager, Department of Labor and Industries, P.O. Box 44620, Olympia, WA 98504-4620, phone (360) 902-4539, FAX (360) 902-5529.

April 19, 1995
Dorette M. Markham
for Mark O. Brown
Director

WSR 95-09-087
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed April 19, 1995, 11:42 a.m.]

Specific Statutory Authority for New Rule: RCW 7.68.030, 51.04.020(1), 51.04.030.

Reasons Why the New Rule is Needed: (1) To bring mental health treatment rules in accord with accepted standards of care; (2) to comply with an audit finding regarding annual reviews of claims; and (3) to clarify terms and provide other "housekeeping" amendments.

Goals of New Rule: (1) That mental health treatment requiring preauthorization match accepted standards of care; and (2) that terms and procedures will be clearer to mental health treatment providers.

Process for Developing New Rule: Two amendments included in this implementation were discussed with crime victims program stakeholders. The first is the amendment to WAC 296-31-010(5), to allow one individual plus one group counseling session per week without preauthorization, and the second is the amendment to WAC 296-31-060(2), regarding submission of the initial evaluation report. Both of these amendments were requested by the program's mental health advisory committee and accepted by the program. The amendment to WAC 296-30-025(4) is being implemented as the result of an audit finding by the state auditor's office recommending that this section either be complied with or be deleted from rule. The program is conducting the annual claim reviews that are the subject of the rule. However, the reviews are a lower priority than

other items, and the program believes that its customers will be better served by the program having the flexibility to not have the reviews as a requirement in rule. The remaining amendments are being developed by program staff. The primary intent is to clarify terms and procedures from which questions have arisen since the initial implementation of the mental health treatment rules in 1992.

How Interested Parties can Participate in Formulation of the New Rule: Primary contact: Cleatus Nnanabu, CVC Program Manager, P.O. Box 44520, Olympia, WA 98504-4520, phone (360) 902-5340, FAX (360) 902-5333. Other Opportunities for Participation: (1) Attend the CVC Advisory Committee; and (2) attend the public hearing.

April 19, 1995
Mark O. Brown
Director

WSR 95-09-088
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed April 19, 1995, 11:43 a.m.]

Specific Statutory Authority for New Rule: RCW 51.04.020(4) and 51.04.030.

Reasons Why the New Rule is Needed: The anesthesia conversion factor needs to be adjusted to reflect changes in billing methods and how payment for anesthesia services is calculated. This change was adopted by labor and industries and other state agencies August 1, 1994, with the consent of the anesthesia provider community, but the conversion factor was never adjusted to reflect the change.

The anesthesia conversion factor has not been updated since September 1, 1993. It needs to be updated to reflect changes in the anesthesia base units while remaining budget-neutral for the department.

After analyzing inflation figures and reimbursement for other providers, we may consider increasing a budget-neutral anesthesia conversion factor to reflect a cost-of-living adjustment (COLA) for anesthesia services

Goals of New Rule: To update the anesthesia conversion factor to reflect changes in the anesthesia base units, and possible incorporate a cost-of-living adjustment into payment for anesthesia services. This may result in an overall increase in the reimbursement rates providers would experience. The final conversion factor figures have not yet been approved.

To create a separate WAC for the anesthesia conversion factor, apart from the resource based relative value scales (RBRVS) conversion factor (which is currently in the same WAC), to make future updates less complicated and burdensome for the code reviser's office, anesthesia providers, and for labor and industries.

To convert the final anesthesia conversion factor from a twelve minute scale to a one minute scale, to make it consistent with current billing and payment practices.

Process for Developing New Rule: This rule change will only affect physicians and nurses who provide anesthesia services for covered workers. We are consulting with them during this process through the Anesthesia Technical Advisory Group and through an interested persons letter.

How Interested Parties can Participate in Formulation of the New Rule: Interested persons may contact Simone Stilson, Medical Program Specialist, Department of Labor and Industries, P.O. Box 44322, Olympia, WA 98504-4322, (360) 902-4744, FAX (360) 902-4249.

April 19, 1995
Mark O. Brown
Director

WSR 95-09-092
PREPROPOSAL STATEMENT OF INTENT
STATE INVESTMENT BOARD

[Filed April 19, 1995, 11:59 a.m.]

Specific Statutory Authority for New Rule: Amendments to board's code of conduct, RCW 43.33A.110. New rule regarding date, time and place of regular board meetings, RCW 43.33A.110 implementing RCW 43.33A.040(2).

Reasons Why the New Rule is Needed: Amendments to board's code of conduct, to conform the board's code of conduct to the new chapter 42.52 RCW, Ethics in public service, and update it. New rule regarding date, time and place of regular board meetings, to ensure the public has notice of regular board meetings.

Goals of New Rule: Amendments to code of conduct: The board's code will be revised as necessary to be consistent with the requirements of chapter 42.52 RCW and to reflect the board's experience with its code to date. New rule regarding date, time and place of regular board meetings, to add an additional notice to the public of the date, time and place of regular board meetings (third Thursday of each month at 9:30 a.m. at board's Olympia office).

Process for Developing New Rule: Agency study; and code of conduct, the board has spent considerable time with its staff and through its committee processes in public sessions, and at board meetings earlier this year studying, discussing possible changes to its code, adopting changes, pending this rule-making process. It now seeks public comment upon its changes, and possible additional suggestions, before beginning the formal rule-making process. See below.

New rule regarding schedule, current board practice is to hold its regular meeting on the third Thursday of each month at 9:30 a.m. at its Olympia office, 2424 Heritage Court S.W., Olympia, WA. The public may comment upon this practice prior to formal rule making as described below.

How Interested Parties can Participate in Formulation of the New Rule: Interested parties can obtain copies of the board's code of conduct as currently in the board's policies after recent changes preliminary to this rule making, and can make comments and suggestions regarding those policies and/or the time, date(s) and place for regular board meetings by contacting Marilyn Bowman, Rules Coordinator, Washington State Investment Board, P.O. Box 40916, Olympia, WA 98504-0916, phone (360) 664-8922, FAX (360) 664-8912.

April 19, 1995
Jeffrey O. C. Lane
Senior Assistant Attorney General
Attorney for State Investment Board



WSR 95-08-053
PROPOSED RULES
UNIVERSITY OF WASHINGTON

[Filed April 3, 1995, 11:00 a.m.]

Original Notice.

Title of Rule: Chapter 478-168 WAC, Regulations for the University of Washington libraries.

Purpose: To amend the University of Washington libraries regulations to reflect changes in practices and procedures and to clarify those rules which pertain to the law library.

Statutory Authority for Adoption: RCW 28B.15.031 and 28B.20.130.

Statute Being Implemented: RCW 28B.15.031 and 28B.20.130.

Summary: WAC 478-168-010, 478-168-020, 478-168-070, 478-168-080, and 478-168-092 through 478-168-096 have amended captions to better clarify the rules which pertain to the Marian Gould Gallagher Law Library; WAC 478-168-035 is a new rule which provides the Marian Gould Gallagher Law Library with a separate service schedule; WAC 478-168-160 through 478-168-180, 478-168-200 through 478-168-294, 478-168-300 through 478-168-320, 478-168-330, 478-168-340, and 478-168-350 through 478-168-390 are amended to reflect changes in practice and procedure for the UW libraries; WAC 478-168-325 and 478-168-345 are new sections which also reflect changes in practice and procedure for the UW libraries; WAC 478-168-030, 478-168-040 through 478-168-060, 478-168-090, and 478-168-100 through 478-168-150 are repealed; and WAC 478-168-190 and 478-168-298 are unchanged.

Reasons Supporting Proposal: The rules governing library policy need to be updated to reflect changes in practice and procedure, and to improve access to library materials.

Name of Agency Personnel Responsible for Drafting: UW Libraries, 482 Allen Library, 543-7160; Implementation: Provost, 301 Administration Building, 543-7632; and Enforcement: UW Libraries, 482 Allen Library, 543-7160 and Law Library, Condon Hall, JB-20, 543-4089.

Name of Proponent: University of Washington, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The charges referred to in these rules enable the University of Washington to gain full reimbursement from borrowers for costs the university incurs for replacing or repairing library material. The fines for overdue library material have increased because the current fine levels do not provide sufficient motivation for borrowers to return material on time.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 478-168 WAC, Regulations for the University of Washington libraries is being updated to reflect changes in practice and procedure for the University of Washington libraries and to further clarify those rules which pertain specifically to the Marian Gould Gallagher Law Library. In addition, the rules governing library policy need to be updated to improve access to library materials. Anticipated effects include increased access to library

materials by motivating users to return material on time, additional flexibility in scheduling library hours, and the clarification and revision of other existing rules relating to the University of Washington libraries.

Proposal Changes the Following Existing Rules: WAC 478-168-010, 478-168-020, 478-168-070, 478-168-080, and 478-168-092 through 478-168-096 are amended in caption only; WAC 478-168-160 through 478-168-180, 478-168-200 through 478-168-294, and 478-168-300 through 478-168-390 are amended; and WAC 478-168-030, 478-168-040 through 478-168-060, 478-168-090, and 478-168-100 through 478-168-150 are repealed.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The University of Washington has determined that the amendments to chapter 478-168 WAC are not subject to the Regulatory Fairness Act, chapter 19.85 RCW, as stated in RCW 19.85.030.

Hearing Location: Husky Union Building, Room 209A, University of Washington, Seattle, Washington, on May 25, 1995, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact the UW Disability Services Office by May 11, 1995, TDD (206) 543-6452, or (206) 543-6450.

Submit Written Comments to: Rebecca Goodwin Deardorff, Administrative Procedures Officer, Reference Stations Management Office, HI-29, University of Washington, 4014 University Way N.E., Seattle, WA 98105, FAX (206) 543-0786, by May 24, 1995.

Date of Intended Adoption: June 9, 1995.

March 31, 1995

Rebecca Goodwin Deardorff
 Administrative Procedures Officer

AMENDATORY SECTION (Amending Order 72-3, filed 8/7/72)

WAC 478-168-010 University of Washington libraries and Marian Gould Gallagher Law Library - Legal authority to enact. Pursuant to the authority granted by RCW 28B.20.130, chapter 223, Laws of 1969 ex. sess. (RCW 28B.20.130), and section 2, chapter 279, Laws of 1971 ex. sess. (RCW 28B.15.031), the board of regents of the University of Washington has established the following regulations governing the service schedules for and the lending of library materials from library facilities devoted mainly to the educational or research activities of the University of Washington.

AMENDATORY SECTION (Amending Order 72-3, filed 8/7/72)

WAC 478-168-020 University of Washington libraries and Marian Gould Gallagher Law Library - Purpose of libraries' existence. The libraries constitute a vital instructional arm of the University of Washington and exist primarily to contribute to the university's teaching and research functions. In addition, the libraries seek to serve the citizens of the state of Washington, consistent with their primary function and within the limits of their resources.

NEW SECTION

WAC 478-168-035 University of Washington libraries and Marian Gould Gallagher Law Library - Service schedule. (1) Business hours are based on the identifiable needs of the university community as a whole and in consideration of the staff made available to support public service activities of the libraries.

(2) All libraries may close on legal and university holidays. Such closures are posted at the respective library locations seven days in advance.

(3) Unscheduled closures may be declared by the director of libraries or his/her designee, for the University of Washington libraries. The director of the Marian Gould Gallagher Law Library or his/her designee will have responsibilities for determining unscheduled closures for the Marian Gould Gallagher Law Library. Unscheduled closures will be due to staffing or physical plant problems beyond the libraries' control which constitute a threat to life, limb, essential creature comforts or utility of the facilities by users and staff.

AMENDATORY SECTION (Amending Order 85-1, filed 6/27/85)

WAC 478-168-070 (~~Use regulations and service schedule for the~~) **Marian Gould Gallagher Law Library - (Use of) Access to facilities.** (1) Access to the Marian Gould Gallagher Law Library is limited. Only University of Washington faculty and University of Washington law school students may use the library as a study hall (i.e., for use not related to that library's materials). In general, the reading room is open for use by any person having need of the library's legal materials. However, when necessary to serve University of Washington faculty and University of Washington law school students effectively, the law librarian may restrict access to the library or any part of the library.

(2) The faculty library is for the use of University of Washington law faculty only, but books may be taken by library staff from the faculty library for the limited use of other patrons.

AMENDATORY SECTION (Amending Order 85-1, filed 6/27/85)

WAC 478-168-080 (~~Use regulations and service schedule for the~~) **Marian Gould Gallagher Law Library - Use of materials.** (1) In the use of library materials the Marian Gould Gallagher Law Library serves the students, faculty and staff of the law school, the students, faculty and staff of other university departments, faculty of other colleges and universities, librarians of other libraries, judges, members of the Washington bar and persons who have a degree from the law school. The law librarian has discretion to specify other groups of patrons and to set priorities of use among all groups of patrons. However, University of Washington law school faculty and law school students have priority when other patrons need the same materials.

(2) Circulation regulations may differ according to type of material and usage.

(3) Because of the reference nature of much of the collection, many of the books do not circulate and must be

used in the library. The law librarian shall define the phrase "in the library."

(4) Each borrower is responsible for materials which he or she checks out at the circulation desks.

AMENDATORY SECTION (Amending Order 85-1, filed 6/27/85)

WAC 478-168-092 Marian Gould Gallagher Law Library - Student identification cards - Conditions of use.

(1) To ensure prompt access to the library collection, University of Washington law school students must carry official law school identification cards issued at the time of enrollment in the school.

(2) An identification card is authorized for use only by the student whose name appears on the card.

(3) Student identification must be presented for the completion of each in-person circulation transaction.

(4) Each student must maintain current validation of the student's card.

(5) Each student shall keep the library informed of changes of name and address.

AMENDATORY SECTION (Amending Order 85-1, filed 6/27/85)

WAC 478-168-094 Marian Gould Gallagher Law Library - Official registration of other library users.

(1) All library users other than University of Washington law school faculty and staff and University of Washington law school students must complete a registration card for library records at the main circulation desk.

(2) Information required includes name, permanent address, telephone number, and user category.

(3) Each borrower shall keep the library informed of changes of name, permanent address, telephone number, and user category.

AMENDATORY SECTION (Amending Order 85-1, filed 6/27/85)

WAC 478-168-096 Marian Gould Gallagher Law Library - Daily registration by library users - Procedures.

(1) All eligible library users other than University of Washington law school faculty and staff and University of Washington law school students must present identification and register at the main circulation desk upon entering and leaving the library.

(2) Proper identification shall be as specified by the law librarian.

(3) When in the law library, all eligible library users other than University of Washington law school faculty and staff and University of Washington law school students must display a visitor's permit on the person or at the workplace when there. Visitor's permits are issued at the time of daily registration.

(4) Permits must be returned to the main circulation desk upon leaving the library.

(5) Failure to return permits may result in the revocation of library privileges.

AMENDATORY SECTION (Amending Order 79-4, filed 9/7/79)

WAC 478-168-160 University of Washington libraries - Loan code (~~(for the University of Washington libraries)~~) - Purpose. The board of regents of the University of Washington has established the following regulations which govern the lending of library material from the University of Washington libraries (excluding the Marian Gould Gallagher law library and ~~(computing information center)~~ the center for urban horticulture). ~~((The board of regents reserves the right to add, delete or modify portions of these rules and regulations, including the fine schedules, in accordance with its regulations and with applicable laws after consultation with library staff and representatives of major user groups.))~~ The loan code for the University of Washington libraries is contained in WAC 478-168-160 to WAC 478-168-390.

AMENDATORY SECTION (Amending Order 79-4, filed 9/7/79)

WAC 478-168-170 Library borrowers. The following categories of individuals are eligible for library borrowing privileges:

- (1) Campus borrowers:
 - (a) Undergraduate and unclassified students.
 - (b) Graduate and professional students.
 - (c) Graduate students with on-leave graduate status.
 - (d) ~~((Continuing education))~~ university extension participants.
 - (e) Faculty, consisting of the president, the vice presidents, professors, associate professors, assistant professors, instructors, research associates, and lecturers, whether serving under acting, research, clinical, or affiliate appointment, whether serving part-time or full-time, and whether serving in an active or emeritus capacity; academic ~~((staff))~~ personnel, and administrative personnel as determined by the office of the provost.
 - (f) ~~((Exempt))~~ Professional staff.
 - (g) Classified staff.
 - (h) Visiting scholars with official visiting scholar status.
 - (i) Individuals affiliated with the university who do not have official University of Washington identification cards but who have been granted borrowing privileges by the director of libraries.
- (2) Off-campus borrowers who are granted free borrowing privileges ~~((on a nonfee basis))~~:
 - (a) Spouses of faculty ~~((academic staff and administrative personnel))~~ and staff as defined in subdivisions (1)(e), (f), and (g) of this section.
 - (b) Retired faculty and staff as defined in subdivisions (1)(e), (f), and (g) of this section.
 - (c) Spouses of retired staff as defined in subdivisions (1)(e), (f), and (g) of this section.
 - (d) Spouses of visiting scholars.
 - (e) Faculty and other academic staff of each of the Washington state four year colleges and universities.
 - (f) Federal and state governmental employees who have need of library materials in an official capacity.
 - (g) Other individuals accorded borrowing privileges by the director of libraries.

(3) Off-campus individuals who have need for research purposes of material not available from other sources and other individuals accorded borrowing privileges by the director of libraries are granted borrowing privileges for a nonrefundable charge ~~((fee of \$30.00 per year or \$10.00 for three months))~~. The charge is set by the director of libraries or his/her designee. The approved schedule of charges shall be published in the university *Operations Manual*.

(4) Organizations which have need for research purposes of material not available from other sources will be granted borrowing privileges for a nonrefundable charge ~~((fee of \$30.00 per year for one library card plus \$10.00 per year for each additional card))~~. ~~((Each card is issued in the name of a principal borrower who assumes responsibility for return of material and payment of library charges.))~~ The charge is set by the director of libraries or his/her designee. The approved schedule of charges shall be published in the university *Operations Manual*.

(5) Individuals granted privileges through contracts or agreements with the University of Washington libraries.

AMENDATORY SECTION (Amending Order 79-4, filed 9/7/79)

WAC 478-168-180 Identification card - Conditions of use. (1) Each borrower is responsible for obtaining an official identification card from the appropriate university office or a library borrower's card from the library cashier section, Suzzallo ~~((H))~~ Library.

(2) An identification card is authorized for use only by the individual whose name appears on the card.

(3) Official identification must be presented for the completion of each in-person circulation transaction.

(4) Each borrower is responsible for materials checked out on his/her University of Washington identification card or library borrower's card.

(5) ~~((After automation each borrower is responsible for keeping the library informed of changes of address.))~~ Campus borrowers are responsible for keeping the registrar or payroll office informed of changes of address. Off-campus borrowers are responsible for keeping the libraries informed of changes of address.

(6) Each University of Washington faculty, academic staff, administrative personnel, ~~((exempt))~~ professional staff, visiting scholar, and other individuals as authorized by the director of libraries, may designate up to two proxies or couriers for the purpose of picking up materials for his/her use.

AMENDATORY SECTION (Amending Order 79-4, filed 9/7/79)

WAC 478-168-200 Loan periods. (1) The loan period for all library material is two weeks except as provided for below and except for material designated for use only in the library.

(2) Short loan periods - Library ~~((U))~~ unit heads may designate certain material as having a short loan period based on anticipated demand or need for reference or reserve purposes. Such loan periods are one of the following:

- (a) Hourly (i.e., one hour, two hours, four hours, etc.).
- (b) Overnight.
- (c) Three days.

(d) One week.

(3) Extended loan periods - Based on the general nature of the collection, library unit heads may select one or more of the following options:

(a) A four week loan to any category of borrower.

(b) An end-of-quarter loan or three month loan for any of the following categories of campus borrowers:

(i) Undergraduate and unclassified students.

(ii) Graduate students, students with on-leave graduate status, and professional students.

(iii) Faculty as defined in WAC 478-168-170 (1)(e).

(iv) ~~((Exempt))~~ Professional staff.

(v) Classified staff.

(vi) Visiting scholars with official visiting scholar status.

(c) An indefinite loan for faculty upon request. Reports of items checked out on indefinite loan are issued at least annually.

(4) Library ~~((U))~~ unit heads may designate special conditions of use for some material because of format, subject, rarity, etc.

AMENDATORY SECTION (Amending Order 79-4, filed 9/7/79)

WAC 478-168-270 Date library material is due. (1) Material is due on the date and hour specified at the time checked out or as adjusted by recall. If the hour is not specified, material is due at ~~((closing time))~~ midnight on the date specified.

(2) Material checked out on indefinite loan becomes due one month from the date of issue of an indefinite loan report if the report is not signed and returned within that time. All materials on indefinite loan become due upon termination of employment with the university.

~~((3) Material checked out to a borrower becomes due upon expiration date of the borrower's identification card or upon termination of employment.))~~

AMENDATORY SECTION (Amending Order 79-4, filed 9/7/79)

WAC 478-168-280 Return of library material. (1) Reserve material must be returned directly to the unit from which it is borrowed. If it is returned elsewhere, it is considered to be returned at the time it is received at the unit from which it was borrowed. Special material may be designated for return directly to the unit from which it is borrowed.

(2) All other material is considered returned the date it is returned to any library unit in the system.

(3) Material returned to the outside book drop when the library unit is closed will be considered returned as of closing time the previous day the library was open.

AMENDATORY SECTION (Amending Order 79-4, filed 9/7/79)

WAC 478-168-290 Holds. (1) All borrowers may place holds on nonreserve material which is checked out. A hold may be placed on:

(a) Nonreserve material with a loan period of more than three days.

(b) Reserve material for use when it comes off reserve.

(2) Borrowers may not place a hold on material checked out to themselves.

(3) Library units may place holds on all material.

(4) Material on which a hold has been placed may not be renewed.

(5) A borrower may check out ~~((for a maximum of two weeks))~~ material on which a second hold exists for a maximum of two weeks.

(6) When material on which a hold has been placed is returned, it is held and the requestor is informed of its availability.

(7) ~~((Order of priority of holds:))~~ The usual priority of holds is by the date the hold was placed. The order of the priority of holds may be adjusted by the library unit head according to the following priorities:

(a) Reserve units.

(b) Campus borrowers (in order by day of hold).

(c) Off-campus borrowers (in order by day of hold).

(d) Interlibrary loan processing units.

(e) Other library units.

~~((8) The order of priority of holds may be adjusted by the unit head.))~~

AMENDATORY SECTION (Amending Order 79-4, filed 9/7/79)

WAC 478-168-294 Recalls. Material on which a hold has been placed will be recalled if the adjusted date due is earlier than the original date due.

(1) For holds placed by reserve units, the adjusted date due is one week from the date ~~((checked out or seven days from the date))~~ of the hold ~~((, whichever is later)).~~

(2) For holds placed by borrowers, the adjusted date due is two weeks from the date ~~((checked out or seven days from the date))~~ of the hold ~~((, whichever is later)).~~

(3) For holds placed by interlibrary loan processing units and other library units material is not recalled automatically. If recalled upon special request, the adjusted date due is ~~((the same as for holds placed by borrowers))~~ two weeks from the date of the hold.

AMENDATORY SECTION (Amending Order 79-4, filed 9/7/79)

WAC 478-168-300 Renewal of library material. Extending a loan period without material in hand constitutes a renewal. Extending a loan period with material in hand constitutes initiating a new loan.

(1) Reserve material, regardless of loan period, and nonreserve material with a loan period of less than three days may not be renewed.

~~((2) Material in the Odgaard Undergraduate Library may be renewed only once. After one renewal, material must be returned to the shelves before a new loan to the same borrower may be initiated.~~

~~((3))~~ (2) All other material may be renewed a maximum of two times unless requested by means of a hold.

~~((4))~~ (3) Overdue material for which a replacement charge has been assessed may not be renewed.

~~((5))~~ (4) Telephone renewals are made only if staff time permits. The libraries assume no responsibility for errors resulting from telephone renewals. Borrowers appearing in person will be given priority.

AMENDATORY SECTION (Amending Order 79-4, filed 9/7/79)

WAC 478-168-310 Fines and charges~~(--System-wide applicability--)~~. (1) All borrowers are subject to a uniform system of fines and charges for late return of library material and for replacement costs when required.

(2) Nonreserve fines are monetary sanctions for the late return of material requested by another borrower or library unit. Reserve fines are monetary sanctions for the late return of material. Fines are levied only when an overdue item is returned prior to billing.

(3) Billing charges are levied to defray the costs incurred by the libraries in billing, processing sanctions, and other activities related to the recovery of material that is substantially overdue.

(4) Replacement charges are levied to pay for the replacement of substantially overdue material. The replacement charges include the cost of the material and the cost of processing the material for the shelves.

(5) Binding, mending and damage charges are levied to repair material, to prepare replacement materials for circulation or to compensate for the decreased value of materials due to irreparable damage.

AMENDATORY SECTION (Amending Order 79-4, filed 9/7/79)

WAC 478-168-320 Notices and invoices. (1) An overdue notice for nonreserve material will be sent at least one week in advance of the billing date for replacement charges.

(2) All notices and invoices for library charges will be sent via United States first class, ~~((or))~~ campus or electronic mail.

(3) Failure to receive a notice or invoice does not exempt the borrower from charges.

NEW SECTION

WAC 478-168-325 Payment of fines and charges. Fines and charges should be paid at or sent to the library cashier in the Suzzallo Library unless the charges have been referred to the collection agency. Payment may be made by cash or check. Departmental purchase orders are not acceptable on the basis that fines and charges may not be appropriately paid by departmental, grant or other funds controlled by the university.

AMENDATORY SECTION (Amending Order 79-4, filed 9/7/79)

WAC 478-168-330 Fines. ~~((For fining purposes, days or hours when the unit is closed are disregarded.))~~ All days or hours are counted for fining purposes whether the library unit is open or closed. Any part of a day or hour is computed as a full day or hour. Invoices will not be issued for fines of less than ~~(((\$1.50))~~ \$2.50.

(1) Nonreserve material circulating three days or longer:
(a) ~~((Fines accrue when--))~~ A fine is levied and an invoice issued when overdue material with a hold is returned prior to billing.

~~((i) A hold is placed on an overdue item by a reserve unit or a borrower.~~

~~(ii) An item on which a hold has been placed becomes overdue.~~

~~(iii) An item becomes thirty days overdue, whether or not a hold has been placed.))~~

(b) Fines accrue at a rate of ~~((30¢))~~ 50¢ per day. The maximum fine is ~~(((\$9.00))~~ \$15.00 per item.

(c) Fines accrue from the original date due or the ~~((recall))~~ adjusted date due, whichever is earlier.

~~((d) An invoice is issued when:~~

~~(i) An overdue item on which a hold was placed is returned.~~

~~(ii) An item becomes thirty days overdue.))~~

(2) All reserve material and those nonreserve materials which circulate less than three days:

(a) ~~((Fines accrue when an item becomes overdue.))~~ A fine is levied and an invoice issued when an overdue item is returned prior to billing.

(b) Fines accrue at a rate of ~~((25¢ per hour))~~ \$2.50 for the first hour and 50¢ per hour thereafter. The maximum fine is ~~(((\$15.00))~~ \$30.00 per item.

~~((c) When an overdue item is requested by another borrower and a copy is not available for circulation in that reserve unit, an additional flat fee of \$1.50 will be added to the fine.~~

~~(d) An invoice is issued when:~~

~~(i) Overdue material is returned.~~

~~(ii) The fine reaches the maximum.~~

~~(c) During the interim period between quarters, nonreserve fine rates apply to reserve material.))~~

(3) When an exception is made to check out material designated for use only in the library, fines apply according to the loan period which was established for the particular item:

(a) If three days or more, nonreserve fines apply.

(b) If less than three days, reserve fines apply.

AMENDATORY SECTION (Amending Order 79-4, filed 9/7/79)

WAC 478-168-340 Replacement charges. (1) A replacement charge is levied when:

(a) Material is reported lost.

(b) Material is returned in irreparably damaged condition and there is reasonable assurance that damage was caused by the most recent borrower.

(c) ~~((Material is not returned by the time overdue fines have accrued to the maximum amount or thirty days after the item becomes overdue.))~~ Material becomes substantially overdue. Replacement charges for nonreserve material are levied and an invoice issued 30 days after the due date. Replacement charges for reserve material are levied and an invoice issued 57 hours after the time the material is due.

(2) ~~((The normal replacement charge for monographs is an average cost of material in a subject area as determined by the head, acquisitions division, at the beginning of each fiscal year. The unit head has the option of charging the actual cost (\$5.00 minimum) or an estimated cost (\$5.00 minimum) determined on an item-by-item basis.))~~ The replacement charge is the cost for the material, the cost of obtaining and processing the material (processing cost) and, if applicable, the cost to bind the material (binding cost).

The binding and processing costs are set by the director of libraries or his/her designee on an annual basis.

~~(3) ((The replacement charge for other types of material (serials and unbound issues, maps, pamphlets, etc.) will be established by the head, acquisitions division, at the beginning of each fiscal year. The cost of binding will automatically be included in the average cost for serial volumes. It will be included in the actual or estimated cost for monographs when applicable.))~~ The normal replacement charge for monographs is an average cost of material in a subject area and the processing cost. Average replacement costs are determined by information from library publications or, if available, from information derived from the libraries' acquisitions system.

(4) The replacement charge for other types of material is an average cost of the material type and the processing cost. Average replacement costs are determined by information from library publications or, if available, from information derived from the libraries' acquisitions system. The cost of binding will automatically be included in the average cost for serial volumes.

(5) In lieu of the average replacement cost, the unit head has the option of evaluating the replacement cost on an item-by-item basis and assigning costs to specific items. Item-specific replacement costs include the actual or estimated cost to acquire the material, the processing charge and, if applicable, the binding cost.

NEW SECTION

WAC 478-168-345 Billing charges. (1) Nonreserve material circulating three days or longer:

(a) A billing charge is levied when a bill for replacement is issued.

(b) The billing charge is \$15.00 per item.

(2) All reserve material and those nonreserve materials which circulate less than three days:

(a) A billing charge is levied when a bill for replacement is issued.

(b) The billing charge is \$30.00 per item.

AMENDATORY SECTION (Amending Order 79-4, filed 9/7/79)

WAC 478-168-350 Adjustment to replacement charges. (1) The replacement charge is canceled if material is returned or replaced with a copy acceptable to the unit head prior to referral of invoice to the collection agency or placement of an order for the material by the library unit.

(2) The replacement charge is reduced to the amount of the service fee charged by the collection agency if material is returned or replaced after an invoice is referred to the collection agency.

(3) Generally, ((F))the replacement charge is not canceled after an invoice is considered uncollectible by the collection agency, ((or after)) the invoice is more than twelve months old, ((from the date of the invoice, whichever is earlier)) or if a replacement has been ordered. In special circumstances the appropriate library unit head may agree to accept material after that time and cancel the appropriate amount of the replacement charge as specified in subsections (1) and (2) of this section.

(4) A refund is issued when the replacement charge which has been paid is canceled or reduced within the ((time)) limitations specified in subsections (1), (2), and (3) of this section.

AMENDATORY SECTION (Amending Order 79-4, filed 9/7/79)

WAC 478-168-360 Binding charges. (1) The binding charge will be levied when:

(a) Material is returned in need of rebinding and there is reasonable assurance that the damage was caused by the most recent borrower.

(b) The borrower provides a replacement copy which requires binding in order to match the format of the copy being replaced.

(2) The binding charge is established by the ((head, acquisitions division, at the beginning of each fiscal year)) director of libraries or his/her designee on an annual basis.

AMENDATORY SECTION (Amending Order 79-4, filed 9/7/79)

WAC 478-168-380 Appeal of library charges. (1) Except for cancellation of replacement charges as defined in WAC 478-168-350 (1), (2) and (3), library charges are noncancellable except as determined by the appeal procedure or in cases of library error. ((Appeal of library charges may be filed by securing an appeal form from the unit which levied the charges and submitting the completed form to the circulation division, Suzzallo Library.)) Appeals are adjudicated by the library fines appeals committee, a committee composed of faculty and students. The faculty member serves as chair.

(2) The libraries informs potential appellants of the availability of the appeals process at the time of billing and in all correspondence regarding the application of sanctions. Appeal of library charges may be filed by securing an appeal form from the unit which levied the charges and submitting the completed form to the library cashier.

(3) Meetings of the libraries fines appeals committee are considered brief adjudicative procedures as defined by the Administrative Procedure Act (chapter 34.05 RCW). Committee meetings are conducted in conformance with the act and other applicable laws.

(4) A completed appeals form must be submitted within six months of billing for the charges to be appealed.

AMENDATORY SECTION (Amending Order 79-4, filed 9/7/79)

WAC 478-168-390 Failure to pay library charges and misuse of library privileges. (1) Failure to pay library charges and/or return library material may result in:

(a) Holds being placed on student records.

(b) Cancellation or blocking of registration for students.

(c) Collection processing by the ((receivables control and collection office)) libraries and/or campus agencies designated by the University of Washington. Such accounts may also be reported to credit bureaus and/or litigation instituted.

(d) Revocation of borrowing privileges ((by the director of libraries)).

(e) Civil or criminal action against the borrower.((e)) (f) Any combination thereof.

(2) Misuse of library privileges may result in revocation of borrowing privileges by the director of libraries or his/her designee.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 478-168-030	Modification of these regulations.
WAC 478-168-040	Manuscript collection and university archives access policy - Basis of policies and procedures.
WAC 478-168-050	Manuscript collection and university archives access policy - Use regulations.
WAC 478-168-060	Use regulations and service schedule for the Marian Gould Gallagher Law Library.
WAC 478-168-090	Service schedules - Application.
WAC 478-168-100	Service schedules - Basis of determining business hours.
WAC 478-168-110	Service schedules - Regular academic schedules.
WAC 478-168-120	Service schedules - Summer quarter schedules.
WAC 478-168-130	Service schedules - Interim schedules.
WAC 478-168-140	Legal and university holidays.
WAC 478-168-150	Unscheduled closures.

WSR 95-09-003
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)
 [Filed April 6, 1995, 4:47 p.m.]

Original Notice.

Title of Rule: WAC 388-49-505 Utility allowances.

Purpose: Establishes a \$156 limited utility allowance granted by food and consumer service waiver under 7 CFR 273.9 (d)(6)(vi).

Statutory Authority for Adoption: RCW 74.04.050.

Statute Being Implemented: RCW 74.04.050.

Summary: Authorizes a new utility deduction of \$156 for households who have no heating or cooling costs.

Reasons Supporting Proposal: Establishes a \$156 limited utility allowance granted by food and consumer service waiver under 7 CFR 273.9 (d)(6)(vi).

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joan Wirth, Division of Income Assistance, 438-8324.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is necessary because of federal law, 7 CFR 273.9 (d)(6)(vi).

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. This amendment does not affect small businesses, it only affects food stamp recipients.

Hearing Location: OB-2 Auditorium, 14th and Jefferson, Olympia, Washington, on May 23, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Office of Vendor Services by May 4, 1995, TDD (206) 753-4542, or SCAN 234-4542.

Submit Written Comments to: Jeanette Sevedge-App, Acting Chief, Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, 14th Avenue and Jefferson Street, Olympia, Washington 98504, Please Identify WAC Numbers, FAX (206) 586-8487, by May 11, 1995.

Date of Intended Adoption: May 24, 1995.

April 6, 1995

Jeanette Sevedge-App

Acting Chief

Office of Vendor Services

AMENDATORY SECTION (Amending Order 3776, filed 8/24/94, effective 10/1/94)

WAC 388-49-505 Utility allowances. (1) The department shall:

(a) Establish ~~((an annualized standard))~~ the following utility allowances for use in calculating shelter costs~~((s))~~:

(i) A standard utility allowance for households incurring any separate utility charges for heating or cooling costs;

(ii) A limited utility allowance for households, without heating or cooling costs, incurring any separate utility charges other than telephone costs; and

(iii) A telephone allowance for households incurring separate charges for phone service and not claiming the standard or limited utility allowances.

(b) Obtain ~~((FNS))~~ food and consumer service approval of the methodology used to establish ~~((the standard))~~ utility ~~((allowance;~~

~~((e) Establish a separate annualized telephone allowance;~~

~~((d) Obtain FNS approval of the methodology used to establish the telephone allowance))~~ allowances.

(2) The ~~((annual))~~ standard utility allowance shall be two hundred twelve dollars.

(3) The limited utility allowance shall be one hundred fifty-six dollars.

(4) The ~~((monthly))~~ telephone ~~((standard))~~ allowance shall be twenty-eight dollars.

WSR 95-09-004
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)
 [Filed April 6, 1995, 4:49 p.m.]

Original Notice.

Title of Rule: WAC 388-49-500 Income—Deductions.

Purpose: Establishes new limited utility allowance (LUA) granted by food and consumer service waiver under 7 CFR 273.9 (d)(6)(v).

Statutory Authority for Adoption: RCW 74.04.050.

Statute Being Implemented: RCW 74.04.050.

Summary: Authorizes a new utility deduction of \$156 for clients who have no heating or cooling costs and incur charges for a utility other than phone service. Clients must verify shelter and utility costs at application, recertification, and when the household reports a change in expenses.

Reasons Supporting Proposal: Implements new mandatory verification policy for shelter and utility costs. Establishes new limited utility allowance (LUA) granted by food and consumer service waiver under 7 CFR 273.9 (d)(6)(v).

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joan Wirth, Division of Income Assistance, 438-8324.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is necessary because of federal law, 7 CFR 273.9 (d)(6)(v).

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. This change does not affect small businesses, it affects only food stamp recipients.

Hearing Location: OB-2 Auditorium, 14th and Jefferson, Olympia, Washington, on May 23, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Office of Vendor Services by May 4, 1995, TDD (206) 753-4542, or SCAN 234-4542.

Submit Written Comments to: Jeanette Sevedge-App, Acting Chief, Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, 14th Avenue and Jefferson Street, Olympia, Washington 98504, Please Identify WAC Numbers, FAX (206) 586-8487, by May 11, 1995.

Date of Intended Adoption: May 24, 1995.

April 6, 1995

Jeanette Sevedge-App

Acting Chief

Office of Vendor Services

AMENDATORY SECTION (Amending Order 3814, filed 12/28/94, effective 1/28/95)

WAC 388-49-500 Income—Deductions. (1) The department shall allow the following deductions when computing net income:

(a) A standard deduction of one hundred thirty-four dollars per household per month;

(b) An earned income deduction of twenty percent of gross earned income except as provided in WAC 388-49-640(8);

(c) A dependent care deduction of the actual amount incurred not to exceed two hundred dollars for each dependent (~~age~~) one year (~~old~~) of age or younger and one

hundred seventy-five dollars for each other dependent when care is necessary for a household member to:

- (i) Seek, accept, or continue employment; or
- (ii) Attend training or education preparatory to employment.

(d) A deduction for nonreimbursable monthly medical expenses over thirty-five dollars incurred or anticipated to be incurred by an elderly or disabled household member;

(e) A deduction for legally obligated child support paid for a person who is not a member of the household;

(f) Shelter costs in excess of fifty percent of the household's income after deducting the standard, earned income, medical, child support, and dependent care deductions. The shelter deduction shall not exceed two hundred thirty-one dollars; and

(g) An excess shelter deduction for the monthly amount exceeding fifty percent of the household's monthly income after all applicable deductions for households containing an elderly or disabled person.

(2) (~~A household's~~) Shelter costs may include:

(a) Costs for a home not occupied because of employment, training away from the home, illness, or abandonment caused by casualty loss or natural disaster (~~shall be allowed~~) if the:

(i) Household intends to return to the home;

(ii) Current occupants, if any, are not claiming shelter costs for food stamp purposes; and

(iii) Home is not being leased or rented during the household's absence.

(b) Charges for the repair of the home substantially damaged or destroyed due to a natural disaster;

(c) The standard utility allowance when a household incurs any separate utility charges for heating or cooling costs or the limited utility allowance when a household incurs any separate utility charges other than telephone costs and is not entitled to the standard utility allowance. A household may incur a separate utility charge when the household:

(i) Has not yet received a billing for utilities;

(ii) Is billed monthly by the landlord for actual usage as determined through individual metering; or

(iii) Shares residence and utility costs with other persons, in which case the deduction is for the household's prorated share of the standard or limited utility allowance.

(d) Actual utility costs rather than the standard or limited utility allowance if the household is:

(i) Not entitled to the standard or limited utility allowance; or

(ii) Requesting use of actual utility bills. The department shall allow a monthly telephone standard (~~shall be allowed~~) for households incurring telephone expenses if the household is not entitled to claim the standard or limited utility allowance.

(e) A shelter amount of one hundred thirty-nine dollars when all household members are homeless as specified under WAC 388-49-020(36) and the household incurs or expects to incur:

(i) Monthly shelter costs no greater than one hundred thirty-nine dollars; or

(ii) Unverified shelter costs exceeding one hundred thirty-nine dollars.

(3) A household may switch between actual utility costs and the standard or limited utility allowance:

(a) At each recertification; and

(b) One additional time during each twelve-month period following the initial certification action.

(4) The department shall provide excess medical or shelter deductions effective with supplemental security income (SSI) eligibility when households:

(a) Become categorically eligible within the time limits specified under WAC 388-49-120 and 388-49-150 after a food stamp application;

(b) Receive food stamps as a nonassistance household until becoming categorically eligible; or

(c) Become categorically eligible after denial of nonassistance food stamps.

(5) The department shall not provide a deduction for that portion of a deductible expense, described under this section, paid by an excluded:

(a) Reimbursement; or

(b) Vendor payment, except for Low Income Home Energy Assistance Act (LIHEAA) payments.

~~((6) The department shall verify:~~

~~(a) Dependent care costs including changes, except in prospective budgeting;~~

~~(b) Incurred and anticipated medical expenses and the reimbursement amounts resulting in a deduction only at application, recertification, and when the household reports a change in medical expenses; and~~

~~(c) Actual shelter costs for homeless households when such costs exceed the amount in subsection (2)(c) of this section.~~

~~(7) If medical reimbursement cannot be verified, the department shall certify the household without allowing the deduction.)~~

**WSR 95-09-008
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed April 7, 1995, 11:35 a.m.]

Original Notice.

Title of Rule: See Purpose below.

Purpose: **Chapter 296-24 WAC, General safety and health standards.** Federal-initiated proposed amendments are made to chapter 296-24 WAC as a result of OSHA letter dated December 22, 1994. The proposed amendments are made to:

- Add a section (WAC 296-24-19514) relating to the requirements for reporting injuries to employees operating mechanical power presses which was inadvertently repealed by Administrative Order 88-11, July 6, 1988.

State-initiated proposed amendments are made to:

- Correct WAC references to be at-least-as-effective-as the federal standard, WAC 296-24-19501 and 296-24-19517.
- Remove subsection numbering of definitions to comply with code reviser requirements, WAC 296-24-19501.
- Reorganize definitions to be in alphabetical order, WAC 296-24-19501.

The federal-initiated proposed amendments will reestablish additional compliance requirements which were inadvertently repealed in error. The state-initiated proposed amendments will not establish any additional compliance requirements.

Chapter 296-62 WAC, General occupational health standards.

State-initiated proposed amendments to chapter 296-62 WAC are made to:

- Change an OSHA reference to the applicable WAC reference, WAC 296-62-14501.
- Correct a spelling error, WAC 296-62-14529.

The state-initiated proposed amendments will not establish any additional compliance requirements.

Chapter 296-155 WAC, Safety standards for construction work.

State-initiated proposed amendments are made to chapter 296-155 WAC at industry request and as a result of negotiated rule making between the Department of Labor and Industries and construction industry labor and management representatives. **(The amendments proposed do not address issues relating to rigging.)** The proposed amendments:

- Add ANSI definitions for consistency and clarity, WAC 296-155-525. These definitions relate to parts of cranes, rigging, and loading dynamics such as "drum, gantry, mast, and dynamic loading."
- Replace ANSI references with ANSI text in new section, WAC 296-155-527, to allow availability of information relating to the requirements for running ropes and wires, and general crane erection requirements.
- Reorganize existing requirements within sections for clarity and ease of use and to update ANSI references to current editions, WAC 296-155-525.
- Change an OSHA reference to the applicable WAC reference, WAC 296-155-20301.

The state-initiated proposed amendments will not establish any additional compliance requirements.

Statutory Authority for Adoption: Chapter 49.17 RCW.
Statute Being Implemented: RCW 49.17.040, [49.17].050, [49.17].060.

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Marcia Holt, 7273 Linderson Way, Tumwater, WA, (360) 902-5530; Implementation and Enforcement: Frank Leuck, 7273 Linderson Way, Tumwater, WA, (360) 902-5495.

Name of Proponent: Department of Labor and Industries, governmental.

Rule is necessary because of federal law, OSHA Letter dated December 22, 1994.

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal Changes the Following Existing Rules: See Purpose above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The department has determined the proposed amendments do not add any

new compliance requirements or are federal-initiated proposed amendments and an SBEIS is not required, RCW 19.85.060(1), 1989.

Hearing Location: Department of Labor and Industries Building, Auditorium, 7273 Linderson Way, Tumwater, WA, on May 23, 1995, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Linda Dausener by May 10, 1995, (360) 902-5516.

Submit Written Comments to: Frank Leuck, Assistant Director, Division of Consultation and Compliance, P.O. Box 44620, Olympia, WA 98507-4620, by May 30, 1995. In addition to written comments, the department will accept comments submitted to FAX (206) 956-5529. Comments submitted by FAX must be ten pages or less.

Date of Intended Adoption: August 9, 1995.

April 7, 1995
Mark O. Brown
Director

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-24-19501 Definitions. ((1) "Antirepeat" means the part of the clutch/brake control system designed to limit the press to a single stroke if the tripping means is held operated. Antirepeat requires release of all tripping mechanisms before another stroke can be initiated. "Antirepeat" is also called single stroke reset or reset circuit.

(2) "Brake" means the mechanism used on a mechanical power press to stop and/or hold the crankshaft, either directly or through a gear train, when the clutch is disengaged.

(3) "Bolster plate" means the plate attached to the top of the bed of the press having drilled holes or T slots for attaching the lower die or die shoe.

(4) "Clutch" means the coupling mechanism used on a mechanical power press to couple the flywheel to the crankshaft, either directly or through a gear train.

(5) "Full revolution clutch" means a type of clutch that, when tripped, cannot be disengaged until the crankshaft has completed a full revolution and the press slide a full stroke.

(6) "Part revolution clutch" means a type of clutch that can be disengaged at any point before the crankshaft has completed a full revolution and the press slide a full stroke.

(7) "Direct drive" means the type of driving arrangement wherein no clutch is used; coupling and decoupling of the driving torque is accomplished by energization and deenergization of a motor. Even though not employing a clutch, direct drives match the operational characteristics of "part revolution clutches" because the driving power may be disengaged during the stroke of the press.

(8) "Concurrent" means acting in conjunction, and is used to describe a situation wherein two or more controls exist in an operated condition at the same time.

(9) "Continuous" means uninterrupted multiple strokes of the slide without intervening stops (or other clutch control action) at the end of individual strokes.

(10) "Counterbalance" means the mechanism that is used to balance or support the weight of the connecting rods, slide, and slide attachments.

(11) "Device" means a press control or attachment that:

(a) Restrains the operator from inadvertently reaching into the point of operation, or

(b) Prevents normal press operation if the operator's hands are inadvertently within the point of operation, or

(c) Automatically withdraws the operator's hands if the operator's hands are inadvertently within the point of operation as the dies close, or

(d) Prevents the initiation of a stroke, or stops the stroke in progress, when there is an intrusion through the sensing field by any part of the operator's body or by any other object.

(12) "Presence sensing device" means a device designed, constructed and arranged to create a sensing field or area that signals the clutch/brake control to deactivate the clutch and activate the brake of the press when any part of the operator's body or a hand tool is within such field or area.

(13) "Gate or movable barrier device" means a movable barrier arranged to enclose the point of operation before the press stroke can be started.

(14) "Holdout or restraint device" means a mechanism, including attachments for operator's hands, that when anchored and adjusted prevent the operator's hands from entering the point of operation.

(15) "Pull out device" means a mechanism attached to the operator's hands and connected to the upper die or slide of the press, that is designed, when properly adjusted, to withdraw the operator's hands as the dies close, if the operator's hands are inadvertently within the point of operation.

(16) "Sweep device" means a single or double arm (rod) attached to the upper die or slide of the press and designed to move the operator's hands to a safe position as the dies close, if the operator's hands are inadvertently within the point of operation.

(17) "Two hand control device" means a two hand trip that further requires concurrent pressure from both hands of the operator during a substantial part of the die closing portion of the stroke of the press.

(18) "Die" means the tooling used in a press for cutting or forming material. An upper and a lower die make a complete set.

(19) "Die builder" means any person who builds dies for power presses.

(20) "Die set" means a tool holder held in alignment by guide posts and bushings and consisting of a lower shoe, an upper shoe or punch holder, and guide posts and bushings.

(21) "Die setter" means an individual who places or removes dies in or from mechanical power presses, and who, as a part of their duties, makes the necessary adjustments to cause the tooling to function properly and safely.

(22) "Die setting" means the process of placing or removing dies in or from a mechanical power press, and the process of adjusting the dies, other tooling and safeguarding means to cause them to function properly and safely.

(23) "Die shoe" means a plate or block upon which a die holder is mounted. A die shoe functions primarily as a base for the complete die assembly, and, when used, is bolted or clamped to the bolster plate or the face of slide.

(24) "Ejector" means a mechanism for removing work or material from between the dies.

(25) "Face of slide" means the bottom surface of the slide to which the punch or upper die is generally attached.

(26) "Feeding" means the process of placing or removing material within or from the point of operation.

(27) "Automatic feeding" means feeding wherein the material or part being processed is placed within or removed from the point of operation by a method or means not requiring action by an operator on each stroke of the press.

(28) "Semiautomatic feeding" means feeding wherein the material or part being processed is placed within or removed from the point of operation by an auxiliary means controlled by operator on each stroke of the press.

(29) "Manual feeding" means feeding wherein the material or part being processed is handled by the operator on each stroke of the press.

(30) "Foot control" means the foot operated control mechanism designed to be used with a clutch or clutch/brake control system.

(31) "Foot pedal" means the foot operated lever designed to operate the mechanical linkage that trips a full revolution clutch.

(32) "Guard" means a barrier that prevents entry of the operator's hands or fingers into the point of operation.

(33) "Die enclosure guard" means an enclosure attached to the die shoe or stripper, or both, in a fixed position.

(34) "Fixed barrier guard" means a die space barrier attached to the press frame.

(35) "Interlocked press barrier guard" means a barrier attached to the press frame and interlocked so that the press stroke cannot be started normally unless the guard itself, or its hinged or movable sections, enclose the point of operation.

(36) "Adjustable barrier guard" means a barrier requiring adjustment for each job or die setup.

(37) "Guide post" means the pin attached to the upper or lower die shoe, operating within the bushing on the opposing die shoe, to maintain the alignment of the upper and lower dies.

(38) "Hand feeding tool" means any hand held tool designed for placing or removing material or parts to be processed within or from the point of operation.

(39) "Inch" means an intermittent motion imparted to the slide (on machines using part revolution clutches) by momentary operation of the "inch" operating means. Operation of the "inch" operating means engages the driving clutch so that a small portion of one stroke or indefinite stroking can occur, depending upon the length of time the "inch" operating means is held operated. "Inch" is a function used by the die setter for setup of dies and tooling, but is not intended for use during production operations by the operator.

(40) "Jog" means an intermittent motion imparted to the slide by momentary operation of the drive motor, after the clutch is engaged with the flywheel at rest.

(41) "Knockout" means a mechanism for releasing material from either die.

(42) "Liftout" means the mechanism also known as knockout.

(43) "Operator's station" means the complete complement of controls used by or available to an operator on a given operation for stroking the press.

(44) "Pinch point" means any point other than the point of operation at which it is possible for a part of the body to be caught between the moving parts of a press or auxiliary

equipment, or between moving and stationary parts of a press or auxiliary equipment or between the material and moving part or parts of the press or auxiliary equipment.

(45) "Point of operation" means the area of the press where material is actually positioned and work is being performed during any process such as shearing, punching, forming, or assembling.

(46) "Press" means a mechanically powered machine that shears, punches, forms or assembles metal or other material by means of cutting, shaping, or combination dies attached to slides. A press consists of a stationary bed or anvil, and a slide (or slides) having a controlled reciprocating motion toward and away from the bed surface, the slide being guided in a definite path by the frame of the press.

(47) "Repeat" means an unintended or unexpected successive stroke of the press resulting from a malfunction.

(48) "Safety block" means a prop that, when inserted between the upper and lower dies or between the bolster plate and the face of the slide, prevents the slide from falling of its own deadweight.

(49) "Single stroke" means one complete stroke of the slide, usually initiated from a full open (or up) position, followed by closing, (or down), and then a return to the full open position.

(50) "Single stroke mechanism" means an arrangement used on a full revolution clutch to limit the travel of the slide to one complete stroke at each engagement of the clutch.

(51) "Slide" means the main reciprocating press member. A slide is also called a ram, plunger, or platen.

(52) "Stop control" means an operator control designed to immediately deactivate the clutch control and activate the brake to stop slide motion.

(53) "Stripper" means a mechanism or die part for removing the parts or material from the punch.

(54) "Stroking selector" means the part of the clutch/brake control that determines the type of stroking when the operating means is actuated. The stroking selector generally includes positions for "off" (clutch control), "inch," "single stroke," and "continuous" (when continuous is furnished).

(55) "Trip or (tripping)" means activation of the clutch to "run" the press.

(56) "Turnover bar" means a bar used in die setting to manually turn the crankshaft of the press.

(57) "Two hand trip" means a clutch actuating means requiring the concurrent use of both hands of the operator to trip the press.

(58) "Unitized tooling" means a type of die in which the upper and lower members are incorporated into a self-contained unit so arranged as to hold the die members in alignment.

(59) "Control system" means sensors, manual input and mode selection elements, interlocking and decision making circuitry, and output elements to the press operating mechanism.

(60) "Brake monitor" means a sensor designed, constructed, and arranged to monitor the effectiveness of the press braking system.

(61) "Presence sensing device initiation" means an operating mode of indirect manual initiation of a single stroke by a presence sensing device when it senses that work motions of the operator, related to feeding and/or removing

parts, are completed and all parts of the operator's body or hand tools are safely clear of the point of operation.

(62) "Safety system" means the integrated total system, including the pertinent elements of the press, the controls, the safeguarding and any required supplemental safeguarding, and their interfaces with the operator, and the environment, designed, constructed, and arranged to operate together as a unit, such that a single failure or single operating error will not cause injury to personnel due to point of operation hazards.

(63) "Authorized person" means one to whom the authority and responsibility to perform a specific assignment has been given by the employer.

(64) "Certification" or "certify" means, in the case of design certification/validation, that the manufacturer has reviewed and tested the design and manufacture, and in the case of installation certification/validation and annual recertification/revalidation, that the employer has reviewed and tested the installation, and concludes in both cases that the requirements of WAC 296-24-19503 through 296-24-19513 and 296-24-20700 have been met. The certifications are made to the validation organization.

(65) "Validation" or "validate" means for PSDI safety systems that a WISHA recognized third party validation organization:

(a) For design certification/validation has reviewed the manufacturer's certification that the PSDI safety system meets the requirements of WAC 296-24-19503 through 296-24-19513 and 296-24-20700 and the underlying tests and analyses performed by the manufacturer, has performed additional tests and analyses which may be required by WAC 296-24-19503 through 296-24-19513 and 296-24-20700, and concludes that the requirements of WAC 296-24-19503 through 296-24-19513 and 296-24-20700 have been met; and

(b) For installation certification/validation and annual recertification/revalidation has reviewed the employer's certification that the PSDI safety system meets the requirements of WAC 296-24-19503 through 296-24-19513 and 296-24-20700 and the underlying tests performed by the employer, has performed additional tests and analyses which may be required by WAC 296-24-19503 through 296-24-19513 and 296-24-20700, and concludes that the requirements of WAC 296-24-19503 through 296-24-19513 and 296-24-20700 have been met.

(66) "Certification/validation" and "certify/validate" means the combined process of certification and validation.)) "Adjustable barrier guard" means a barrier requiring adjustment for each job or die setup.

"Antirepeat" means the part of the clutch/brake control system designed to limit the press to a single stroke if the tripping means is held operated. Antirepeat requires release of all tripping mechanisms before another stroke can be initiated. "Antirepeat" is also called single stroke reset or reset circuit.

"Authorized person" means one to whom the authority and responsibility to perform a specific assignment has been given by the employer.

"Automatic feeding" means feeding wherein the material or part being processed is placed within or removed from the point of operation by a method or means not requiring action by an operator on each stroke of the press.

"Bolster plate" means the plate attached to the top of the bed of the press having drilled holes or T-slots for attaching the lower die or die shoe.

"Brake" means the mechanism used on a mechanical power press to stop and/or hold the crankshaft, either directly or through a gear train, when the clutch is disengaged.

"Brake monitor" means a sensor designed, constructed, and arranged to monitor the effectiveness of the press braking system.

"Certification" or "certify" means, in the case of design certification/validation, that the manufacturer has reviewed and tested the design and manufacture, and in the case of installation certification/validation and annual recertification/revalidation, that the employer has reviewed and tested the installation, and concludes in both cases that the requirements of WAC 296-24-19503 through 296-24-19517 and WAC 296-24-20700 have been met. The certifications are made to the validation organization.

"Certification/validation" and "certify/validate" means the combined process of certification and validation.

"Clutch" means the coupling mechanism used on a mechanical power press to couple the flywheel to the crankshaft, either directly or through a gear train.

"Concurrent" means acting in conjunction, and is used to describe a situation wherein two or more controls exist in an operated condition at the same time.

"Continuous" means uninterrupted multiple strokes of the slide without intervening stops (or other clutch control action) at the end of individual strokes.

"Control system" means sensors, manual input and mode selection elements, interlocking and decision-making circuitry, and output elements to the press operating mechanism.

"Counterbalance" means the mechanism that is used to balance or support the weight of the connecting rods, slide, and slide attachments.

"Device" means a press control or attachment that:

- Restrains the operator from inadvertently reaching into the point of operation; or

- Prevents normal press operation if the operator's hands are inadvertently within the point of operation; or

- Automatically withdraws the operator's hands if the operator's hands are inadvertently within the point of operation as the dies close; or

- Prevents the initiation of a stroke, or stops the stroke in progress, when there is an intrusion through the sensing field by any part of the operator's body or by any other object.

"Die" means the tooling used in a press for cutting or forming material. An upper and a lower die make a complete set.

"Die builder" means any person who builds dies for power presses.

"Die enclosure guard" means an enclosure attached to the die shoe or stripper, or both, in a fixed position.

"Die set" means a tool holder held in alignment by guide posts and bushings and consisting of a lower shoe, an upper shoe or punch holder, and guide posts and bushings.

"Die setter" means an individual who places or removes dies in or from mechanical power presses, and who,

as a part of their duties, makes the necessary adjustments to cause the tooling to function properly and safely.

"Die setting" means the process of placing or removing dies in or from a mechanical power press, and the process of adjusting the dies, other tooling and safeguarding means to cause them to function properly and safely.

"Die shoe" means a plate or block upon which a die holder is mounted. A die shoe functions primarily as a base for the complete die assembly, and, when used, is bolted or clamped to the bolster plate or the face of slide.

"Direct drive" means the type of driving arrangement wherein no clutch is used; coupling and decoupling of the driving torque is accomplished by energization and deenergization of a motor. Even though not employing a clutch, direct drives match the operational characteristics of "part revolution clutches" because the driving power may be disengaged during the stroke of the press.

"Ejector" means a mechanism for removing work or material from between the dies.

"Face of slide" means the bottom surface of the slide to which the punch or upper die is generally attached.

"Feeding" means the process of placing or removing material within or from the point of operation.

"Fixed barrier guard" means a die space barrier attached to the press frame.

"Foot control" means the foot operated control mechanism designed to be used with a clutch or clutch/brake control system.

"Foot pedal" means the foot operated lever designed to operate the mechanical linkage that trips a full revolution clutch.

"Full revolution clutch" means a type of clutch that, when tripped, cannot be disengaged until the crankshaft has completed a full revolution and the press slide a full stroke.

"Gate or movable barrier device" means a movable barrier arranged to enclose the point of operation before the press stroke can be started.

"Guard" means a barrier that prevents entry of the operator's hands or fingers into the point of operation.

"Guide post" means the pin attached to the upper or lower die shoe, operating within the bushing on the opposing die shoe, to maintain the alignment of the upper and lower dies.

"Hand feeding tool" means any hand held tool designed for placing or removing material or parts to be processed within or from the point of operation.

"Holdout or restraint device" means a mechanism, including attachments for operator's hands, that when anchored and adjusted prevent the operator's hands from entering the point of operation.

"Inch" means an intermittent motion imparted to the slide (on machines using part revolution clutches) by momentary operation of the "inch" operating means. Operation of the "inch" operating means engages the driving clutch so that a small portion of one stroke or indefinite stroking can occur, depending upon the length of time the "inch" operating means is held operated. "Inch" is a function used by the die setter for setup of dies and tooling, but is not intended for use during production operations by the operator.

"Interlocked press barrier guard" means a barrier attached to the press frame and interlocked so that the press

stroke cannot be started normally unless the guard itself, or its hinged or movable sections, enclose the point of operation.

"Jog" means an intermittent motion imparted to the slide by momentary operation of the drive motor, after the clutch is engaged with the flywheel at rest.

"Knockout" means a mechanism for releasing material from either die.

"Liftout" means the mechanism also known as knock-out.

"Manual feeding" means feeding wherein the material or part being processed is handled by the operator on each stroke of the press.

"Operator's station" means the complete complement of controls used by or available to an operator on a given operation for stroking the press.

"Part revolution clutch" means a type of clutch that can be disengaged at any point before the crankshaft has completed a full revolution and the press slide a full stroke.

"Pinch point" means any point other than the point of operation at which it is possible for a part of the body to be caught between the moving parts of a press or auxiliary equipment, or between moving and stationary parts of a press or auxiliary equipment or between the material and moving part or parts of the press or auxiliary equipment.

"Point of operation" means the area of the press where material is actually positioned and work is being performed during any process such as shearing, punching, forming, or assembling.

"Presence sensing device" means a device designed, constructed and arranged to create a sensing field or area that signals the clutch/brake control to deactivate the clutch and activate the brake of the press when any part of the operator's body or a hand tool is within such field or area.

"Presence sensing device initiation" means an operating mode of indirect manual initiation of a single stroke by a presence sensing device when it senses that work motions of the operator, related to feeding and/or removing parts, are completed and all parts of the operator's body or hand tools are safely clear of the point of operation.

"Press" means a mechanically powered machine that shears, punches, forms or assembles metal or other material by means of cutting, shaping, or combination dies attached to slides. A press consists of a stationary bed or anvil, and a slide (or slides) having a controlled reciprocating motion toward and away from the bed surface, the slide being guided in a definite path by the frame of the press.

"Pull-out device" means a mechanism attached to the operator's hands and connected to the upper die or slide of the press, that is designed, when properly adjusted, to withdraw the operator's hands as the dies close, if the operator's hands are inadvertently within the point of operation.

"Repeat" means an unintended or unexpected successive stroke of the press resulting from a malfunction.

"Safety block" means a prop that, when inserted between the upper and lower dies or between the bolster plate and the face of the slide, prevents the slide from falling of its own deadweight.

"Safety system" means the integrated total system, including the pertinent elements of the press, the controls, the safeguarding and any required supplemental safeguard-

ing, and their interfaces with the operator, and the environment, designed, constructed, and arranged to operate together as a unit, such that a single failure or single operating error will not cause injury to personnel due to point of operation hazards.

"Semiautomatic feeding" means feeding wherein the material or part being processed is placed within or removed from the point of operation by an auxiliary means controlled by operator on each stroke of the press.

"Single stroke" means one complete stroke of the slide, usually initiated from a full open (or up) position, followed by closing, (or down), and then a return to the full open position.

"Single stroke mechanism" means an arrangement used on a full revolution clutch to limit the travel of the slide to one complete stroke at each engagement of the clutch.

"Slide" means the main reciprocating press member. A slide is also called a ram, plunger, or platen.

"Stop control" means an operator control designed to immediately deactivate the clutch control and activate the brake to stop slide motion.

"Stripper" means a mechanism or die part for removing the parts or material from the punch.

"Stroking selector" means the part of the clutch/brake control that determines the type of stroking when the operating means is actuated. The stroking selector generally includes positions for "off" (clutch control), "inch," "single stroke," and "continuous" (when continuous is furnished).

"Sweep device" means a single or double arm (rod) attached to the upper die or slide of the press and designed to move the operator's hands to a safe position as the dies close, if the operator's hands are inadvertently within the point of operation.

"Trip or (tripping)" means activation of the clutch to "run" the press.

"Turnover bar" means a bar used in die setting to manually turn the crankshaft of the press.

"Two-hand control device" means a two-hand trip that further requires concurrent pressure from both hands of the operator during a substantial part of the die-closing portion of the stroke of the press.

"Two-hand trip" means a clutch actuating means requiring the concurrent use of both hands of the operator to trip the press.

"Unitized tooling" means a type of die in which the upper and lower members are incorporated into a self-contained unit so arranged as to hold the die members in alignment.

"Validation" or **"validate"** means for PSDI safety systems that a WISHA recognized third-party validation organization:

• For design certification/validation has reviewed the manufacturer's certification that the PSDI safety system meets the requirements of WAC 296-24-19503 through 296-24-19517 and WAC 296-24-20700 and the underlying tests and analyses performed by the manufacturer, has performed additional tests and analyses which may be required by WAC 296-24-19503 through 296-24-19517 and WAC 296-24-20700, and concludes that the requirements of WAC 296-24-19503 through 296-24-19517 and WAC 296-24-20700 have been met; and

• For installation certification/validation and annual recertification/revalidation has reviewed the employer's certification that the PSDI safety system meets the requirements of WAC 296-24-19503 through 296-24-19517 and WAC 296-24-20700 and the underlying tests performed by the employer, has performed additional tests and analyses which may be required by WAC 296-24-19503 through 296-24-19517 and WAC 296-24-20700, and concludes that the requirements of WAC 296-24-19503 through 296-24-19517 and WAC 296-24-20700 have been met.

NEW SECTION

WAC 296-24-19514 Reports of injuries to employees operating mechanical power presses. The employer shall, within thirty days of the occurrence, report to the Assistant Director, Department of Labor and Industries, Division of Consultation and Compliance, Post Office Box 44600, Olympia, Washington 98504-4600, all point of operation injuries to operators or other employees. The following information shall be included in the report:

(1) Employer's name, address and location of the workplace (establishment).

(2) Employee's name, injury sustained, and the task being performed (operation, set-up, maintenance, or other).

(3) Type of clutch used on the press (full revolution, part revolution, or direct drive).

(4) Type of safeguard(s) being used (two-hand control, two-hand trip, pull-outs, sweeps, or other). If the safeguard is not described in this section, give a complete description.

(5) Cause of the accident (repeat of press, safeguard failure, removing stuck part or scrap, no safeguard provided, no safeguard in use, or other).

(6) Type of feeding (manual with hands in dies or with hands out of dies, semiautomatic, automatic, or other).

(7) Means used to actuate press stroke (foot trip, foot control, hand trip, hand control, or other).

(8) Number of operators required for the operation and the number of operators provided with controls and safeguards.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-24-19517 Presence sensing device initiation (PSDI). (1) General.

(a) The requirements of this section shall apply to all part revolution mechanical power presses used in the PSDI mode of operation.

(b) The relevant requirements of WAC 296-24-19503 through ((296-24-19513)) 296-24-19517 of this part also shall apply to all presses used in the PSDI mode of operation, whether or not cross referenced in this section. Such cross-referencing of specific requirements from WAC 296-24-19503 through ((296-24-19513)) 296-24-19517 of this part is intended only to enhance convenience and understanding in relating to the new provisions to the existing standard, and is not to be construed as limiting the applicability of other provisions in WAC 296-24-19503 through ((296-24-19513)) 296-24-19517 of this part.

(c) Full revolution mechanical power presses shall not be used in the PSDI mode of operation.

(d) Mechanical power presses with a configuration which would allow a person to enter, pass through, and become clear of the sensing field into the hazardous portion of the press shall not be used in the PSDI mode of operation.

(e) The PSDI mode of operation shall be used only for normal production operations. Die-setting and maintenance procedures shall comply with WAC 296-24-19503 through ~~((296-24-19513))~~ 296-24-19517 of this part, and shall not be done in the PSDI mode.

(2) Brake and clutch requirements.

(a) Presses with flexible steel band brakes or with mechanical linkage actuated brakes or clutches shall not be used in the PSDI mode.

(b) Brake systems on presses used in the PSDI mode shall have sufficient torque so that each average value of stopping times (Ts) for stops initiated at approximately forty-five degrees, sixty degrees, and ninety degrees, respectively, of crankshaft angular position, shall not be more than one hundred twenty-five percent of the average value of the stopping time at the top crankshaft position. Compliance with this requirement shall be determined by using the heaviest upper die to be used on the press, and operating at the fastest press speed if there is speed selection.

(c) Where brake engagement and clutch release is effected by spring action, such spring(s) shall operate in compression on a rod or within a hole or tube, and shall be of noninterleaving design.

(3) Pneumatic systems.

(a) Air valve and air pressure supply/control.

(i) The requirements of WAC 296-24-19505 (7)(m) and (n), (10), (12) and WAC 296-24-19507 (5)(c) of this part apply to the pneumatic systems of machines used in the PSDI mode.

(ii) The air supply for pneumatic clutch/brake control valves shall incorporate a filter, an air regulator, and, when necessary for proper operation, a lubricator.

(iii) The air pressure supply for clutch/brake valves on machines used in the PSDI mode shall be regulated to pressures less than or equal to the air pressure used when making the stop time measurements required by subsection (2)(b) of this section.

(b) Air counterbalance systems.

(i) Where presses that have slide counterbalance systems are used in the PSDI mode, the counterbalance system shall also meet the requirements of WAC 296-24-19505(9) of this part.

(ii) Counterbalances shall be adjusted in accordance with the press manufacturer's recommendations to assure correct counterbalancing of the slide attachment (upper die) weight for all operations performed on presses used in the PSDI mode. The adjustments shall be made before performing the stopping time measurements required by subsections (2)(b), (5)(c), and (9)(f) of this section.

(4) Flywheels and bearings. Presses whose designs incorporate flywheels running on journals on the crankshaft or back shaft, or bull gears running on journals mounted on the crankshaft, shall be inspected, lubricated, and maintained as provided in subsection (10) of this section to reduce the possibility of unintended and uncontrolled press strokes caused by bearing seizure.

(5) Brake monitoring.

(a) Presses operated in the PSDI mode shall be equipped with a brake monitor that meets the requirements of ~~((subsections (13) and (14) of this section))~~ WAC 296-24-19505 (13) and (14). In addition, the brake monitor shall be adjusted during installation certification to prevent successive stroking of the press if increases in stopping time cause an increase in the safety distance above that required by subsection (9)(f) of this section.

(b) Once the PSDI safety system has been certified/validated, adjustment of the brake monitor shall not be done without prior approval of the validation organization for both the brake monitor adjustment and the corresponding adjustment of the safety distance. The validation organization shall in its installation validation, state that in what circumstances, if any, the employer has advance approval for adjustment, when prior oral approval is appropriate and when prior approval must be in writing. The adjustment shall be done under the supervision of an authorized person whose qualifications include knowledge of safety distance requirements and experience with the brake system and its adjustment. When brake wear or other factors extend press stopping time beyond the limit permitted by the brake monitor, adjustment, repair, or maintenance shall be performed on the brake or other press system element that extends the stopping time.

(c) The brake monitor setting shall allow an increase of no more than ten percent of the longest stopping time for the press, or ten milliseconds, whichever is longer, measured at the top of the stroke.

(6) Cycle control and control systems.

(a) The control system on presses used in the PSDI mode shall meet the applicable requirements of WAC ~~((296-24-19503))~~ 296-24-19505 (7), (8), and (13) and 296-24-19507(5) of this part.

(b) The control system shall incorporate a means of dynamically monitoring for decoupling of the rotary position indicating mechanism drive from the crankshaft. This monitor shall stop slide motion and prevent successive press strokes if decoupling occurs, or if the monitor itself fails.

(c) The mode selection means of WAC ~~((296-24-19503))~~ 296-24-19505 (7)(c) of this part shall have at least one position for selection of the PSDI mode. Where more than one interruption of the light sensing field is used in the initiation of a stroke, either the mode selection means must have one position for each function, or a separate selection means shall be provided which becomes operable when the PSDI mode is selected. Selection of PSDI mode and the number of interruptions/withdrawals of the light sensing field required to initiate a press cycle shall be by means capable of supervision by the employer.

(d) A PSDI set-up/reset means shall be provided which requires an overt action by the operator, in addition to PSDI mode selection, before operation of the press by means of PSDI can be started.

(e) An indicator visible to the operator and readily seen by the employer shall be provided which shall clearly indicate that the system is set-up for cycling in the PSDI mode.

(f) The control system shall incorporate a timer to deactivate PSDI when the press does not stroke within the period of time set by the timer. The timer shall be manually adjustable, to a maximum time of thirty seconds. For any.

timer setting greater than fifteen seconds, the adjustment shall be made by the use of a special tool available only to authorized persons. Following a deactivation of PSDI by the timer, the system shall make it necessary to reset the set-up/reset means in order to reactivate the PSDI mode.

(g) Reactivation of PSDI operation following deactivation of the PSDI mode from any other cause, such as activation of the red color stop control required by WAC ~~((296-24-19503 (7)(d)))~~ 296-24-19505 (7)(b) of this part, interruption of the presence sensing field, opening of an interlock, or reselection of the number of sensing field interruptions/withdrawals required to cycle the press, shall require resetting of the set-up/reset means.

(h) The control system shall incorporate an automatic means to prevent initiation or continued operation in the PSDI mode unless the press drive motor is energized in the forward direction of crankshaft rotation.

(i) The control design shall preclude any movement of the slide caused by operation of power on, power off, or selector switches, or from checks for proper operations as required by subdivision (m) of this subsection.

(j) All components and subsystems of the control system shall be designed to operate together to provide total control system compliance with the requirements of this section.

(k) Where there is more than one operator of a press used for PSDI, each operator shall be protected by a separate, independently functioning, presence sensing device. The control system shall require that each sensing field be interrupted the selected number of times prior to initiating a stroke. Further, each operator shall be provided with a set-up/reset means that meets the requirements of this subsection, and which must be actuated to initiate operation of the press in the PSDI mode.

(l) The control system shall incorporate interlocks for supplemental guards, if used, which will prevent stroke initiation or will stop a stroke in progress if any supplemental guard fails or is deactivated.

(m) The control system shall perform checks for proper operation of all cycle control logic element switches and contacts at least once each cycle. Control elements shall be checked for correct status after power "on" and before the initial PSDI stroke.

(n) The control system shall have provisions for an "inch" operating means meeting the requirements of WAC 296-24-19505 (7)(d) of this part. Die-setting shall not be done in the PSDI mode. Production shall not be done in the "inch" mode.

(o) The control system shall permit only a single stroke per initiation command.

(p) Controls with internally stored programs (e.g., mechanical, electro-mechanical, or electronic) shall meet the requirements of WAC 296-24-19505(13) of this part, and shall default to a predetermined safe condition in the event of any single failure within the system. Programmable controllers which meet the requirements for controls with internally stored programs stated above shall be permitted only if all logic elements affecting the safety system and point of operation safety are internally stored and protected in such a manner that they cannot be altered or manipulated by the user to an unsafe condition.

(7) Environmental requirements. Control components shall be selected, constructed, and connected together in such

a way as to withstand expected operational and environmental stresses, at least including those outlined in WAC 296-24-20700. Such stresses shall not so affect the control system as to cause unsafe operation.

(8) Safety system.

(a) Mechanical power presses used in the PSDI mode shall be operated under the control of a safety system which, in addition to meeting the applicable requirements of WAC 296-24-19505(13) and 296-24-19507(5) and other applicable provisions of this part, shall function such that a single failure or single operating error shall not cause injury to personnel from point of operation hazards.

(b) The safety system shall be designed, constructed, and arranged as an integral total system, including all elements of the press, the controls, the safeguarding and any required supplemental safeguarding, and their interfaces with the operator and that part of the environment which has effect on the protection against point of operation hazards.

(9) Safeguarding the point of operation.

(a) The point of operation of presses operated in the PSDI mode shall be safeguarded in accordance with the requirements of WAC 296-24-19507 of this part, except that the safety distance requirements of (f) of this subsection shall be used for PSDI operation.

(b) PSDI shall be implemented only by use of light curtain (photo-electric) presence sensing devices which meet the requirements of WAC 296-24-19507 (3)(c)(iii) of this part unless the requirements of (c) of this subsection have been met.

(c) Alternatives to photo-electric light curtains may be used for PSDI when the employer can demonstrate, through tests and analysis by the employer or the manufacturer, that the alternative is as safe as the photo-electric light curtain, that the alternative meets the conditions of this section, has the same long-term reliability as light curtains and can be integrated into the entire safety system as provided for in this section. Prior to use, both the employer and manufacturer must certify that these requirements and all the other applicable requirements of this section are met and these certifications must be validated by an OSHA-recognized third-party validation organization to meet these additional requirements and all the other applicable requirements of WAC 296-24-19503 through ~~((296-24-19513))~~ 296-24-19517 and 296-24-20700 of this part. Three months prior to the operation of any alternative system, the employer must notify the OSHA Directorate of Safety Standards Programs of the name of the system to be installed, the manufacturer and the OSHA-recognized third-party validation organization immediately. Upon request, the employer must make available to that office all tests and analyses for OSHA review.

(d) Individual sensing fields of presence sensing devices used to initiate strokes in the PSDI mode shall cover only one side of the press.

(e) Light curtains used for PSDI operation shall have minimum object sensitivity not to exceed one and one-fourth inches (31.75 mm). Where light curtain object sensitivity is user-adjustable, either discretely or continuously, design features shall limit the minimum object sensitivity adjustment not to exceed one and one-fourth inches (31.75 mm). Blanking of the sensing field is not permitted.

(f) The safety distance (Ds) from the sensing field of the presence sensing device to the point of operation shall be greater than or equal to the distance determined by the formula:

$$D_s = H_s(T_s + T_p + T_r + 2T_m) + D_p$$

Where:

Ds=Minimum safety distance.

Hs=Hand speed constant of sixty-three inches per second (1.6 m/s).

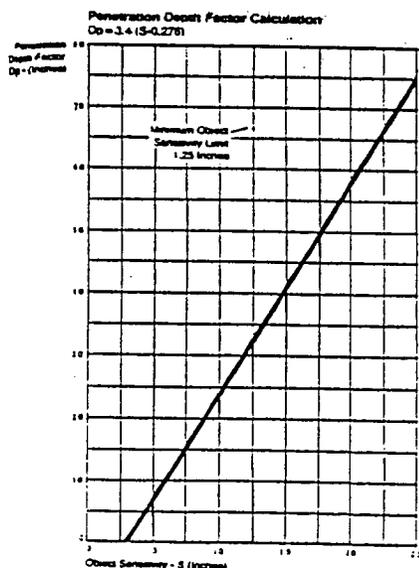
Ts=Longest press stopping time, in seconds, computed by taking averages of multiple measurements at each of three positions (forty-five degrees, sixty degrees, and ninety degrees) of crankshaft angular position; the longest of the three averages is the stopping time to use. (Ts is defined as the sum of the kinetic energy dissipation time plus the pneumatic/magnetic/hydraulic reaction time of the clutch/brake operating mechanism(s).)

Tp=Longest presence sensing device response time, in seconds.

Tr=Longest response time, in seconds, of all interposing control elements between the presence sensing device and the clutch/brake operating mechanism(s).

Tm=Increase in the press stopping time at the top of the stroke, in seconds, allowed by the brake monitor for brake wear. The time increase allowed shall be limited to no more than ten percent of the longest press stopping time measured at the top of the stroke, or ten milliseconds, whichever is longer.

Dp=Penetration depth factor, required to provide for possible penetration through the presence sensing field by fingers or hand before detection occurs. The penetration depth factor shall be determined from Graph A-1 using the minimum object sensitivity size.



(g) The presence sensing device location shall either be set at each tool change and set-up to provide at least the minimum safety distance, or fixed in location to provide a safety distance greater than or equal to the minimum safety

distance for all tooling set-ups which are to be used on that press.

(h) Where presence sensing device location is adjustable, adjustment shall require the use of a special tool available only to authorized persons.

(i) Supplemental safeguarding shall be used to protect all areas of access to the point of operation which are unprotected by the PSDI presence sensing device. Such supplemental safeguarding shall consist of either additional light curtain (photo-electric) presence sensing devices or other types of guards which meet the requirements of WAC 296-24-19507 and ((296-24-19513)) 296-24-19517 of this part.

(i) Presence sensing devices used as supplemental safeguarding shall not initiate a press stroke, and shall conform to the requirements of WAC 296-24-19507 (3)(c) and other applicable provisions of this part, except that the safety distance shall comply with (f) of this subsection.

(ii) Guards used as supplemental safeguarding shall conform to the design, construction and application requirements of WAC 296-24-19507(2) of this part, and shall be interlocked with the press control to prevent press PSDI operation if the guard fails, is removed, or is out of position.

(j) Barriers shall be fixed to the press frame or bolster to prevent personnel from passing completely through the sensing field, where safety distance or press configuration is such that personnel could pass through the PSDI presence sensing field and assume a position where the point of operation could be accessed without detection by the PSDI presence sensing device. As an alternative, supplemental presence sensing devices used only in the safeguard mode may be provided. If used, these devices shall be located so as to detect all operator locations and positions not detected by the PSDI sensing field, and shall prevent stroking or stop a stroke in process when any supplemental sensing field(s) are interrupted.

(k) Hand tools. Where tools are used for feeding, removal of scrap, lubrication of parts, or removal of parts that stick on the die in PSDI operations:

(i) The minimum diameter of the tool handle extension shall be greater than the minimum object sensitivity of the presence sensing device(s) used to initiate press strokes; or

(ii) The length of the hand tool shall be such as to ensure that the operator's hand will be detected for any safety distance required by the press set-ups.

(10) Inspection and maintenance.

(a) Any press equipped with presence sensing devices for use in PSDI, or for supplemental safeguarding on presses used in the PSDI mode, shall be equipped with a test rod of diameter specified by the presence sensing device manufacturer to represent the minimum object sensitivity of the sensing field. Instructions for use of the test rod shall be noted on a label affixed to the presence sensing device.

(b) The following checks shall be made at the beginning of each shift and whenever a die change is made.

(i) A check shall be performed using the test rod according to the presence sensing device manufacturer's instructions to determine that the presence sensing device used for PSDI is operational.

(ii) The safety distance shall be checked for compliance with subsection (9)(f) of this section.

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(iii) A check shall be made to determine that all supplemental safeguarding is in place. Where presence sensing devices are used for supplemental safeguarding, a check for proper operation shall be performed using a test rod according to the presence sensing device manufacturer's instructions.

(iv) A check shall be made to assure that the barriers and/or supplemental presence sensing devices required by subsection (9)(j) of this section are operating properly.

(v) A system or visual check shall be made to verify correct counterbalance adjustment for die weight according to the press manufacturer's instructions, when a press is equipped with a slide counterbalance system.

(c) When presses used in the PSDI mode have flywheel or bullgear running on crankshaft mounted journals and bearings, or a flywheel mounted on back shaft journals and bearings, periodic inspections following the press manufacturer's recommendations shall be made to ascertain that bearings are in good working order, and that automatic lubrication systems for these bearings (if automatic lubrication is provided) are supplying proper lubrication. On presses with provision for manual lubrication of flywheel or bullgear bearings, lubrication shall be provided according to the press manufacturer's recommendations.

(d) Periodic inspections of clutch and brake mechanisms shall be performed to assure they are in proper operating condition. The press manufacturer's recommendations shall be followed.

(e) When any check of the press, including those performed in accordance with the requirements of (b), (c), or (d) of this subsection, reveals a condition of noncompliance, improper adjustment, or failure, the press shall not be operated until the condition has been corrected by adjustment, replacement, or repair.

(f) It shall be the responsibility of the employer to ensure the competence of personnel caring for, inspecting, and maintaining power presses equipped for PSDI operation, through initial and periodic training.

(11) Safety system certification/validation.

(a) Prior to the initial use of any mechanical press in the PSDI mode, two sets of certification and validation are required:

(i) The design of the safety system required for the use of a press in the PSDI mode shall be certified and validated prior to installation. The manufacturer's certification shall be validated by an OSHA-recognized third-party validation organization to meet all applicable requirements of WAC 296-24-19503 through ~~((296-24-19513))~~ 296-24-19517 and 296-24-20700 of this part.

(ii) After a press has been equipped with a safety system whose design has been certified and validated in accordance with (a) of this subsection, the safety system installation shall be certified by the employer, and then shall be validated by an OSHA-recognized third-party validation organization to meet all applicable requirements of WAC 296-24-19503 through ~~((296-24-19513))~~ 296-24-19517 and 296-24-20700 of this part.

(b) At least annually thereafter, the safety system on a mechanical power press used in the PSDI mode shall be recertified by the employer and revalidated by an OSHA-recognized third-party validation organization to meet all applicable requirements of WAC 296-24-19503 through

~~((296-24-19513))~~ 296-24-19517 and 296-24-20700 of this part. Any press whose safety system has not been recertified and revalidated within the preceding twelve months shall be removed from service in the PSDI mode until the safety system is recertified and revalidated.

(c) A label shall be affixed to the press as part of each installation certification/validation and the most recent recertification/revalidation. The label shall indicate the press serial number, the minimum safety distance (Ds) required by subsection (9)(f) of this section, the fulfillment of design certification/validation, the employer's signed certification, the identification of the OSHA-recognized third-party validation organization, its signed validation, and the date the certification/validation and recertification/revalidation are issued.

(d) Records of the installation certification and validation and the most recent recertification and revalidation shall be maintained for each safety system equipped press by the employer as long as the press is in use. The records shall include the manufacture and model number of each component and subsystem, the calculations of the safety distance as required by subsection (9)(f) of this section, and the stopping time measurements required by subsection (2)(b) of this section. The most recent records shall be made available to OSHA/WISHA upon request.

(e) The employer shall notify the OSHA-recognized third-party validation organization within five days whenever a component or a subsystem of the safety system fails or modifications are made which may affect the safety of the system. The failure of a critical component shall necessitate the removal of the safety system from service until it is recertified and revalidated, except recertification by the employer without revalidation is permitted when a noncritical component or subsystem is replaced by one of the same manufacture and design as the original, or determined by the third-party validation organization to be equivalent by similarity analysis, as set forth in WAC 296-24-20700.

(f) The employer shall notify the OSHA-recognized third-party validation organization within five days of the occurrence of any point of operation injury while a press is used in the PSDI mode. This is in addition to the report of injury required by ~~((chapter 296-27))~~ WAC 296-24-19517; however, a copy of that report may be used for this purpose.

(12) Die setting and work set-up.

(a) Die setting on presses used in the PSDI mode shall be performed in accordance with WAC 296-24-19509.

(b) The PSDI mode shall not be used for die setting or set-up. An alternative manual cycle initiation and control means shall be supplied for use in die setting which meets the requirements of WAC 296-24-19505(7).

(c) Following a die change, the safety distance, the proper application of supplemental safeguarding, and the slide counterbalance adjustment (if the press is equipped with a counterbalance) shall be checked and maintained by authorized persons whose qualifications include knowledge of the safety distance, supplemental safeguarding requirements, and the manufacturer's specifications for counterbalance adjustment. Adjustment of the location of the PSDI presence sensing device shall require use of a special tool available only to the authorized persons.

(13) Operator training.

(a) The operator training required by WAC 296-24-19513(2) shall be provided to the employee before the employee initially operates the press and as needed to maintain competence, but not less than annually thereafter. It shall include instruction relative to the following items for presses used in the PSDI mode.

(i) The manufacturer's recommended test procedures for checking operation of the presence sensing device. This shall include the use of the test rod required by subsection (10)(a) of this section.

(ii) The safety distance required.

(iii) The operation, function, and performance of the PSDI mode.

(iv) The requirements for handtools that may be used in the PSDI mode.

(v) The severe consequences that can result if the operator attempts to circumvent or by-pass any of the safeguard or operating functions of the PSDI system.

(b) The employer shall certify that employees have been trained by preparing a certification record which includes the identity of the person trained, the signature of the employer or the person who conducted the training, and the date the training was completed. The certification record shall be prepared at the completion of training and shall be maintained on file for the duration of the employee's employment. The certification record shall be made available upon request to the Assistant Secretary for Occupational Safety and Health or the designated representative of the director.

AMENDATORY SECTION (Amending WSR 95-04-007, filed 1/18/95, effective 3/1/95)

WAC 296-62-14501 Definitions. Acceptable entry conditions means the conditions that must exist in a permit space to allow entry and to ensure that employees involved with a permit-required confined space entry can safely enter into and work within the space.

Attendant means an individual stationed outside one or more permit spaces who monitors the authorized entrants and who performs all attendant's duties assigned in the employer's permit space program.

Authorized entrant means an employee who is authorized by the employer to enter a permit space.

Blanking or blinding means the absolute closure of a pipe, line, or duct by the fastening of a solid plate (such as a spectacle blind or a skillet blind) that completely covers the bore and that is capable of withstanding the maximum pressure of the pipe, line, or duct with no leakage beyond the plate.

Confined space means a space that:

(1) Is large enough and so configured that an employee can bodily enter and perform assigned work; and

(2) Has limited or restricted means for entry or exit (For example, tanks, vessels, silos, storage bins, hoppers, vaults, and pits are spaces that may have limited means of entry.); and

(3) Is not designed for continuous employee occupancy.

Double block and bleed means the closure of a line, duct, or pipe by closing and locking or tagging two in-line valves and by opening and locking or tagging a drain or vent valve in the line between the two closed valves.

Emergency means any occurrence (including any failure of hazard control or monitoring equipment) or event internal or external to the permit space that could endanger entrants.

Engulfment means the surrounding and effective capture of a person by a liquid or finely divided (flowable) solid substance that can be aspirated to cause death by filling or plugging the respiratory system or that can exert enough force on the body to cause death by strangulation, constriction, or crushing.

Entry means the action by which a person passes through an opening into a permit-required confined space. Entry includes ensuing work activities in that space and is considered to have occurred as soon as any part of the entrant's body breaks the plane of an opening into the space.

Entry permit (permit) means the written or printed document that is provided by the employer to allow and control entry into a permit space and that contains the information specified in WAC 296-62-14509.

Entry supervisor means the person (such as the employer, crew leader, or crew chief) responsible for determining if acceptable entry conditions are present at a permit space where entry is planned, for authorizing entry and overseeing entry operations, and for terminating entry as required by this part.

Note: An entry supervisor also may serve as an attendant or as an authorized entrant, as long as that person is trained and equipped as required by this section for each role he or she fills. Also, the duties of entry supervisor may be passed from one individual to another during the course of an entry operation.

Hazardous atmosphere means an atmosphere that may expose employees to the risk of death, incapacitation, impairment of ability to self-rescue (that is, escape unaided from a permit space), injury, or acute illness from one or more of the following causes:

(1) Flammable gas, vapor, or mist in excess of ten percent of its lower flammable limit (LFL);

(2) Airborne combustible dust at a concentration that meets or exceeds its LFL;

Note: This concentration may be approximated as a condition in which the dust obscures vision at a distance of five feet (1.52 m) or less.

(3) Atmospheric oxygen concentration below 19.5 percent or above 23.5 percent;

(4) Atmospheric concentration of any substance for which a dose or a permissible exposure limit is published in (~~Subpart G, Occupational Health and Environmental Control, or in Subpart Z, Toxic and Hazardous Substances, of this part~~) chapter 296-62 WAC, general occupational health standards, and which could result in employee exposure in excess of its dose or permissible exposure limit;

Note: An atmospheric concentration of any substance that is not capable of causing death, incapacitation, impairment of ability to self-rescue, injury, or acute illness due to its health effects is not covered by this provision.

(5) Any other atmospheric condition that is immediately dangerous to life or health.

Note: For air contaminants for which WISHA has not determined a dose or permissible exposure limit, other sources of information, such as material safety data sheets that comply with the Hazard Communication Standard, chapter 296-62 WAC, Part C, published information, and internal documents can provide guidance in establishing acceptable atmospheric conditions.

Hot work permit means the employer's written authorization to perform operations (for example, riveting, welding, cutting, burning, and heating) capable of providing a source of ignition.

Immediately dangerous to life or health (IDLH) means any condition that poses an immediate or delayed threat to life or that would cause irreversible adverse health effects or that would interfere with an individual's ability to escape unaided from a permit space.

Note: Some materials - hydrogen fluoride gas and cadmium vapor, for example - may produce immediate transient effects that, even if severe, may pass without medical attention, but are followed by sudden, possibly fatal collapse 12-72 hours after exposure. The victim "feels normal" from recovery from transient effects until collapse. Such materials in hazardous quantities are considered to be "immediately" dangerous to life or health.

Inerting means the displacement of the atmosphere in a permit space by a noncombustible gas (such as nitrogen) to such an extent that the resulting atmosphere is noncombustible.

Note: This procedure produces an IDLH oxygen-deficient atmosphere.

Isolation means the process by which a permit space is removed from service and completely protected against the release of energy and material into the space by such means as: Blanking or blinding; misaligning or removing sections of lines, pipes, or ducts; a double block and bleed system; lockout or tagout of all sources of energy; or blocking or disconnecting all mechanical linkages.

Line breaking means the intentional opening of a pipe, line, or duct that is or has been carrying flammable, corrosive, or toxic material, an inert gas, or any fluid at a volume, pressure, or temperature capable of causing injury.

Nonpermit confined space means a confined space that does not contain or, with respect to atmospheric hazards, have the potential to contain any hazard capable of causing death or serious physical harm.

Oxygen deficient atmosphere means an atmosphere containing less than 19.5 percent oxygen by volume.

Oxygen enriched atmosphere means an atmosphere containing more than 23.5 percent oxygen by volume.

Permit-required confined space (permit space) means a confined space that has one or more of the following characteristics:

- (1) Contains or has a potential to contain a hazardous atmosphere;
- (2) Contains a material that has the potential for engulfing an entrant;
- (3) Has an internal configuration such that an entrant could be trapped or asphyxiated by inwardly converging walls or by a floor which slopes downward and tapers to a smaller cross-section; or
- (4) Contains any other recognized serious safety or health hazard.

Permit-required confined space program (permit space program) means the employer's overall program for controlling, and, where appropriate, for protecting employees from, permit space hazards and for regulating employee entry into permit spaces.

Permit system means the employer's written procedure for preparing and issuing permits for entry and for returning the permit space to service following termination of entry.

Prohibited condition means any condition in a permit space that is not allowed by the permit during the period when entry is authorized.

Rescue service means the personnel designated to rescue employees from permit spaces.

Retrieval system means the equipment (including a retrieval line, chest or full-body harness, wristlets, if appropriate, and a lifting device or anchor) used for nonentry rescue of persons from permit spaces.

Testing means the process by which the hazards that may confront entrants of a permit space are identified and evaluated. Testing includes specifying the tests that are to be performed in the permit space.

Note: Testing enables employers both to devise and implement adequate control measures for the protection of authorized entrants and to determine if acceptable entry conditions are present immediately prior to, and during, entry.

AMENDATORY SECTION (Amending WSR 95-04-007, filed 1/18/95, effective 3/1/95)

WAC 296-62-14529 Appendix E—Sewer system entry. Sewer entry differs in three vital respects from other permit entries:

- There rarely exists any way to completely isolate the space (a section of a continuous system) to be entered;
- Because isolation is not complete, the atmosphere may suddenly and unpredictably become lethally hazardous (toxic, flammable or explosive) from causes beyond the control of the entrant or employer; and
- Experienced sewer workers are especially knowledgeable in entry and work in their permit spaces because of their frequent entries. Unlike other employments where permit space entry is a rare and exceptional event, sewer workers' usual work environment is a permit space.

(1) Adherence to procedure. The employer should designate as entrants only employees who are thoroughly trained in the employer's sewer entry procedures and who demonstrate that they follow these entry procedures exactly as prescribed when performing sewer entries.

(2) Atmospheric monitoring. Entrants should be trained in the use of, and be equipped with, atmospheric monitoring equipment which sounds an audible alarm, in addition to its visual readout, whenever one of the following conditions is encountered: Oxygen concentration less than 19.5 percent; flammable gas or vapor at ten percent or more of the lower flammable limit (LFL); or hydrogen sulfide or carbon monoxide at or above 10 ppm or 35 ppm, respectively, measured as an eight-hour time-weighted average.

Atmospheric monitoring equipment needs to be calibrated according to the manufacturer's instructions. The oxygen sensor/broad range sensor is best suited for initial use in situations where the actual or potential contaminants have not been identified, because broad range sensors, unlike substance-specific sensors, enable employers to obtain an overall reading of the hydrocarbons (flammables) present in the space.

However, such sensors only indicate that a hazardous threshold of a class of chemicals has been exceeded. They

do not measure the levels of contamination of specific substances. Therefore, substance-specific devices, which measure the actual levels of specific substances, are best suited for use where actual and potential contaminants have been identified.

The measurements obtained with substance-specific devices are of vital importance to the employer when decisions are made concerning the measures necessary to protect entrants (such as ventilation or personal protective equipment) and the setting and attainment of appropriate entry conditions. However, the ~~((sewer))~~ sewer environment may suddenly and unpredictably change, and the substance-specific devices may not detect the potentially lethal atmospheric hazards which may enter the ~~((sewer))~~ sewer environment.

(a) Although WISHA considers the information and guidance provided above to be appropriate and useful in most sewer entry situations, the department emphasizes that each employer must consider the unique circumstances, including the predictability of the atmosphere, of the sewer permit spaces in the employer's workplace in preparing for entry. Only the employer can decide, based upon his or her knowledge of, and experience with permit spaces in sewer systems, what the best type of testing instrument may be for any specific entry operation.

(b) The selected testing instrument should be carried and used by the entrant in sewer line work to monitor the atmosphere in the entrant's environment, and in advance of the entrant's direction of movement, to warn the entrant of any deterioration in atmospheric condition. Where several entrants are working together in the same immediate location, one instrument, used by the lead entrant, is acceptable.

(3) Surge flow and flooding. Sewer crews should develop and maintain liaison, to the extent possible, with the local weather bureau and fire and emergency services in their area so that sewer work may be delayed or interrupted and entrants withdrawn whenever sewer lines might be suddenly flooded by rain or fire suppression activities, or whenever flammable or other hazardous materials are released into sewers during emergencies by industrial or transportation accidents.

(4) Special equipment. Entry into large bore sewers may require the use of special equipment. Such equipment might include such items as atmosphere monitoring devices with automatic audible alarms, escape self-contained breathing apparatus (ESCBA) with at least ten minute air supply (or other NIOSH approved self-rescuer), and waterproof flashlights, and may also include boats and rafts, radios and rope stand-offs for pulling around bends and corners as needed.

AMENDATORY SECTION (Amending WSR 95-04-007, filed 1/18/95, effective 3/1/95)

WAC 296-155-20301 Definitions. Confined space means a space that:

- (1) Is large enough and so configured that an employee can bodily enter and perform assigned work; and
- (2) Has limited or restricted means for entry or exit (for example, tanks, vessels, silos, storage bins, hoppers, vaults, and pits are spaces that may have limited means of entry); and

(3) Is not designed for continuous employee occupancy. "Corrosives" means substances which in contact with living tissue cause destruction of the tissue by chemical action.

"Hazardous atmosphere" means an atmosphere that may expose employees to the risk of death, incapacitation, impairment of ability to self-rescue (that is, escape unaided from a permit space), injury, or acute illness from one or more of the following causes:

- (1) Flammable gas, vapor, or mist in excess of ten percent of its lower flammable limit (LFL);
- (2) Airborne combustible dust at a concentration that meets or exceeds its LFL;

Note: This concentration may be approximated as a condition in which the dust obscures vision at a distance of five feet (1.52m) or less.

(3) Atmospheric oxygen concentration below 19.5 percent or above 23.5 percent;

(4) Atmospheric concentration of any substance for which a dose or a permissible exposure limit is published in ~~((Subpart G, Occupational Health and Environmental Control, or in Subpart Z, Toxic and Hazardous Substances, of this part))~~ chapter 296-62 WAC, general occupational health standards, and which could result in employee exposure in excess of its dose or permissible exposure limit;

Note: An atmospheric concentration of any substance that is not capable of causing death, incapacitation, impairment of ability to self-rescue, injury, or acute illness due to its health effects is not covered by this provision.

(5) Any other atmospheric condition that is immediately dangerous to life or health.

Note: For air contaminants for which WISHA has not determined a dose or permissible exposure limit, other sources of information, such as material safety data sheets that comply with the Hazard Communication Standard, chapter 296-62 WAC, Part C, published information, and internal documents can provide guidance in establishing acceptable atmospheric conditions.

"Irritants" means substances which on immediate, prolonged, or repeated contact with normal living tissue will induce a local inflammatory reaction.

"Oxygen deficient atmospheres" means atmospheres at sea level having less than 19.5% oxygen by volume or having a partial pressure of 148 millimeters of mercury or less. This may deviate when working at higher altitudes and should be determined for an individual location. Factors such as acclimatization, physical condition of persons involved, etc., must be considered for such circumstances and conditions. (See chapter 296-62 WAC, Part M, permit-required confined spaces.)

"Toxicants" means substances which have the inherent capacity to produce personal injury or illness to persons by absorption through any body surface.

AMENDATORY SECTION (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

WAC 296-155-525 Cranes and derricks. (1) Definitions applicable to this part:

Accessory - a secondary part or assembly of parts which contributes to the overall function and usefulness of a machine.

Administrative or regulatory authority - a governmental agency, or the employer in the absence of governmental jurisdiction.

Angle indicator (boom) - an accessory which measures the angle of the boom to the horizontal.

Appointed - assigned specific responsibilities by the employer or the employer's representative.

Authorized person - means a person approved or assigned by the employer to perform a specific type of duty or duties or be at a specific location or locations at the workplace.

Auxiliary hoist - a secondary hoist rope system used either in conjunction with, or independently of, the main hoist system.

Axis of rotation - the vertical axis around which the crane superstructure rotates.

Axle - the shaft or spindle with which or about which a wheel rotates. On wheel-mounted cranes it refers to a type of axle assembly including housings, gearing, differential, bearings, and mounting appurtenances.

Axle (bogie) - two or more axles mounted in tandem in a frame so as to divide the load between the axles and permit vertical oscillation of the wheels.

Ballast - weight used to supplement the weight of the machine in providing stability for lifting working loads (the term ballast is normally associated with locomotive cranes).

Base, anchor bolt - a crane base that is bolted to a footing.

Base, expendable - for static-mounting cranes, a style of bottom mast section or member that is cast into a concrete footing block; all or part of this component is lost to future installations.

Base, fixed - a crane base that does not travel. It may be expendable, knee braced, or anchor bolted.

Base (mounting) - the traveling base on which the rotating superstructure of a locomotive or crawler crane is mounted.

Base, tower crane - the lowermost supporting component of the crane.

Base, travel - a crane base that is a ballasted platform mounted on trucks that ride along rails.

Boom (crane) - a member hinged at the rotating superstructure and used for supporting the existing tackle.

Boom angle - the angle above or below horizontal of the longitudinal axis of the base boom section.

Boom hoist mechanism - means for supporting the boom and controlling the boom angle.

Boom point - the outer extremity of the crane boom, containing the hoist sheave assembly.

Boom point sheave assembly - an assembly of sheaves and pin built as an integral part of the boom point.

Boom stop - a device used to limit the angle of the boom at the highest recommended position.

Brake - a device used for retarding or stopping motion.

Brace, tower - a structural attachment placed between a crane tower and an adjacent structure to pass loads to the adjacent structure and permit the crane to be erected to greater than free standing height.

Buffer - an energy absorbing device for reducing impact when a moving crane or trolley reaches the end of its permitted travel.

Cab - a housing which covers the rotating superstructure machinery, or the operator's or driver's station.

Climbing frame - a frame used with climbing cranes to transmit operational and climbing reactions to the host building frame.

Climbing ladder - a steel member with crossbars (used in parts) suspended from a climbing frame and used as jacking support points when some cranes climb.

Clutch - a means for engagement or disengagement of power.

Commercial truck vehicle - a commercial motor vehicle designed primarily for the transportation of property in connection with business and industry.

Counterweight - weight used to supplement the weight of the machine in providing stability for lifting working loads.

Counterweight jib - a horizontal member of a crane on which the counterweights and usually the hoisting machinery are mounted.

Crane carrier - the undercarriage of a wheel-mounted crane specifically designed for transporting the rotating crane superstructure. It may or may not provide its own travel mechanism. It is distinguished from a commercial truck vehicle in that it is not designed to transport personnel, materials, or equipment other than the crane-rotating superstructure.

Cross-over points - in multiple layer spooling of rope on a drum, those points of rope contact where the rope crosses the preceding rope layer.

Designated - selected or assigned by the employer or the employer's representative as being competent to perform specific duties.

Drum - the cylindrical member around which a rope is wound for lifting and lowering the load or boom.

Dynamic (loading) - loads introduced into the machine or its components due to accelerating or decelerating forces.

Flange point - a point of contact between rope and drum flange where the rope changes layers.

Free standing height - that height of a crane which is supported by the tower (mast) alone without assistance from braces, guys, or other means.

Gage, track - the horizontal distance between two rails measured perpendicular to the direction of travel.

Gantry (A-frame) - a structural frame, extending above the superstructure, to which the boom support ropes are reeved.

High strength (traction) bolts - high strength tensile bolts used in the assembly of crane sections. The bolts are installed in tension by torquing or other means at a level greater than that produced by in- or out-of-service loads for the purpose of reducing the likelihood of bolt fatigue failure.

Hoist mechanism - a hoist drum and rope reeving system used for lifting and lowering loads.

Jib - an extension attached to the boom point to provide added boom length for lifting specified loads. The jib may be in line with the boom or offset to various angles in the vertical plane of the boom.

Jib backstop - a device which will restrain the jib from turning over backward.

Job site - work area defined by the construction contract.

Limiting device - a mechanical device which is operated by some part of a power driven machine or equipment to control loads or motions of the machine or equipment.

Load (working) - the external load in pounds (kilograms) applied to the crane, including the weight of load-attaching equipment such as lower load block, shackles, and slings.

Load block, lower - the assembly of hook or shackle, swivel, sheaves, pins, and frame suspended by the hoisting ropes.

Load block, upper - the assembly of shackle, swivel, sheaves, pins, and frame suspended from the boom point.

Load ratings - crane ratings in pounds (kilograms) established by the manufacturer.

Mast (boom) - a frame hinged at or near the boom hinge for use in connection with supporting a boom. The head of the mast is usually supported and raised or lowered by the boom hoist ropes.

Mast (jib) - a frame hinged at or near the boom point for use in connection with supporting a jib.

Normal operating conditions.

Cab- or station-operated cranes - conditions during which a crane is performing functions within the manufacturer's operating recommendations. Under these conditions, the operator is at the operating control devices on the crane, and no other persons except those appointed are to be on the crane.

Ground- or floor-operated cranes - conditions during which a crane is performing functions within the manufacturer's operating recommendations. Under these conditions, the operator is at the operating control devices that are mounted to the crane but operated with the operator off the crane, and no other persons except those appointed are to be on the crane.

Remote-operated cranes - conditions during which a crane is performing functions within the manufacturer's operating recommendations. Under these conditions, the operator is at the operating control devices that are mounted to any part of the crane, and no other persons except those appointed are to be on the crane.

Out-of-service - the condition of a crane when unloaded, without power and with the controls unattended and prepared to endure winds above the in-service level.

Outriggers - extendable or fixed members attached to the mounting base, which rest on supports at the outer ends used to support the crane.

Pawl (dog) - a device for positively holding a member against motion in one or more directions.

Payload - that load or loads being transported by the commercial truck chassis from place to place.

Pendant - a rope or strand of specified length with fixed end connections.

Pitch diameter - the diameter of a sheave or rope drum measured at the center line of the rope.

Power-controlled lowering - a system or device in the power train, other than the load hoist brake, which can control the lowering rate of speed of the load hoist mechanism.

Qualified person - a person who, by possession of a recognized degree or certificate of professional standing, or who, by extensive knowledge, training, and experience, has

successfully demonstrated the ability to solve or resolve problems relating to the subject matter and work.

Radius (load) - the horizontal distance from a projection of the axis of rotation to the base of the crane, before loading, to the center of the vertical hoist line or tackle with load applied.

Rail clamp - a tong-like metal device mounted on a locomotive crane car, which can be connected to the track.

Reeving - a rope system in which the rope travels around drums and sheaves.

Remote control station - a location, not on the crane, from which the operator can control all the crane movements.

Repetitive pickup point - when operating on a short cycle operation, the rope being used on a single layer and being spooled repetitively over a short portion of the drum.

Rope - refers to wire rope unless otherwise specified.

Rotation resistant rope - a wire rope consisting of an inner layer of strand laid in one direction covered by a layer of strand laid in the opposite direction. This has the effect of counteracting torque by reducing the tendency of the finished rope to rotate.

Running rope - a rope which travels around sheaves or drums.

Shall - this word indicates that the rule is mandatory and must be followed.

Service, light - service that involves irregular operation with loads generally about one-half or less of the rated load; a service crane at a storage yard or building site would be an example.

Service, normal - service that involves operating occasionally at rated load but normally at less than eighty-five percent of the rated load and not more than ten lift cycles per hour except for isolated instances; a crane used for concrete placement at a building site would be an example.

Service, heavy - service that involves operating at eighty-five percent to one hundred percent of the rated load or in excess of ten lift cycles per hour as a regular specified procedure; some cranes operating at material yards or in industrial applications may fall into this category.

Sheave - a grooved wheel or pulley used with a rope to change the direction and point of application of a pulling force.

Should - this word indicates that the rule is a recommendation, the advisability of which depends on the facts in each situation.

Side loading - a load applied to an angle to the vertical plane of the boom.

Stabilizer - stabilizers are extendable or fixed members attached to the mounting base to increase the stability of the crane, but which may not have the capability of relieving all of the weight from wheels or tracks.

Standby crane - a crane which is not in regular service but which is used occasionally or intermittently as required.

Standing (guy) rope - a supporting rope which maintains a constant distance between the points of attachment to the two components connected by the rope.

Structural competence - the ability of the machine and its components to withstand the stresses imposed by applied loads.

Superstructure - the rotating upper frame structure of the machine and the operating machinery mounted thereon.

Swing - rotation of the superstructure for movement of loads in a horizontal direction about the axis of rotation.

Swing mechanism - the machinery involved in providing rotation of the superstructure.

Swivel - a load carrying member with thrust bearings to permit rotation under load in a plane perpendicular to the direction of the load.

Swiveling - the rotation of the load attachment portion (hook or shackle) of a load block (lower) or hook assembly about its axis of suspension in relation to the load line(s).

Tackle - an assembly of ropes and sheaves arranged for lifting, lowering, or pulling.

Telescoping boom - consists of a base boom from which one or more boom sections are telescoped for additional length.

Telescoping (tower crane) - a process whereby the height of a traveling or fixed base crane is increased typically by raising the inner tower and then adding sections at the top of the outer tower; there are also cranes that are telescoped by adding to the inner tower from below.

Tower (mast) - a vertical structural frame consisting of columns and bracing capable of supporting an upperstructure with its working and dynamic loads and transmitting them to the supporting surface or structure.

Traction (high strength) bolts - see high strength bolts.

Transit - the moving or transporting of a crane from one job site to another.

Travel - the function of the machine moving under its own power from one location to another on a job site.

Trolley - the device that travels along the load jib and contains the upper load block.

Two-blocking - the condition in which the lower load block or hook assembly comes in contact with the upper load block or boom point sheave assembly.

Weathervaning - wind induced rotation of a crane upperstructure, when out-of-service, to expose minimal surface area to the wind.

Wedge - a tapered wood or steel device used to provide stability to cranes during use as a climber. When the wedges are tightened against the four main legs of the tower, they convert overturning moments into horizontal forces to be resisted by the floor framing or slab.

Wheel base - the distance between centers of front and rear axles. For a multiple axle assembly the axle center for wheel base measurement is taken as the midpoint of the assembly.

Whipline (runner or auxiliary) - a secondary rope system usually of lighter load capacity than that provided by the main rope system.

Winch head - a power driven spool for handling of loads by means of friction between fiber or wire rope and the spool.

(2) General requirements.

(a) The employer shall comply with the manufacturer's specifications and limitations applicable to the operation of any and all cranes and derricks. Where manufacturer's specifications are not available the limitations assigned to the equipment shall be based on the determinations of a qualified engineer, competent in this field and such determinations will be appropriately documented and recorded.

Attachments used with cranes shall not exceed the capacity, rating, or scope recommended by the manufacturer.

(b) Rated load capacities, and recommended operating speeds, and special hazard warnings, or instruction, shall be conspicuously posted on all equipment. Instructions or warnings shall be visible to the operator while at the control station.

(c) Hand signals to crane and derrick operators shall be those prescribed by the applicable ANSI standard for the type of crane in use. An illustration of the signals shall be posted at the job site.

((Note: When decals, illustrating hand signals, are available from the division or otherwise, they should be posted at the operator's station.))

(d) The employer shall designate a competent person who shall inspect all machinery and equipment prior to each use, and periodically during use to make sure it is in safe operating condition. Any deficiencies shall be repaired, or defective parts replaced, before continued use.

(e) A thorough, annual inspection of the hoisting machinery shall be made by a competent person, or by a government or private agency recognized by the department. The employer shall maintain a permanent record of the dates and results of all inspections for each hoisting machine and piece of equipment.

(f) ((Wire rope shall be taken out of service when any of the following conditions exist:

(i) In running ropes, six randomly distributed broken wires in one lay or three broken wires in one strand in one lay;

(ii) Wear of one third the original diameter of outside individual wires. Kinking, crushing, bird caging, or any other damage resulting in distortion of the rope structure;

(iii) Evidence of any heat damage from any cause;

(iv) Reductions from nominal diameter of more than one sixty fourth inch for diameters up to and including five sixteenths inch, one thirty second inch for diameters three eighths inch to and including one half inch, three sixty fourths inch for diameters nine sixteenths inch to and including three fourths inch, one sixteenth inch for diameter seven eighths inch to 1 1/8 inches inclusive, three thirty seconds inch for diameters 1 1/4 to 1 1/2 inches inclusive;

(v) In standing ropes, more than two broken wires in one lay in sections beyond end connections or more than one broken wire at an end connection.

(vi) Wire rope safety factors shall be in accordance with American National Standards Institute B 30.5 1968 or SAE J959 1966.

(g) The foot block of every derrick shall be securely supported and firmly secured against movement in any direction. Proper shores shall be placed against the foot blocks of the derrick to take the pull of the hoisting engine.

(h) Derricks shall be operated only by authorized personnel.

(i) The top of the mast on guy derricks shall be steadied by not less than six guy cables equally spaced.

(j) On guy derricks, eyes shall be formed in the guys at the masthead end by bending back the ends of the cables and clamping the ends with at least three clamps.

~~((k))~~ A tag line or guide rope shall be used on all loads that swing freely. Guide ropes or tag lines shall be held by experienced persons.

~~((l))~~ (g) Care shall be taken to guard against injury to workers, or damage to scaffolds or buildings, from swinging loads.

~~((m))~~ When "dead men" are used as anchors, the cable shall be so attached that the concentrated load will not cause a shear stress on the "dead men."

~~((n))~~ On stiff leg derricks where the boom is longer than the mast, care shall be taken to see that the goose necks are fitted to the stiff legs in a manner so that there will be no undue friction on the gudgeon pin.

~~((o))~~ A collar shall be placed on the gudgeon pin above the goose neck, and a hole drilled through the collar and the gudgeon pin, through which a steel bolt shall be passed to hold the collar in position; the steel bolt shall be of sufficient size to prevent the goose neck from shearing it off when the loaded boom is swung against the stiff leg.

~~((p))~~ Double sets of bolts shall be used to fasten back legs of a stiff leg derrick.

~~((q))~~ Particular attention shall be given to the weighting and anchoring of stiff leg derricks.

~~((r))~~ (h) The operator shall avoid carrying loads over people.

~~((s))~~ (i) When work is stopped or when the derrick is not in operation, the boom shall be lowered to a horizontal position or tied in place to prevent it whipping with the wind or other external force.

~~((t))~~ (j) Only authorized personnel shall make sling hitches on loads.

~~((u))~~ (k) Workers shall not be allowed to ride on loads handled by derricks.

~~((v))~~ (l) Operators shall observe signals only from duly authorized persons. Under no circumstances shall a load be moved until the signal is received from authorized personnel.

~~((w))~~ Bell, whistle, electric or visual signals shall be provided in connection with all hoists and cableways where an operator is stationed at the power device. Hoist signaling devices shall be so located as to minimize the possibility of signaling accidentally and located so that they cannot be operated by a person standing on hoist or bucket.

~~((x))~~ (m) Belts, gears, shafts, pulleys, sprockets, spindles, drums, fly wheels, chains, or other reciprocating, rotating, or other moving parts or equipment shall be guarded if such parts are exposed to contact by employees, or otherwise create a hazard. Guarding shall meet the requirements of ~~((the American National Standards Institute, B-15.1-1958 Rev., Safety Code for Mechanical Power Transmission Apparatus))~~ chapter 296-24 WAC.

~~((y))~~ (n) A minimum distance of thirty inches clearance shall be maintained between the swing radius of the greatest extension of the crane superstructure or counterweights and a stationary object, including the crane itself, while the crane is in operation. When this clearance cannot be maintained, suitable barricades or safeguards shall be used to isolate the pinch point hazard area.

~~((z))~~ (o) All exhaust pipes shall be guarded or insulated where contact by employees, in the performance of normal duties, is possible.

~~((1))~~ (3) Additional requirements.

(a) Whenever internal combustion engine powered equipment exhausts in enclosed spaces, tests shall be made and recorded to see that employees are not exposed to unsafe concentrations of toxic gases or oxygen deficient atmospheres. (See chapter 296-62 WAC, the general occupational health standards and other applicable standards.)

(b) ~~((All windows in cabs shall be of safety glass, or equivalent, that introduces no visible distortion that will interfere with the safe operation of the machine.))~~ All cab glazing shall be safety glazing material. Windows shall be provided in the front and on both sides of the cab or operator's compartment with visibility forward and to either side. Visibility forward shall include a vertical range adequate to cover the boom point at all times. The front window may have a section which can be readily removed or held open, if desired. If the section is of the type held in the open position, it shall be secured to prevent inadvertent closure. A windshield wiper should be provided on the front window.

(c)(i) Where necessary for rigging or service requirements, a ladder or steps shall be provided to give access to a cab roof.

(ii) On cranes, guardrails, handholds and steps shall be provided for easy access to the car and cab ~~((conforming to American National Standards Institute, B30.5-1968))~~ in accordance with chapter 296-155 WAC, Part C-1 and Part J.

(iii) Platforms and walkways shall have anti-skid surfaces.

(d) Fuel tank filler pipe shall be located in such a position, or protected in such manner, as to not allow spill or overflow to run onto the engine, exhaust, or electrical equipment of any machine being fueled.

(i) An accessible fire extinguisher of 5BC rating, or higher, shall be available at all operator stations or cabs of equipment.

(ii) All fuels shall be transported, stored, and handled to meet the rules of Part D of this chapter. When fuel is transported by vehicles on public highways, department of transportation rules concerning such vehicular transportation are considered applicable.

(e) Except where electrical distribution and transmission lines have been deenergized and visibly grounded at point of work or where insulating barriers, not a part of or an attachment to the equipment or machinery, have been erected to prevent physical contact with the lines, equipment or machines shall be operated proximate to power lines only in accordance with the following:

(i) For lines rated 50 kV. or below, minimum clearance between the lines and any part of the crane or load shall be 10 feet;

(ii) For lines rated over 50 kV., minimum clearance between the lines and any part of the crane or load shall be 10 feet plus 0.4 inch for each 1 kV. over 50 kV., or twice the length of the line insulator, but never less than 10 feet;

(iii) In transit with no load and boom lowered, the equipment clearance shall be a minimum of 4 feet for voltages less than 50 kV., and 10 feet for voltages over 50 kV. up to and including 345 kV., and 16 feet for voltages up to and including 750 kV;

(iv) A person shall be designated to observe clearance of the equipment and give timely warning to insure that the required separation is maintained for all operations where it

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is difficult for the operator to maintain the desired clearance by visual means;

(v) Cage-type boom guards, insulating links, or proximity warning devices may be used on cranes, but the use of such devices shall not alter the requirements of any other regulation of this part even if such device is required by law or regulation;

(vi) Any overhead wire shall be considered to be an energized line unless and until the person owning such line or the electrical utility authorities indicate that it is not an energized line and it has been visibly grounded;

(vii) Prior to work near transmitter tower where an electrical charge can be induced in the equipment or materials being handled, the transmitter shall be deenergized or tests shall be made to determine if electrical charge is induced on the crane.

(f) The following precautions shall be taken when necessary to dissipate induced voltage:

(i) The equipment shall be provided with an electrical ground directly to the upper rotating structure supporting the boom; and

(ii) Ground jumper cables shall be attached to materials being handled by boom equipment when electrical charge is induced while working near energized transmitters. Crews shall be provided with nonconductive poles having large alligator clips or other similar protection to attach the ground cable to the load.

(iii) Combustible and flammable materials shall be removed from the immediate area prior to operations.

(g) No modifications or additions which affect the capacity or safe operation of the equipment shall be made by the employer without the manufacturer's or a qualified engineer's written approval. If such modifications or changes are made, the capacity, operation, and maintenance instruction plates, tags, or decals, shall be changed accordingly. In no case shall the original safety factor of the equipment be reduced.

(h) The employer shall comply with Power Crane and Shovel Association, Mobile Hydraulic Crane Standard No. 2.

(i) Sideboom cranes mounted on wheel or crawler tractors shall meet the requirements of SAE J743a-1964.

~~((3))~~ (4) Crawler, locomotive, and truck cranes.

(a) All jibs shall have positive stops to prevent their movement of more than 5° above the straight line of the jib and boom on conventional type crane booms. The use of cable type belly slings does not constitute compliance with this standard.

(b) All crawler, truck or locomotive cranes in use shall meet the applicable requirements for design, inspection, construction, testing, maintenance and operation as prescribed in the ANSI B30.5-~~((1968))~~ 1989, Safety Code for Crawler, Locomotive and Truck Cranes.

~~((4))~~ (5) Tower cranes.

(a) Tower cranes shall be erected, jumped and dismantled under the immediate supervision of a competent person, designated by the employer.

(b) Tower cranes shall be erected, maintained and used in accordance with the manufacturer's specifications, recommendations and procedures. All modifications shall be approved by the manufacturer and engineered by a professional engineer. The safety factors shall not be reduced by

any modifications. The crane plates and charts shall be changed to reflect any modifications made.

(c) A professional engineer shall certify that the crane foundations and underlying soil are adequate support for the tower crane with its maximum overturning movement.

(d) Tower cranes shall be positioned whereby they can swing 360° without either the counterweight or jib striking any building, structure or other object, except:

(i) If the crane can strike an object or another crane, suitable limit switches shall be installed which will prohibit contact with such objects, or;

(ii) Direct voice communications shall be established between any operator of the tower crane(s) involved and a signalperson so stationed where the boom and/or counterweight movement, and the object with which it may contact can be observed so that the operator(s) can be warned of imminent danger.

(iii) A secondary means of positive communications shall be established as a back-up for possible direct voice communication failure.

~~((Note:))~~ (iv) Radio communication systems without tone coded squelch are prohibited. Citizens band radios shall not be used as a means of communications for tower cranes.

(e) Prior to installing a climbing tower crane within an existing building or new construction, a structural engineer shall certify that the building is designed to withstand the torque and floor loading created by the crane to be installed.

~~(f) ((Prior to initial use, all newly erected or altered cranes shall be tested with the design rated load to insure compliance with this standard, including the following functions:~~

~~(i) Hoisting and lowering;~~

~~(ii) Trolley travel;~~

~~(iii) Swing motion;~~

~~(iv) Limit, locking and safety devices;~~

~~(v) Crane travel where applicable; and~~

~~(vi) Foundation and erection.~~

~~Note:))~~ Tower cranes erected on a new foundation shall be tested in accordance with ANSI B30.3-~~((1975))~~ 1990 Chapter 3-1.

~~((A))~~ (i) The test shall consist of suspending a load of not less than ~~((100%))~~ 110% of the rated capacity for ~~((five))~~ 15 minutes. The load shall be suspended from the furthest point of the length of boom (jib) to be used. The results of this test shall be within the manufacturer's recommendations and/or specifications.

~~((B))~~ (ii) A record of each test shall be made and signed by the person responsible for conducting the test. Such records shall be maintained on the construction site for the duration of the construction work for which it was erected and subsequently made a part of the firm's permanent equipment records. Records shall be made available to authorized representatives of the department, upon request.

(g) A capacity chart shall be furnished by each crane manufacturer which shall include a full and complete range of crane load ratings at all stated operating radii for each allowable speed and each recommended counterweight load.

(i) Such chart shall be posted in the operator's cab or at the remote control stand in use. In lieu of the chart at the remote control stand, a minimum of two weight capacity signs shall be affixed to the jib or boom.

(ii) The chart shall be visible and readable to the operator while at the normal operating position.

(h) Operating controls shall be properly marked to indicate the function of the controls in each position.

(i) An operating and maintenance manual written in the English language shall be provided with each tower crane.

(j) Limit switches shall be installed and shall be kept properly adjusted. They shall be protected or isolated in a manner which will prevent unauthorized tampering. Limit switches shall provide the following functions:

(i) Safely limit the travel of the trolley to prevent it from hitting the outer end of the jib.

(ii) Limit the upward travel of the load block to prevent two-blocking.

(iii) Lower over travel limiting devices shall be provided for all load hoists where the hook area is not visible to the operator.

(iv) Limit the load being lifted in a manner whereby no more than 110% of the maximum rated load can be lifted or moved.

(k) The crane shall not be used to pull vehicles of any type, remove piling, loosen form work, pull away loads which are attached to the ground or walls, or for any operation other than the proper handling of freely suspended loads.

(l) When the operator may be exposed to the hazard of falling objects, the tower crane cab and/or remote control station shall have adequate overhead protection.

(m) The operator shall be protected from the weather. If enclosed cabs are provided they shall provide clear visibility in all directions and glass shall be approved safety glass or the equivalent.

~~(n) ((Operators shall not occupy cabs of remotely controlled stations during repositioning operations.~~

~~(o))~~ An approved and safe means shall be provided for access to operator's cab and machinery platform.

~~((p))~~ (o) When necessary for inspection or maintenance purposes, ladders, walkways with railing or other devices shall be provided.

~~((q))~~ (p) Each tower crane shall be provided with a slewing brake capable of preventing the jib or boom from rotating in either direction and stopping the rotation of the jib or boom while loaded, when desired. Such brake shall have a holding device which, when set, will hold the jib or boom in a fixed location without additional attention of the operator. When the crane is out of operation, the jib or boom shall be pointed downwind and the slewing brake shall be released so as to permit the jib or boom to weathervane, providing the jib or boom has a clear 360 degree rotation. Where a 360 degree rotation is not provided, the jib or boom shall be pointed downwind from the prevailing wind and the slewing brake set.

~~((r))~~ (q) Each tower crane shall be provided with a braking system on the trolley capable of stopping and holding the trolley in any desired position while carrying a maximum load. This brake shall be capable of being locked in a fixed location without additional attention of the operator. An automatic brake or device shall be installed which will immediately stop and lock the trolley in position in the event of a breakage of the trolley rope.

~~((s))~~ (r) All electrical equipment shall be properly grounded and protection shall be provided against lightning.

~~((t))~~ (s) When the operator is actually operating the crane, the operator shall remain in a stationary position.

~~((u))~~ (t) All crane brakes shall automatically set in event of power failure. Swing brakes shall also function in this manner or be capable of being set manually.

~~((v))~~ (u) Climbing jack systems used for raising a tower crane shall be equipped with over-pressure relief valves, direct-reading pressure gauges, and pilot-operated hydraulic check valves installed in a manner which will prevent jack from retracting should a hydraulic line or fitting rupture or fail.

~~((w))~~ (v) During periods of high winds or weather affecting visibility, i.e., fog, etc., only loads shall be handled that are consistent with good safety practices. Good safety practices shall be mutually agreed upon by the operator and the person in charge of the construction job, with due consideration given to manufacturer's specifications and recommendations.

~~((x))~~ (w) Counterweights shall be securely fastened in place and shall not exceed the weight as recommended by the manufacturer for the length of jib being used. However, an amount of counterweight as recommended by the manufacturer shall be used.

~~((y))~~ (x) Tower cranes shall be inspected and maintained in accordance with the manufacturer's recommendations or more frequently if there is reason to suspect a possible defect or weakening of any portion of the structure or equipment.

~~((z))~~ (y) Guy wires, wedges, braces or other supports shall be inspected at the beginning and at midpoint of each working shift to ascertain that they are functioning as intended.

~~((1))~~ (z) (6) Additional tower crane requirements.

(a) An approved method shall be instituted for transmitting signals to the operator. Standard hand signals for crane operations shall be used, whenever possible; however, if conditions are such that hand signals are ineffective, radio-controlled or electric-whistle signal or two-way voice communication shall be used. (See ~~((NOTE under))~~ WAC 296-155-525 (4)(d).)

(b) Tower cranes shall not be erected or raised when the wind velocity at the worksite exceeds 20 m.p.h. or that specified by the manufacturer.

(c) Tower crane operators shall be trained and experienced in tower crane operations; however, for gaining experience, persons may operate the tower crane if under the immediate supervision of an experienced operator.

(d) Adequate clearance shall be maintained between moving and rotating structures of the crane and fixed objects to allow the passage of employees without harm.

(e) Employees required to perform duties on the horizontal boom of hammerhead tower cranes shall be protected against falling by guardrails or by a full body harness and lanyards attached to crane or to lifelines in conformance with Part C-1 of this chapter.

(f) Buffers shall be provided at both ends of travel of the trolley.

(g) Cranes mounted on rail tracks shall be equipped with limit switches limiting the travel of the crane on the track and stops or buffers at each end of the tracks.

(h) All hammerhead tower cranes in use shall meet the applicable requirements for design, construction, installation,

testing, maintenance, inspection, and operation as prescribed by the manufacturer.

(i) Access ladders inside the telescoping sections of tower cranes are exempt from those sections of the safety standards pertaining to cleat length and cleat spacing, but shall conform to manufacturer's recommendations and specifications.

~~((6))~~ (7) Overhead and gantry cranes.

(a) The rated load of the crane shall be plainly marked on each side of the crane, and if the crane has more than one hoisting unit, each hoist shall have its rated load marked on it or its load block, and this marking shall be clearly legible from the ground or floor.

(b) Bridge trucks shall be equipped with sweeps which extend below the top of the rail and project in front of the truck wheels.

(c) Except for floor-operated cranes, a gong or other effective audible warning signal shall be provided for each crane equipped with a power traveling mechanism.

(d) All overhead and gantry cranes in use shall meet the applicable requirements for design, construction, installation, testing, maintenance, inspection, and operation as prescribed in ANSI B30.2.0-~~((1967))~~ 1990, Safety Code for Overhead and Gantry Cranes.

~~((7))~~ (8) Derricks. All derricks in use shall meet the applicable requirements for design, construction, installation, inspection, testing, maintenance, and operation as prescribed in American National Standard Institute B30.6-~~((1969))~~ 1990, Safety Code for Derricks.

~~((8))~~ (9) Floating cranes and derricks.

(a) Mobile cranes mounted on barges.

(i) When a mobile crane is mounted on a barge, the rated load of the crane shall not exceed the original capacity specified by the manufacturer.

(ii) A load rating chart, with clearly legible letters and figures, shall be provided with each crane, and securely fixed at a location easily visible to the operator.

(iii) When load ratings are reduced to stay within the limits for list of the barge with a crane mounted on it, a new load rating chart shall be provided.

(iv) Mobile cranes on barges shall be positively secured.

(b) Permanently mounted floating cranes and derricks.

(i) When cranes and derricks are permanently installed on a barge, the capacity and limitations of use shall be based on competent design criteria.

(ii) A load rating chart with clearly legible letters and figures shall be provided and securely fixed at a location easily visible to the operator.

(iii) Floating cranes and floating derricks in use shall meet the applicable requirements for design, construction, installation, testing, maintenance, and operation as prescribed by the manufacturer.

(c) Protection of employees working on barges. The employer shall comply with the applicable requirements for protection of employees as specified in WAC 296-155-630.

~~((9))~~ (10) Mobile cranes and excavation machines.

(a) In all power driven shovel operations the person in charge shall issue instructions necessary to prevent accidents, to detect and correct unsafe acts and dangerous conditions, and to enforce all safety rules and regulations.

The person in charge shall also issue instructions on the proper method of using tools and handling material.

(b) Where the ground is soft or uneven, timbering and planking shall be used to provide firm foundation and distribute the load.

(c) In case of a breakdown, the shovel shall be moved away from the foot of the slope before repairs are made.

(d) All persons shall keep away from the range of the shovel's swing and shall not be permitted to stand back of the shovel or in line with the swing of the dipper during operation or moving of shovel.

(e) Unauthorized persons shall not be allowed on the shovel during operations, and the operator shall not converse with other persons while operating machine.

(f) The shovel dipper shall rest on the ground or on blocking during shut down periods.

(g) Shovels shall be inspected daily and all defects promptly repaired.

(h) All rubber tired mobile cranes shall be equipped with outriggers and sufficient blocking to properly stabilize crane while operating.

(i) Rubber tired mobile cranes shall be equipped with rear view mirrors.

(j) Positive boom stops shall be provided on all mobile cranes of the wheel and crawler type.

(k) Length of a crane boom and amount of counterweight shall not exceed manufacturer's rated capacity for equipment involved; except on isolated cases where permission is granted by the department.

(l) On all cranes where wedge (~~((brackets))~~) becketts are used as terminal connections, the proper size wedge shall be used.

(m) On all mobile cranes, the hoist and boom drums shall be provided with a positive operated pawl or dog which shall be used in addition to the brake to hold the load and boom when they are suspended. Counterweight operated dogs are prohibited.

(n) Oiling and greasing shall be done under safe conditions with machine at rest, except when motion of machine is necessary.

(o) All steps, running boards, and boom ladder shall be of substantial construction and in good repair at all times.

(p) Operators shall not leave the cab while master clutch is engaged.

(q) Fire extinguishers shall be readily accessible and within reach of operator at all times.

(r) All shovel and crane cabs shall be kept clean and free of excess oil and grease on floor and machinery. Oily and greasy rags shall be disposed of immediately after use and not allowed to accumulate.

(s) Tools shall not be left on the cab floor. Spare cans of oil or fuel, and spare parts, shall not be stored in cabs, except in approved racks provided for that purpose.

(t) Mats or planking shall be used in moving shovels or cranes over soft or uneven ground.

(u) Cranes or shovels setting on steep grades shall be securely blocked or secured with a tail hold.

(v) Smoking shall be prohibited while fueling or oiling machines.

(w) Gasoline powered motors shall be stopped during refueling.

(x) Handling of movable feed line (bologna) shall be accomplished with insulated hooks and lineman's rubber gloves.

(y) Where cables cross roads they shall be elevated or placed in a trench.

(z) On all power shovels, including back-hoe types, of one-half cubic yard capacity or over, and on all dragline cranes or all-purpose cranes of the crawler or wheel type, two persons shall constitute the minimum working crew. It is mandatory that one be a qualified operator of the equipment in use. The job title of the other crew member may be oiler, rigger, signal person, or a laborer. The primary purpose of the second crew member is to signal the operator when the operator's vision is impaired or obscured and to be on-hand in case of emergency.

(i) Second-crew persons shall be properly trained in their second-person required skills.

(ii) The second crew member shall be close enough to the machine in operation to be aware of any emergency, if one arises, and to assure the machine is operated with necessary and appropriate signals to the operator.

NEW SECTION

WAC 296-155-527 Appendix A to WAC 296-155-525. Due to crane design configuration to maintain mobility, sheave diameters and rope, design factors are limited. Because of these limited design parameters, inspection to detect deterioration in accordance with subsections below and timely replacement are essential.

(1) Frequent inspection.

(a) All running ropes in service should be visually inspected once each working day. A visual inspection shall consist of observation of all rope which can reasonably be expected to be in use during the day's operations. These visual observations should be concerned with discovering gross damage, such as listed below, which may be an immediate hazard:

(i) Distortion of the rope such as kinking, crushing, unstranding, birdcaging, main strand displacement, or core protrusion. Loss of rope diameter in a short rope length or unevenness of outer strands should provide evidence that the rope or ropes must be replaced.

(ii) General corrosion.

(iii) Broken or cut strands.

(iv) Number, distribution and type of visible broken wires. (See subsection below for further guidance.)

(v) Core failure in rotation resistant ropes. When such damage is discovered the rope shall be either removed from service or given an inspection as detailed in periodic inspection.

(b) Care shall be taken when inspecting sections of rapid deterioration such as flange points, crossover points and repetitive pickup points on drums.

(c) Care shall be taken when inspecting certain ropes such as the following:

(i) Rotation resistant ropes, because of their higher susceptibility to damage and increased deterioration when working on equipment with limited design parameters. The internal deterioration of rotation resistant ropes may not be readily observable.

(ii) Boom hoist ropes, because of the difficulties of inspection and the important nature of these ropes.

(2) Periodic inspection.

(a) The inspection frequency shall be determined by a qualified person and shall be based on such factors as expected rope life as determined by experience on the particular installation or similar installations, severity of environment, percentage of capacity lifts, frequency rates of operation, and exposure to shock loads. Inspections need not be at equal calendar intervals and should be more frequent as the rope approaches the end of its useful life. This inspection shall be performed at least annually.

(b) Periodic inspections shall be performed by a qualified person. This inspection shall cover the entire length of rope. Only the surface wires of the rope need be inspected. No attempt should be made to open the rope. Any deterioration resulting in an appreciable loss of original strength, such as described below, shall be noted and determination made as to whether further use of the rope would constitute a hazard:

(i) Points listed in subsection (1) of this section (Frequent inspection).

(ii) Reduction of rope diameter below nominal diameter due to loss of core support, internal or external corrosion, or wear of outside wires.

(iii) Severely corroded or broken wires at end connections.

(c) Care shall be taken when inspecting sections of rapid deterioration, such as the following:

(i) Sections in contact with saddles, equalizer sheaves, or other sheaves where rope travel is limited;

(ii) Sections of the rope at or near terminal ends where corroded or broken wires may protrude.

(3) Rope replacement.

(a) No precise rules can be given for determination of the exact time for replacement of rope, since many variable factors are involved. Continued use in this respect depends largely upon good judgment by an appointed or authorized person in evaluating remaining strength in a used rope after allowance for deterioration disclosed by inspection. Continued rope operations depends upon this remaining strength.

(b) Conditions such as the following shall be sufficient reason for questioning continued use of the rope or increasing the frequency of inspection:

(i) In running ropes, six randomly distributed broken wires in one lay or three broken wires in one strand in one lay (for special conditions relating to rotation resistant rope refer to paragraph 5-3.2.1.1 (d)(1)(b) ANSTASME B30.5 1989).

(ii) One outer wire broken at the point of contact with the core of the rope which has worked its way out of the rope structure and protrudes or loops out from the rope structure. Additional inspection of this section is required.

(iii) Wear of one-third the original diameter of outside individual wires.

(iv) Kinking, crushing, birdcaging, or any other damage resulting in distortion of the rope structure.

(v) Evidence of any heat damage from any cause.

(vi) Reductions from nominal diameter of more than:

(A) 1/64 in. (0.4 mm) for diameters up to and including 5/16 in. (8.0 mm);

(B) 1/32 in. (0.8 mm) for diameters 3/8 in. (9.5 mm) to and including 1/2 in. (13.0 mm);

(C) 3/64 in. (1.2 mm) for diameters 9/16 in. (14.5 mm) to and including 3/4 in. (19.0 mm);

(D) 1/6 in. (1.6 mm) for diameters 7/8 in. (22.0 mm) to and including 1 1/8 in. (38.0 mm).

(vii) In standing ropes, more than two broken wires in one lay in sections beyond end connections or more than one broken wire at an end connection.

(c) Replacement rope shall have a strength rating at least as great as the original rope furnished or recommended by the crane manufacturer. Any deviation from the original size, grade, or construction shall be specified by a rope manufacturer, the crane manufacturer or a qualified person.

(d) Rope not in regular use. All rope which has been idle for a period of a month or more due to shutdown or storage of a crane on which it is installed shall be given an inspection before it is placed in service. This inspection shall be for all types of deterioration and shall be performed by an appointed or authorized person.

(e) Inspection records:

(i) Frequent inspection; no records required.

(ii) Periodic inspection: In order to establish data as a basis for judging the proper time for replacement, a dated report of rope condition at each periodic inspection shall be kept on file. This report shall cover points of deterioration. If the rope is replaced only that part need be recorded.

(f) A long-range inspection program should be established and should include records on the examination of ropes removed from service so that a relationship can be established between visual observation and actual condition of the internal structure.

(4) Rope maintenance.

(a) Rope should be stored to prevent damage or deterioration.

(b) Unreeling or uncoiling of rope shall be done as recommended by the rope manufacturer and with care to avoid kinking or inducing a twist.

(c) Before cutting a rope, seizings shall be placed on each side of the place where the rope is to be cut to prevent unlaying of the strands. On preformed rope, one seizing on each side of the cut is required. On nonpreformed ropes of 7/8 in. (22 mm) diameter or smaller, two seizings on each side of the cut are required, and for nonpreformed rope of 1 in. (26 mm) diameter or larger, three seizings on each side of the cut are required.

(d) During installation, care should be exercised to avoid dragging of the rope in dirt or around objects which will scrape, nick, crush, or induce sharp bends in it.

(e) Rope should be maintained in a well lubricated condition. It is important that lubricant applied as part of a maintenance program shall be compatible with the original lubricant, and to this end, the rope manufacturer should be consulted; lubricant applied shall be of the type which does not hinder visual inspection. Those sections of rope which are located over sheaves or otherwise hidden during inspection and maintenance procedures require special attention when lubricating rope. The object of rope lubrication is to reduce internal friction and to prevent corrosion.

(f) When an operating rope shows greater wear at well-defined localized areas than on the remainder of the rope, rope life can be extended (in cases where a reduced rope length is adequate) by cutting off a section at the worn end, and thus shifting the wear to different areas of the rope.

(5) Operating near electric power lines:

(a) Cranes shall be operated so that no part of the crane or load enters into the danger zone.

Exceptions: The danger zone may be entered if the electrical distribution and transmission lines have been de-energized and visibly grounded at the point of work; or the danger zone may be entered if insulating barriers (not a part of nor an attachment to the crane) have been erected to prevent physical contact with the lines.

(i) For lines rated 50 kV. or below, minimum clearance between the lines and any part of the crane or load (including handling appendages) shall be 10 feet (3 m).

(ii) Caution shall be exercised when working near overhead lines because they can move horizontally or vertically due to wind, moving the danger zone to new positions.

(iii) While in transit with no load and boom lowered, the clearance shall be as specified in WAC 296-155-525 (3)(e).

(iv) A qualified signal person shall be assigned to observe the clearance when the crane moves to within a boom's length of the limits specified in WAC 296-155-525 (3)(e). The operator is not in the best position to judge distance between the power line and the crane or its protruberances.

(b) If cage-type boom guards, insulating links, or proximity warning devices are used on cranes, such devices shall not be a substitute for the requirements of WAC 296-155-525 (3)(e), even if such devices are required by law or regulation. In view of the complex, invisible, and lethal nature of the electrical hazard involved, and to lessen the potential of false security, limitations of such devices, if used, shall be understood by operating personnel and tested in the manner and intervals prescribed by the manufacturer of the device. Compliance with WAC 296-155-525 (3)(e) is the recommended practice of this regulation in determining permissible proximity of the crane and its protruberances, including load, to electrical power lines.

(c) Before the commencement of operations near electrical lines, the person responsible for the job shall notify the owners of the lines or their authorized representatives, provide them with all pertinent information, and request their cooperation.

(d) Any overhead wire shall be considered to be an energized line unless and until the person owning such line or the electrical utility authorities verify that it is not an energized line.

(e) Exceptions to this procedure, if approved by the owner of the electrical lines, may be granted by the administrative or regulatory authority if the alternate procedure provides protection and is set forth in writing.

(f) Durable signs shall be installed at the operator's station and on the outside of the crane warning that electrocution or serious bodily injury may occur unless a minimum clearance of 10 feet (3 m) is maintained between the crane or the load being handled and energized power lines. Greater clearances are required because of higher voltage as stated in WAC 296-155-525 (3)(e). These signs shall be revised when local jurisdiction requires greater clearances.

(6) Site preparation and erection.

(a) All load bearing foundations, supports, and rail tracks shall be constructed or installed to support the crane loads and to transmit them to the soil or other support

medium. In addition to supporting vertical load, foundations and supports, rail supports excepted, should be designed to provide a moment resisting overturning equal to a minimum of 150% of the maximum crane overturning moment.

(b) Rails should be level and straight, unless specifically designed for curves or grades, and properly spaced for the crane trucks in accordance with the manufacturer's specifications. The track and support system should have sufficient rigidity to limit dynamic oscillations and deviations from plumb.

(c) Rails shall be securely attached to the supporting surface in a manner capable of resisting the horizontal and vertical loads specified by the manufacturer. When applicable, provisions should be made for thermal expansion and contraction.

(d) Splices in rail tracks (bolted or welded) shall have smooth joints.

(e) When required, a designated portion of the track should be arranged and constructed as an out-of-service parking area complete with means needed for supporting the crane against storm wind effects and anchoring it against unwanted movement along the track; the parking track should be in place before erection commences.

(f) Rails shall be electrically grounded when they carry cranes electrically powered from an outside source.

(g) Both ends of all tracks shall be provided with stops or buffers adjusted for simultaneous contact with both sides of the travel base.

(h) When more than one crane will be operating on a run of track, particular consideration should be given to the number and disposition of parking areas.

(i) The hazard of earthquake effects appropriated to the site or zone should be considered.

(j) The crane manufacturer shall provide maximum resulting loads at the base of the crane, or wheel loads, for use in design of the supports.

(7) General erection requirements.

(a) When cranes are erected, the manufacturer's or a qualified person's written erection instructions and a list of the weights of each component to be erected shall be at the site.

(b) Cranes shall be erected in accordance with the crane manufacturer's or a qualified person's recommendations. Erection shall be performed under the supervision of a qualified person.

(c) Procedures shall be established before erection work commences to implement the erection instructions and to adapt them to the particular needs of the site. The need for temporary guying and bracing during erection shall be established.

(d) Before crane components are erected, they shall be visually inspected for damage. Damaged members shall not be erected until repaired in accordance with the manufacturer's or qualified person's instructions, or replaced.

(e) Slings and lifting accessories shall be selected and arranged to avoid damaging or marring crane members during erection.

(f) Wind velocity at the site at the time of erection should be considered as a limiting factor that could require suspending the erection operation.

(g) Crane towers shall be erected plumb to a tolerance that is specified by the manufacturer.

(h) Cranes required to weathervane when out-of-service shall be installed with clearance for the boom and superstructure to swing a full 360° arc without striking a fixed object or other crane.

WSR 95-09-009
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed April 7, 1995, 11:36 a.m.]

Original Notice.

Title of Rule: See Purpose below.

Purpose: Chapter 296-401 WAC, Certification of competency for journeyman electricians, proposed amendments to chapter 296-401 WAC are made to notify the public of all charges, fees, and certification periods associated with application, examination, and renewal of electricians certificates of competency as required by chapter 19.28 RCW and to clarify the actual cost to accomplish and maintain electricians certification. Proposed amendments are also made to incorporate amendments previously made to chapter 19.28 RCW not currently in the WAC rule. The proposed amendments adjust the renewal fees for electricians to reflect the three year renewal period. Proposed amendments to WAC 296-401-175(1) reflect the lengthened renewal period from twenty-four months to thirty-six months and add an additional \$20.00 to the fee for the additional twelve month period. Proposed amendments to WAC 296-401-175(2) reflect the lengthened late-renewal period from twenty-four months to thirty-six months and add an additional \$40.00 to the fee for the additional twelve month period. The fees are not increased, but are adjusted to allow for the extended renewal periods. These amendments were previously taken to public hearing on October 26, 1993, and October 29, 1993, but were inadvertently omitted from the adoption filing package filed with the code reviser. These amendments are being returned to public hearing to complete the adoption process required by the Administrative Procedure Act. Other amendments being proposed add subsection (7) to WAC 296-401-175 to reflect the current vendor testing/retesting fee for journeyman/specialty electrician testing not currently indicated in the standard. In addition, due to a fee study currently in process, the fee indicated in WAC 296-401-175(3) may be adjusted up or down not more than \$10 per adjustment as a result of the fee study. The fee study will be completed by the date of the first hearing. Any adjustment necessary to the fee as a result of the fee study will be announced at the public hearings.

Statutory Authority for Adoption: RCW 19.28.060, [19.28].550, [19.28].600.

Statute Being Implemented: Chapter 19.28 RCW.

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Peter Schmidt, 7273 Linderson Way, Tumwater, WA, (360) 902-5571; Implementation and Enforcement: Frank P. Leuck, 7273 Linderson Way, Tumwater, WA, (360) 902-5495.

Name of Proponent: Department of Labor and Industries, governmental.

PROPOSED

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal Changes the Following Existing Rules: See Purpose above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The department has considered whether these rules are subject to the Regulatory Fairness Act and has determined the proposed amendments do not require a small business economic impact statement as the rules do not add any additional or new compliance requirements, and the administrative costs associated with this proposed rule are already being applied and will not have a disproportionate economic impact on small business.

Hearing Location: Department of Labor and Industries Building, Auditorium, 7273 Linderson Way, Tumwater, WA, on May 23, 1995, at 9:30 a.m.; and at the Department of Labor and Industries, Spokane Service Location, North 901 Monroe Street, Spokane, WA, on May 25, 1995, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Linda Dausener by May 10, 1995, (360) 902-5516.

Submit Written Comments to: Pete Schmidt, Program Manager, Special Compliance Support, Division of Consultation and Compliance, P.O. Box 44460, Olympia, WA 98504-4460, by May 30, 1995. In addition to written comments, the department will accept comments submitted to FAX (360) 902-5292. Comments submitted by FAX must be ten pages or less.

Date of Intended Adoption: July 12, 1995.

April 7, 1995
Mark O. Brown
Director

[AMENDATORY SECTION (Amending WSR 92-09-010, filed 4/2/92)]

WAC 296-401-175 Journeyman, specialty and trainee certificate, and examination fees.

- (1) Journeyman or specialty electrician certificate renewal (per ~~24~~ 36-month period) - \$ ~~40~~ \$60
- (2) Late renewal of journeyman or specialty electrician certificate (per ~~24~~ 36-month period) - \$ ~~80~~ \$120
- (3) Journeyman or specialty electrician examination application (nonrefundable) - \$ 25*
- (4) Journeyman or specialty electrician original certificate (submitted with application) - \$ 40
- (5) Trainee certificate (expires one year after purchase) - \$ 20
- (6) Trainee certificate renewal or update of hours - \$ 20
- (7) Journeyman or specialty electrician test or retest fee - \$ 45

* NOTE: Pending the results of a fee study, the fee may be adjusted up or down not more than \$10 per adjustment.

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.

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 95-09-026
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed April 12, 1995, 4:51 p.m.]**

Original Notice.

Title of Rule: WAC 388-49-080 Expedited service.

Purpose: Includes the limited utility allowance in the expedited services determination.

Statutory Authority for Adoption: RCW 74.04.050.

Statute Being Implemented: RCW 74.04.050.

Summary: Available money and income received during the month is compared to see what is paid for rent and utilities. If rent and utility costs [are] more than income received, the applicant/recipient is eligible for food stamps.

Reasons Supporting Proposal: This amendment is for households that are not paying for heating or cooling costs, but are paying for a utility other than a phone. This will determine that fewer households will claim actual utility expenses.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Wendy Forslin, Division of Income Assistance, 438-8323.

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.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. This change does not affect small businesses; it only affects food stamp recipients. The change may include more persons that are able to get food stamp benefits within five days of application.

Hearing Location: OB-2 Auditorium, 14th and Jefferson, Olympia, Washington, on May 23, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Office of Vendor Services by May 2, 1995, TDD (206) 753-4542, or SCAN 234-4542.

Submit Written Comments to: Jeanette Sevedge-App, Acting Chief, Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, 14th Avenue and Jefferson Street, Olympia, Washington 98504, Please Identify WAC Numbers, FAX (206) 586-8487, by May 9, 1995.

Date of Intended Adoption: May 24, 1995.

PROPOSED

April 12, 1995
 Jeanette Sevedge-App
 Acting Chief
 Office of Vendor Services

(6) When a household is entitled to expedited service and a waiver of the office interview, the department shall:
 (a) Conduct an out-of-office interview; and
 (b) Complete the application process within the expedited service standard.

AMENDATORY SECTION (Amending Order 3654, filed 10/27/93, effective 11/27/93)

WAC 388-49-080 Expedited service. (1) The department shall provide expedited service for applying households when the household:

(a) Has liquid resources of one hundred dollars or less; and

(b) Has gross monthly income under one hundred fifty dollars; or

(c) Has combined gross monthly income and liquid resources which are less than the household's current monthly rent or mortgage and either the:

(i) Standard utility allowance as set forth in WAC 388-49-505;

((or))

(ii) Limited utility allowance; or

(iii) Actual utilities costs, whichever is higher; or

(d) Includes all members who are homeless individuals;

or

(e) Includes a destitute migrant or seasonal farm worker whose liquid resources do not exceed one hundred dollars.

(2) The department shall provide food stamps to households eligible for expedited service by the end of the fifth calendar day following the date the application was filed.

(3) The department shall provide food stamps to residents of drug and alcohol treatment centers and group living arrangements eligible for expedited service, by the fifth calendar day following the date of application.

(4) When certifying a household eligible for expedited service, the department shall:

(a) Verify the applicant's identity through readily available documentary evidence, or if this is unavailable, through a collateral contact; or

(b) Verify the identity of the authorized representative who applies on behalf of the household; and

(c) Make a reasonable effort to complete verification as described in WAC 388-49-110 within the expedited processing standards;

(d) Require the applicant to register for work unless exempt or the authorized representative is applying for the household;

(e) Attempt to register other nonexempt household members for work without delaying expedited benefits;

(f) Issue benefits within five calendar days for expedited service; and

(g) Assist the household in obtaining necessary verification.

(5) The department shall not limit the number of times a household may receive expedited service provided the household:

(a) Completes the postponed verification requirements;

or

(b) Was certified under the thirty-day processing standard since the last expedited certification.

**WSR 95-09-033
 PROPOSED RULES
 DEPARTMENT OF
 SOCIAL AND HEALTH SERVICES**

(Public Assistance)

[Filed April 13, 1995, 4:43 p.m.]

Original Notice.

Title of Rule: WAC 388-49-190 Household concept.

Purpose: Simplifies household composition by deleting the description of different types of households.

Statutory Authority for Adoption: RCW 74.04.050 and 74.04.510.

Statute Being Implemented: RCW 74.04.050 and 74.04.510.

Summary: Deletes the description of different types of households which are difficult to understand and replaces them with the basic rule.

Reasons Supporting Proposal: Simplifies household concept.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Wendy Forslin, Division of Income Assistance, 438-8323.

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.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. This revision impacts the food stamp program only and does not affect small business. It deletes the descriptions of the different types of households that only seem to confuse field staff.

Hearing Location: OB-2 Auditorium, 14th and Jefferson, Olympia, Washington, on May 23, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Office of Vendor Services by May 9, 1995, TDD (206) 753-4542, or SCAN 234-4542.

Submit Written Comments to: Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, 14th Avenue and Jefferson Street, Olympia, Washington 98504, Please Identify WAC Numbers, FAX (206) 586-8487, by May 16, 1995.

Date of Intended Adoption: May 24, 1995.

April 13, 1995

Jeanette Sevedge-App

Acting Chief

Office of Vendor Services

PROPOSED

AMENDATORY SECTION (Amending Order 3838, filed 2/22/95, effective 4/1/95)

WAC 388-49-190 Household concept. (1) The department shall consider the following as households:

- (a) A person living alone;
- (b) ~~((A group of))~~ Persons living together and purchasing or preparing meals together; or
- (c) ~~((A person living with others and purchasing and preparing meals separate from the others;~~
- (~~d~~)) A permanently disabled and elderly person unable to prepare meals provided the:
 - (i) Person's spouse shall be included in the household; and

(ii) Income of other individuals, except the person's spouse, living with the person does not exceed one hundred sixty-five percent of the poverty level.

~~((e) A person and child living with the person's parent when the person and child purchase and prepare meals separate from the parent;~~

~~(f) A person and spouse living with the person's parent when the person and spouse purchase and prepare meals separate from the parent;~~

~~(g) A person twenty-two years of age or older living with a parent when the person purchases and prepares meals separate from the parent; or~~

~~(h) A person, living with a sibling, who purchases and prepares meals separate from the sibling when the sibling is not under parental control of the person-)~~

(2) The department shall consider the following as households regardless of the purchase and prepare arrangements:

(a) ~~((A))~~ Parents and ((the parent's)) their natural, adoptive, or ((stepchild)) stepchildren twenty-one years of age or younger except for the children who:

(i) Purchase and prepare meals separate from the parents; and

(ii) Live with a spouse; or

(iii) Live with their own child.

(b) ~~((A))~~ Person seventeen years of age or younger under parental control of ~~((any))~~ an adult other than their parent, and the adult who is maintaining the control; or

(c) ~~((A person and the person's spouse))~~ Spouses who live together.

(3) The department shall consider the following persons living with the household as nonhousehold members who, if otherwise eligible, may qualify as a separate household ~~((except ineligible students))~~:

(a) Roomers;

(b) Live-in attendants; or

(c) ~~((Ineligible students; or~~

~~(d))~~ Persons sharing living quarters with the household who purchase food and prepare meals separately from the household.

(4) The department shall consider the following persons living with the household as ineligible household members:

(a) Persons disqualified for intentional program violation;

(b) Persons disqualified because of noncompliance with work requirements as described under WAC 388-49-360;

(c) Persons who are ineligible aliens;

(d) Persons disqualified for failure to apply for or provide a Social Security number; or

(e) Persons who fail to sign the application attesting to their citizenship or alien status.

WSR 95-09-034
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Filed April 13, 1995, 4:44 p.m.]

Original Notice.

Title of Rule: WAC 388-49-110 Verification.

Purpose: Simplifies the verification policy. Deletes the mandatory verification requirements and replaces it with the general policy.

Statutory Authority for Adoption: RCW 74.04.050.

Statute Being Implemented: RCW 74.04.050.

Summary: See Purpose above.

Reasons Supporting Proposal: Adds the mandatory verification requirements to procedures and simplifies the verification policy.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Wendy Forslin, Division of Income Assistance, 438-8323.

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.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. This change does not affect small businesses, it only affects food stamp recipients. The change simplifies the policy in the food stamp program manual for field staff.

Hearing Location: OB-2 Auditorium, 14th and Jefferson, Olympia, Washington, on May 23, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Office of Vendor Services by May 9, 1995, TDD (206) 753-4542, or SCAN 234-4542.

Submit Written Comments to: Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, 14th Avenue and Jefferson Street, Olympia, Washington 98504, Please Identify WAC Numbers, FAX (206) 586-8487, by May 16, 1995.

Date of Intended Adoption: May 24, 1995.

April 13, 1995

Jeanette Sevedge-App

Acting Chief

Office of Vendor Services

AMENDATORY SECTION (Amending Order 3774, filed 8/24/94, effective 9/24/94)

WAC 388-49-110 Verification. (1) The department shall verify household eligibility from the following sources:

(a) Documentary evidence;

(b) Collateral contacts; and
 (c) Scheduled home visits.
 (2) The household has primary responsibility for providing documentary evidence. The department shall offer to assist in obtaining documentary evidence if it would be difficult or impossible for the household to obtain in a timely manner.

~~(3) ((At initial application, the department shall verify:
 (a) Identity of:
 (i) The person making the application; or
 (ii) The authorized representative and the head of household;~~

~~(b) Immigration status of all alien household members;
 (c) Residency;
 (d) Gross nonexempt income;
 (e) Actual utility expenses in excess of the standard utility allowance as specified in WAC 388-49-505;~~

~~(f) Medical care expenses as specified under WAC 388-49-500 (6) and (7);~~

~~(g) Dependent care expenses as specified under WAC 388-49-500 (6)(a);~~

~~(h) Disability;~~

~~(i) Resources of an alien's sponsor; and
 (j) Actual shelter costs for households where all members are homeless as specified under WAC 388-49-020(36); if the shelter costs exceed the shelter amount as specified under WAC 388-49-500.~~

~~(4) At recertification, the department shall verify:
 (a) A change in income or actual utility expenses claimed by a household if the source has changed or the amount has changed by more than twenty-five dollars since the verification was completed; and~~

~~(b) Medical care expenses as specified under WAC 388-49-500 (6) and (7).~~

~~(5) The department shall verify for monthly reporting households the following factors on a monthly basis:~~

~~(a) Gross nonexempt income;
 (b) Utility expenses unless the standard utility allowance is used;~~

~~(c) Alien status, Social Security number, and residency, if changed;~~

~~(d) All other questionable information.~~

~~(6) The department shall verify questionable information.) The department shall verify eligibility factors as deemed necessary by the department at certification, recertification, monthly reporting, and change of circumstance.~~

WSR 95-09-035
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Public Assistance)
 [Filed April 13, 1995, 4:45 p.m.]

Original Notice.

Title of Rule: WAC 388-218-1200 Exempt income types, 388-218-1350 Deductible self-employment expenses, 388-218-1450 Thirty dollars and one-third disregard, 388-218-1605 Allocation of income—Multiple assistance units, 388-218-1610 Allocation of parental income and support, 388-218-1630 Allocation of assistance unit income for

support of legal dependents, 388-218-1680 Allocation of income to pregnant women, and 388-218-1730 One hundred percent of need test.

Purpose: Clarifies language and adds new provisions per federal statute.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary of Reasons: Adds payments to victims of Nazi persecution to exempt income types; changes transportation costs per mile from .08 per mile to prevailing state rate; adds provision allowing 30+1/3 income disregard for nine months for EPP participants; inserts omitted word income; clarifies language regarding budgeted parental income; clarifies language regarding budgeted parental income and for whom support can be deducted; clarifies allocation of income for pregnant women as GAS program follow AFDC rules; and clarifies persons must be off AFEC [AFDC] for one year to be eligible for 30+1/3 disregard after initial four-month use.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Rena Milare, Division of Income Assistance, 438-8311.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is necessary because of federal law and federal court decision, P.L. 103-286 and RCW 74.08.090; Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act.

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. These amendments impact the AFDC program only and do not affect small business.

Hearing Location: OB-2 Auditorium, 14th and Jefferson, Olympia, Washington, on May 23, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Office of Vendor Services by May 9, 1995, TDD (206) 753-4542, or SCAN 234-4542.

Submit Written Comments to: Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, 14th Avenue and Jefferson Street, Olympia, Washington 98504, Please Identify WAC Numbers, FAX (206) 586-8487, by May 16, 1995.

Date of Intended Adoption: May 24, 1995.

April 13, 1995
 Jeanette Sevedge-App
 Acting Chief
 Office of Vendor Services

AMENDATORY SECTION (Amending Order 3759, filed 7/27/94, effective 9/1/94)

WAC 388-218-1200 Exempt income types. The department shall exempt the following from consideration as income when determining need:

(1) The income of a supplemental security income recipient. The department shall not count nonrecurring lump sum SSI retroactive payments made to an AFDC client as income in the month paid nor in the next following month;

(2) AFDC benefits resulting from a court order modifying a department policy;

(3) Title IV-E, state and/or local foster care maintenance payments;

(4) Adoption support payments if the adopted child is excluded from the assistance unit;

(5) Payment under Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, P.L. 91-646, section 218;

(6) The food coupon allotment under Food Stamp Act of 1977;

(7) Compensation to volunteers under the Domestic Volunteer Act of 1973, P.L. 93-113, Titles I, II, and III;

(8) Benefits under women, infants and children program (WIC);

(9) Food service program for children under the National School Lunch Act of 1966, P.L. 92-433 and 93-150;

(10) Energy assistance payments;

(11) Housing and Urban Development (HUD) community development block grant funds that preclude use for current living costs;

(12) Restitution payments made under the Wartime Relocation of Civilians Act, P.L. 100-383. The department shall disregard income and resources derived from restitution payments;

(13) A previous underpayment of assistance under WAC 388-33-195. The department shall not consider such retroactive corrective AFDC payments as income in the month paid nor in the next following month;

(14) Payments made from the Agent Orange Settlement Fund or any other funds established to settle Agent Orange liability claims, P.L. 101-201. The effective date of the disregard is retroactive to January 1, 1989;

(15) Payments made under the Disaster Relief Act of 1974, P.L. 93-288, as amended by Disaster and Relief and Emergency Assistance Amendments of 1988, P.L. 100-707. This applies to assistance issued by federal, state, or local governments or by a disaster assistance organization;

(16) Payments from the Radiation Exposure Compensation Act, P.L. 101-426, made to an injured person, surviving spouse, children, grandchildren, or grandparents;

(17) Earned income tax credit; ~~(and)~~

(18) Payments made to victims of Nazi persecution, under public law P.L. 103-286; and

(19) Payments made from the Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act trust fund, pursuant to P.L. 93-134. Funds paid, interest or investment income earned on such funds, and any payment authorized by the tribe or the Secretary of the Interior are not counted as income.

(20) Income specifically excluded by any other federal statute from consideration as income.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-218-1350 Deductible self-employment expenses. The department shall consider the following items as deductible business expenses in a self-employment enterprise:

(1) Rental of business equipment or property.

(2) Utilities.

(3) Postage.

(4) Telephone.

(5) Office supplies.

(6) Advertising.

(7) Insurance.

(8) Legal, accounting, and other professional fees.

(9) The cost of goods sold, including wages paid to employees producing salable goods, raw materials, stock, and replacement or reasonable accumulation of inventory, provided inventory has been declared exempt on the basis of an agreed plan pursuant to WAC 388-216-2500.

(10) Interest on business indebtedness.

(11) Wages and salaries paid to employees not producing salable goods.

(12) Commissions paid to agents and independent contractors.

(13) ~~((Transportation essential to the business may be computed according to the actual documented work-related cost of operating the vehicle.~~

~~(a) The total operating cost of a vehicle shall be))~~
Documented and verified costs of self-employment business-related transportation. These costs are limited to gas, oil, and fluids; necessary services and repairs; replacement of worn items such as tires; registration and licensing fees; and interest on automobile loans.

(a) The client may choose:

(i) To itemize the actual operating cost of a vehicle; or

(ii) A cost per mile established by the department using a prevailing rate based on market standards.

~~(b) ((When the client chooses, eight cents per mile shall be allowed to cover the work-related costs of gas, oil, and fluids.~~

~~(c))~~ The cost of tolls and parking related to the business shall be deducted as a business expense.

~~((d))~~ (c) If a vehicle is needed for both business and private purposes, the mileage and expenses attributable to the business must be documented in a daily log and is subject to verification by the department.

~~((e))~~ (d) Transportation to and from the place of business is not a business expense, but is a personal work expense and is covered by the work expense deduction.

(14) Nonpersonal taxes on the business and business property, including the employer's share of federal Social Security taxes on business employees and state and federal unemployment insurance contributions, if any. The self-employed person's personal income taxes and self-employment taxes are not business deductions, but are work expenses covered by the work expense deduction.

(15) Repairs to business equipment and property, excluding vehicles. An expenditure to maintain property in its usual working condition is deductible as a repair.

(16) Other expenditures reasonable and necessary to the efficient and profitable operation of the self-employment enterprise.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-218-1450 Thirty dollars and one-third disregard. (1) For each nonstudent dependent child and adult found otherwise eligible to receive assistance or having received assistance in one of the four prior months, disregard

thirty dollars and one-third of the remainder not already disregarded.

(2) The thirty dollars and one-third disregard shall be applied for a maximum of four consecutive months and cannot be applied again until the client has been a nonrecipient for twelve consecutive months.

(3) For clients participating in a work supplementation program, such as EPP, the thirty dollars and one-third disregard shall be applied for a maximum of nine consecutive months and cannot be applied again until the client has been a nonrecipient for twelve consecutive months.

(4) Months in which the client received the thirty dollars and one-third exemption in another state shall not apply toward the applicable time limits.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-218-1605 Allocation of income—Multiple assistance units. (1) The department shall allocate all nonexempt net income possessed by an assistance unit member to meet the needs of the assistance unit, except when families are comprised of two or more assistance units.

(2) The department shall allocate an equal portion of the total nonexempt net community income, including income in-kind, to meet the needs of each assistance unit unless:

- (a) The family prefers some other division; and
- (b) The preferred division does not increase the total amount of assistance, excluding medical care.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-218-1610 Allocation of parental income and support. (1) Support payments made by or in behalf of an absent parent are income to the child(ren) and are to be treated in accordance with WAC 388-14-210 Support payments to office of support enforcement.

(2) When the custodial parent is not included in the assistance unit because of noncompliance with WAC 388-215-1400 Support enforcement—Assignment of support rights—Cooperation with office of support enforcement or WAC 388-47-210, JOBS program—Sanctions for refusal or failure to participate:

(a) The income of such parents is ~~((allocated))~~ budgeted according to WAC 388-218-1630 Allocation of income for support of legal dependents;

(b) Support payments paid directly to the parent and not forwarded to the office of support enforcement are income to the child(ren) and are to be taken into account in determining the need of the assistance unit.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-218-1630 Allocation of assistance unit income for support of legal dependents. (1) The department shall ~~((allocate))~~ budget the income of a parent or stepparent included in the assistance unit to meet the needs of the assistance unit after ~~((deducting))~~ allocating an amount for:

- (a) ~~((Applicable work expense disregards to meet the cost of employment;~~

~~((b)))~~ Support of other dependents not eligible for inclusion in the assistance unit for factors other than sanction or noncooperation, not to exceed the appropriate payment standard for an assistance unit of the same composition;

~~((e)))~~ (b) Court or administratively ordered support for a legal dependent ~~((not living in the parent or stepparent's home))~~, not to exceed the lesser of the amount actually paid or the appropriate need standard for each dependent;

(2) The department shall consider a dependent to be one who:

(a) Is or could be claimed for federal income tax purposes by the parent or stepparent; or

(b) The parent or stepparent is legally obligated to support.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-218-1680 Allocation of income to ~~((women in third trimester of pregnancy))~~ pregnant women. (1)

The department shall use the need standard that reflects the number of people in the family as though the child were born when applying the WAC 388-218-1720 One hundred eighty-five percent of need test. Include the father when residing in the client's home.

(2) The department shall use the payment standard that reflects the number of people in the family as though the child were born when applying the WAC 388-218-1740 Payment standard test. Include the father when residing in the client's home.

(3) The department shall follow the rules specified in WAC 388-218-1640 Allocation of nonassistance unit income for support of legal dependents, for the allocation of income to a ~~((woman in the third trimester of pregnancy))~~ pregnant woman when the parents are married and the father resides in the client's home.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-218-1730 One hundred percent of need test. (1) The assistance unit's monthly nonexempt unearned income plus monthly earned income, less allowable disregards, shall be below the appropriate state need standard plus additional requirements.

(2) This test does not apply if the assistance unit received ~~((assistance))~~ AFDC in one of the four months before the month of application.

WSR 95-09-038

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed April 14, 1995, 8:55 a.m.]

Original Notice.

Title of Rule: Cherries. Grades and standards for cherries, chapter 16-414 WAC; and Inspection of fruits and vegetables, chapter 16-461 WAC.

Purpose: Duplicates the federal marketing order (FMO) with identical standards for cherries but includes all production areas of Washington. Adds container marking requirements, and row count/row size to container marking.

Creates new Northwest No. 1 grade reflective of FMO and Washington No. 1 grades. Duplicates current FMO for inspection, establishes inspection requirements for dark cherry varieties, establishes mandatory regulations and includes all cherry production areas of Washington.

Statutory Authority for Adoption: Chapter 15.17 RCW.
Statute Being Implemented: Chapter 15.17 RCW.

Summary: The proposal changes the minimum diameter of cherries, sets the row count/row size for container markings, makes allowances for offsize, establishes a new Northwest No. 1 grade and tolerances, adds a "face packed" definition, establishes container requirements for dark varieties of cherries, adopts the United States standards for grades of sweet cherries as they apply to U.S. No. 1. The proposal also updates the name of [the] division in the Washington State Department of Agriculture currently containing the fruit and vegetable inspection program, establishes an exemption for >100 pound shipments of cherries sold for home use and not for resale, and makes certification of dark varieties of sweet cherries mandatory.

Reasons Supporting Proposal: Industry request, uniformity of regulation between the United States and state standards, reflection of current industry practices.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jim Quigley, 1111 Washington Street, Olympia, WA 98504, (360) 902-1833.

Name of Proponent: Washington State Horticultural Association, Randy Smith, President, private.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Agency supports industry request.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposal brings state regulation into line with the FMO, but includes all cherry production areas in Washington instead of being limited to certain counties. It adds requirements to be used if and when containers are marked with row count/row size. It also creates a new Northwest No. 1 grade reflective of the FMO. It reflects current practices in the industry. No effects on industry are anticipated. The proposal brings the state inspection requirements reflective of the FMO and makes it mandatory for dark varieties of sweet cherries in all production areas of Washington to be certified. This change has been requested by industry. Industry has been certifying the majority of production without the rule. The rule brings regulation in line with industry practice.

Proposal Changes the Following Existing Rules: Adds language to chapter 16-414 WAC (see Summary above), adds FMO requirements to rule, establishes inspection requirements for dark cherries and now includes all cherry production areas instead of only specified counties.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Industry is currently certifying cherry production. The rule only established current practice in WAC. Industry currently uses these grades and standards in the inspection process. The usage of the grades is not anticipated to cause any increased cost to industry. Changes only reflect current industry practices.

Hearing Location: Washington State University, Tree Fruit Research Station, 1100 North Western Avenue, Wenatchee, WA 98801, on May 30, 1995, at 10:00 a.m.; and at the Washington State Department of Agriculture, Ag Service Center, 2015 South First Street, Yakima, WA 98903, on May 31, 1995, at 10:00 a.m.

Submit Written Comments to: Jim Quigley, Washington State Department of Agriculture Plant Services, P.O. Box 42560, Olympia, WA 98504-2560, by May 31, 1995.

Date of Intended Adoption: June 1, 1995.

April 13, 1995
K. Diane Dolstad
Assistant Director

AMENDATORY SECTION (Amending Order 1550, filed 3/31/78)

WAC 16-414-010 Washington No. 1 grade and tolerances defined. (1) Washington No. 1 shall consist of sweet cherries which meet the following requirements: Similar varietal characteristics; mature; fairly well colored; well formed and clean; free from decay insect larvae or holes caused by them, soft overripe or shriveled, underdeveloped doubles and sunscald; and free from damage by any other cause.

(2) Size. (~~Unless otherwise specified,~~)

(a) The minimum diameter of each cherry shall be not less than (~~three-fourths~~) 54/64 inch. The maximum diameter of the cherries in any lot may be specified in accordance with the facts.

(b) When containers of cherries are marked with a row count/row size designation, the row count/row size marked shall be one of those shown in column 1 of the following table and shall be of the corresponding minimum diameter size shown in column 2:

<u>Column 1</u> Row count/Row size	<u>Column 2</u> Diameter in inches
<u>9</u>	<u>75/64</u>
<u>9 1/2</u>	<u>71/64</u>
<u>10</u>	<u>67/64</u>
<u>10 1/2</u>	<u>64/64</u>
<u>11</u>	<u>61/64</u>
<u>11 1/2</u>	<u>57/64</u>
<u>12</u>	<u>54/64</u>

(3) Tolerances. In order to allow for variations incident to proper grading and handling, the following tolerances, by count, are provided as specified:

(a) For defects at shipping point. Washington No. 1. Eight percent for cherries which fail to meet the requirements for this grade: *Provided*, That included in this amount not more than four percent shall be allowed for defects causing serious damage, including in this latter amount not more than one-half of one percent for cherries which are affected by decay.

Note: Shipping point, as used in these standards, means the point of origin of the shipment in the producing area or at port of loading for ship stores or overseas shipment, or, in the case of shipments from outside the continental United States, the port of entry into the United States.

(b) For defects en route or at destination.

PROPOSED

Washington No. 1. Twenty-four percent for cherries in any lot which fail to meet the requirements for this grade: *Provided*, That included in this amount not more than the following percentages shall be allowed for defects listed:

- (i) Eight percent for cherries which fail to meet the requirements for this grade because of permanent defects; or
- (ii) Six percent for cherries which are seriously damaged, including therein not more than four percent for cherries which are seriously damaged by permanent defects and not more than two percent for cherries which are affected by decay.

(c) For off-size. ~~((Five percent for cherries which fail to meet the specified minimum diameter and ten percent for cherries that fail to meet any specified maximum diameter.))~~

(i) Not more than ten percent, by count, of cherries in any inspection lot shall measure less than 54/64 inches in diameter.

(ii) Ten percent, by count, for cherries which fail to meet any specified maximum diameter when such maximum diameter is marked on the container or specified in terms of fractions of inches.

(iii) When the containers are marked with row count/row size or the lot is specified by row count/row size, not more than ten percent, by count, of the cherries in any inspection lot may fail to meet the corresponding diameter size as defined in subsection (2)(b) of this section.

NEW SECTION

WAC 16-414-015 Northwest No. 1 grade and tolerances defined. (1) Northwest No. 1 shall consist of sweet cherries which meet the requirements of Washington No. 1 as defined in WAC 16-414-010 (1) and (2), except for tolerances.

(2) Tolerances. In order to allow for variations incident to proper grading and handling, the following tolerances, by count, are provided as specified:

(a) For defects at shipping point. Northwest No. 1. Ten percent for cherries in any inspection lot which fail to meet the requirements for this grade: *Provided*, That included in this amount not more than five percent shall be allowed for defects causing serious damage, including in this latter amount not more than one percent for cherries which are affected by decay. The contents of individual samples or containers in any lot shall not be limited to the percentage of grade defects as defined in WAC 16-414-020(1).

Note: Shipping point, as used in these standards, means the point of origin of the shipment in the producing area or at port of loading for ship stores or overseas shipment, or, in the case of shipments from outside the continental United States, the port of entry into the United States.

(b) For defects en route or at destination. Northwest No. 1. Twenty-four percent for cherries in any inspection lot which fail to meet the requirements for this grade: *Provided*, That included in this amount not more than the following percentages shall be allowed for defects listed:

(i) Ten percent, by count, for cherries which fail to meet the requirement for this grade because of permanent defects; or

(ii) Seven percent, by count, for cherries which are seriously damaged, including therein not more than five percent for cherries which are seriously damaged by perma-

nent defects and not more than two percent for cherries which are affected by decay.

(c) For off-size.

(i) Not more than ten percent, by count, of cherries in any inspection lot shall measure less than 54/65 inches in diameter.

(ii) Ten percent, by count, for cherries which fail to meet any specified maximum diameter when such maximum diameter is marked on the container or specified in terms of fractions of inches.

(iii) When the containers are marked with row count/row size or the lot is specified by row count/row size, not more than ten percent, by count, of the cherries in any inspection lot may fail to meet the corresponding diameter size as defined in WAC 16-414-010 (2)(b).

AMENDATORY SECTION (Amending Order 1550, filed 3/31/78)

WAC 16-414-020 Application of tolerances. (1) Individual samples shall have not more than double the tolerances specified, except that at least two defective and two off-size specimens may be permitted in any sample: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade.

(2) When containers are marked with row count/row size or the lot is specified by row count/row size, the individual samples or containers shall not be limited as to the percentage of cherries which are smaller than the diameter corresponding to the particular row count/row size, except that not more than twenty percent, by count, of the cherries in any sample or container shall measure less than 54/64 inches in diameter.

AMENDATORY SECTION (Amending Order 1550, filed 3/31/78)

WAC 16-414-030 Definitions. (1) Similar varietal characteristics. "Similar varietal characteristics" means that the cherries in any container are similar in color and shape.

(2) Mature. "Mature" means that the cherries have reached the stage of growth which will insure the proper completion of the ripening process.

(3) Fairly well colored. "Fairly well colored" means that at least ninety-five percent of the surface of the cherry shows characteristic color for mature cherries of the variety.

(4) Well formed. "Well formed" means that the cherry has the normal shape characteristic of the variety, except that mature well developed doubles shall be considered well formed when each of the halves is approximately evenly formed.

(5) Clean. "Clean" means that the cherries are practically free from dirt, dust, spray residue, or other foreign material.

(6) "Face packed" means that the cherries in the top layer in any container are placed so that the stem ends are pointing downward toward the bottom of the container.

NEW SECTION

WAC 16-414-085 Container requirements. All sweet cherries except Rainier, Royal Anne, and similar varieties commonly known as "light sweet cherries," shall be placed in containers which meet the following requirements:

(1) The net weight of loose packed (jumble filled) cherries in any container shall be twelve pounds or less, or twenty pounds or more. The net weight of face-packed cherries in any container shall be fifteen pounds, or twelve pounds or less: *Provided*, That containers with a net weight of twelve pounds or less may be packed together with like containers in a master shipping container.

(2) The director may, upon the recommendation by the Washington state horticultural association's cherry committee, allow the use of containers not specified in subsection (1) of this section, as experimental containers for the purpose of test or trial marketing: *Provided*, That cherries placed in such containers shall meet the quality requirements of the Washington No. 1, U.S. No. 1, or Northwest No. 1 grade, and that at least ninety percent, by count, of the cherries in any lot of such containers shall measure not less than 54/64 inches in diameter, by requesting a waiver.

AMENDATORY SECTION (Amending Order 1550, filed 3/31/78)

WAC 16-414-090 Marking containers. Containers shall be conspicuously and legibly stamped with the name and the address of the grower, packer or shipper, the net weight, and ~~((may))~~ shall be marked with the true variety name ~~((of))~~ or "sweet cherries." The containers may be marked with the grade name Washington No. 1, U.S. No. 1, or Northwest No. 1.

NEW SECTION

WAC 16-414-095 Adoption of United States standards as state standards. In addition to the standards for cherries prescribed in WAC 16-414-010 through 16-414-090, there are hereby adopted, as additional standards of the state of Washington for cherries, the United States standards for grades of sweet cherries, effective May 7, 1971, as they apply to U.S. No. 1, provided, the minimum size of cherries and tolerances for undersize shall meet the requirements of the Washington No. 1 grade.

AMENDATORY SECTION (Amending WSR 92-18-103, filed 9/2/92, effective 10/3/92)

WAC 16-461-010 Inspection certificate and/or permit required. (1) No person shall ship, transport, accept for shipment, or accept delivery of, any commercial lot of the following agricultural products without an inspection and the issuance of a certificate and/or a permit by the ~~((commodity inspection))~~ plant services division of the department of agriculture allowing such shipment, movement or delivery:

(a) Apricots - in closed or open containers for fresh market.

(b) Italian prunes - in closed or open containers for fresh market.

(c) Peaches - in closed or open containers for fresh market.

(d) Cherries - in closed or open containers for fresh market: *Provided*, That no permit shall be issued on cherries infested with live cherry fruit fly larvae.

(e) Apples - in closed or open containers for fresh market: *Provided*, That apples may be shipped or transported if accompanied by a certificate of compliance issued by the shipper or packer of apples having the approval of the director to issue the certificates of compliance.

(f) Pears - in closed or open containers for fresh market: *Provided*, That pears may be shipped or transported if accompanied by a certificate of compliance issued by the shipper or packer of pears having the approval of the director to issue the certificates of compliance.

(g) Asparagus - in closed or open containers for fresh market: *Provided*, That asparagus may be shipped or transported if accompanied by certificates of compliance issued by the shipper or packer of the asparagus, having the approval of the director to issue the certificates of compliance.

(h) Apples in containers or bulk, for processing: *Provided*, That apples for processing may be shipped or transported if accompanied by a certificate of compliance issued by the shipper of apples having the approval of the director to issue the certificates of compliance: *Provided further*, That apples for processing entering intrastate commerce shall not require a permit.

(i) Pears in containers or bulk, for processing: *Provided*, That pears for processing may be shipped or transported if accompanied by a certificate of compliance issued by the shipper of pears having the approval of the director to issue the certificates of compliance: *Provided further*, That pears for processing entering intrastate commerce shall not require a permit.

(2) Exemptions - Fruits and vegetables listed in WAC 16-461-010 shall be exempted from requirements for inspection and issuance of a certificate or permit:

(a) When the product is being transported from the premises where grown or produced to a horticultural facility other than wholesale or retail for the purpose of storing, grading, packing, packaging, labelling, or processing; prior to entering commercial channels for resale;

(b) When transportation is between horticultural facilities other than those facilities which sell at wholesale or retail level, for the purposes set forth in (a) of this subsection;

(c) When sold or transported to a fruit/produce stand within the zone of production, not to exceed daily quantities of two thousand pounds net weight of a single commodity nor six thousand pounds net weight of any combination of commodities other than cherries, listed in subsection (1) of this section, when on a single conveyance, provided that such exempt sales by the producer within a farmer's market shall not be restricted to the zone of production;

(d) When daily quantities do not exceed one hundred pounds net weight of dark varieties of sweet cherries which are sold for home use and not for resale, and the containers are marked "not for resale" in letters at least one-half inch in height.

(3)(a) Any shipper or packer of apples, apricots, cherries, pears, peaches, prunes, or asparagus may petition

the director for authority to issue certificates of compliance for each season. The director may issue certificate of compliance agreements, granting such authority, on such terms and conditions as he may deem appropriate. The authority shall be limited to the issuance of certificates of compliance for apples, apricots, cherries, pears, peaches, prunes, and asparagus under the applicant's direct control or being handled at the shipper's or packer's facilities.

(b) The certificate of compliance shall be issued at time of shipment by the shipper or packer authorized to do so: *Provided*, That the apples (~~and/or~~), pears, cherries, and asparagus about to be shipped or transported are in full compliance with the requirements of chapter 15.17 RCW, regulations adopted thereunder and administrative directives of the director: *Provided further*, That apricots, cherries, peaches, prunes, or pears about to be shipped or transported are in full compliance with (~~the~~) an existing federal marketing order requiring quality and condition certification and Washington state lot identification or federal-state lot identification;

Cherries of the dark sweet varieties shall be certified as to quality, condition, and size and shall meet all of the requirements of chapter 16-414 WAC, Cherries.

(c) The director's approval to issue certificates of compliance may be suspended, revoked, or denied for cause, subject to RCW 34.05.422(3) and that cause shall be the shipper's or packer's failure to comply with the requirements of subsection (3)(b) of this section, or for the shipper's or packer's actions which impede the department's abilities to ascertain full compliance with requirements of chapter 15.17 RCW or rules adopted thereunder, or for violation of the terms of the certificate of compliance agreement. The period of any suspension shall be determined by the director and shall be commensurate with the seriousness of the violation.

(d) Any shipper or packer whose authority to issue certificates of compliance has been suspended, revoked, or denied by the director shall be subject to those provisions of chapter 15.17 RCW and the regulations requiring the issuance of a shipping permit by the director before apples, apricots, cherries, pears, peaches, prunes, and asparagus may be shipped or transported.

(e) Certificates of compliance shall be on forms approved and issued by the director of agriculture.

(f) Any shipper or packer authorized to issue certificates of compliance shall deposit with the director of agriculture at the regular base fee equivalent to that charged by the director for a shipping permit, for each certificate of compliance issued by the authorized shipper or packer. The base fees shall be deposited with the director of agriculture in the same manner as fees for shipping permits.

WSR 95-09-048
PROPOSED RULES
SPOKANE COUNTY AIR
POLLUTION CONTROL AUTHORITY
[Filed April 17, 1995, 9:34 a.m.]

Supplemental Notice to WSR 95-03-071.

Title of Rule: Regulation I, Article VI, Section 6.16
Motor Fuel Specifications for Oxygenated Gasoline.

Purpose: To require specified levels of oxygen in gasoline in the Spokane control area for specified periods. Substantive changes have been made since the original filing.

Statutory Authority for Adoption: RCW 70.94.141.

Statute Being Implemented: Chapter 70.94 RCW and 42 U.S.C. 7502.

Summary: Adds a new section to Article IV to require a temporary increase in oxygenate in gasoline above the state standard (chapter 173-492 WAC) and in certain circumstances, the increase may be permanent.

Reasons Supporting Proposal: An increase in oxygenate is needed to attain the carbon monoxide national ambient air quality standard.

Name of Agency Personnel Responsible for Drafting: Eric Skelton, Spokane, (509) 456-4727; **Implementation:** Ron Edgar, Spokane, (509) 456-4727; and **Enforcement:** Mabel Caine, Spokane, (509) 456-4727.

Name of Proponent: Spokane County Air Pollution Control Authority, governmental.

Rule is necessary because of federal law, 42 U.S.C. 7502.

Explanation of Rule, its Purpose, and Anticipated Effects: The rule requires an increase in the oxygenate content of gasoline in order for the Spokane carbon monoxide nonattainment area to attain and maintain the standard.

Proposal Changes the Following Existing Rules: Presently the state regulation solely applies to the Spokane control area, (chapter 173-492 WAC.) This proposal is more stringent than the state regulation.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The Spokane County Air Pollution Control Authority, as a municipal corporation, is not required to prepare small business economic impact statements.

Hearing Location: Hearing Room, Spokane County Public Works Building, 1026 West Broadway, Spokane, WA, on June 1, 1995, at 9:00 a.m.

Submit Written Comments to: Eric Skelton, Spokane County Air Pollution Control Authority, 1101 West College, Suite 403, Spokane, WA 99201, FAX (509) 459-6828, by May 29, 1995.

Date of Intended Adoption: June 1, 1995.

April 14, 1995

Eric Skelton

Director

NEW SECTION

SECTION 6.16 MOTOR FUEL SPECIFICATIONS FOR OXYGENATED GASOLINE

- A. **Purpose.** This Section establishes motor fuel specifications for oxygenated gasoline in order to reduce wintertime carbon monoxide emissions from gasoline powered motor vehicles.
- B. **Applicability.** This Section applies to all blenders and to all retail sellers of oxygenated gasoline, intended as a final product for fueling of motor vehicles within the Spokane Control Area and supplied to purchasers within the Spokane Control Area, as defined in Chapter 173-492-070 of the Washington Administrative Code (WAC).

C. Definitions. Unless a different meaning is clearly required by context, words and phrases used in Section 6.16 shall have the following meaning:

1. Authority means the Spokane County Air Pollution Control Authority.
2. Conform and Conformity have the same meanings as the terms are used in Section 176(c) of the Federal Clean Air Act.
3. Ecology means the Washington Department of Ecology.
4. EPA means the United States Environmental Protection Agency or the Administrator of the United States Environmental Protection Agency or his/her designated representative.
5. Federal Clean Air Act means the Federal Clean Air Act, also known as Public Law 88-206, 77 Stat. 392, December 17, 1963, 42 U.S.C. 7401 et seq., as last amended by the Clean Air Act Amendments of 1990, P.L. 101-549, November 15, 1990.
6. Forecast Of Vehicle Miles Traveled has the same meaning as in Section 187 (a)(2) of the Federal Clean Air Act.
7. Implementation Plan has the same meaning as in Section 110 of the Federal Clean Air Act, as it pertains to the Spokane Carbon Monoxide Nonattainment Area.
8. Maintenance Plan has the same meaning as in Section 175A of the Federal Clean Air Act, pertaining to revisions of the applicable implementation plan.
9. Maximum Allowable Oxygenate means the maximum amount of an oxygenate which may be added to gasoline without exceeding the limits for fuel additives established under Section 211(f) of the Federal Clean Air Act.
10. Metropolitan Planning Organization has the same meaning as in Chapter 173-420 WAC.
11. Reasonable Further Progress has the same meaning as in Section 171(1) of the Federal Clean Air Act.
12. Spokane Carbon Monoxide Nonattainment Area has the same meaning as in CFR Title 40, Part 81.
13. Transportation Improvement Program has the same meaning as in Chapter 173-420 WAC, to the extent that it applies to the Spokane Carbon Monoxide Nonattainment Area.
14. Transportation Plan has the same meaning as in Chapter 173-420 WAC, to the extent that it applies to the Spokane Carbon Monoxide Nonattainment Area.

D. Adoption of state regulation by reference. Except for Subsections 173-492-040 (1) and (2), Chapter 173-492 WAC is hereby adopted by reference, to

the extent that it applies to the Spokane Control Area.

- E. Blend and retail sale requirements for gasoline with non-ethanol oxygenates. Gasoline shall contain the maximum allowable oxygenate for the control period, unless the oxygenate is ethanol.
- F. Blend and retail sale requirements for gasoline with ethanol as an oxygenate. The following requirements shall apply:
 1. Oxygen in the gasoline shall be no less than 3.2% by weight for the control period beginning on September 1, 1995 and ending February 29, 1996.
 2. Oxygen in the gasoline shall be no less than 2.7% by weight for the control period beginning in 1996 and for all subsequent control periods.
- G. Conformity blend and retail sale requirement for gasoline with ethanol as an oxygenate. Notwithstanding Subsection F., the following requirement shall apply after the applicable Metropolitan Planning Organization, Ecology, and the Authority determine, after consultation that, due solely to an exceedance of a forecast of vehicle miles traveled, a higher level of oxygen in gasoline than what is required in Subsection F., is necessary in order for the Transportation Plan or the Transportation Improvement Program to conform to the Implementation Plan or Maintenance Plan:
 1. Oxygen in the gasoline shall be no less than 3.2% by weight, for the control period beginning in the year for which the higher level of oxygen is projected as necessary to show conformity, and for all subsequent control periods.
- H. Contingency blend and retail sale requirements for gasoline with ethanol as an oxygenate. Notwithstanding Subsections F. or G., gasoline shall contain the maximum allowable oxygenate, as of the initial control period beginning after EPA makes any one of the following findings in Subsection H.1., H.2., or H.3., relative to the Spokane Carbon Monoxide Nonattainment Area, in conjunction with the finding in Subsection H.4.:
 1. Failure to make Reasonable Further Progress.
 2. Failure to timely attain a National Ambient Air Quality Standard for carbon monoxide.
 3. Violation of a National Ambient Air Quality Standard for carbon monoxide after 1995.
 4. Wintertime emissions from gasoline powered motor vehicles are determined by the EPA, in consultation with Ecology and the Authority to be a contributing factor to such failure or violation.

The maximum allowable oxygenate requirement shall remain in effect for the duration of the initial

control period and all subsequent control periods until the Authority proposes and EPA determines that subsequent reductions in carbon monoxide emissions, achieved through other control measures or strategies, are sufficient to correct the referenced failure or violation. Upon such determination by EPA, the applicable oxygenate requirement in Subsection F. or G. shall apply, as of the beginning of the control period immediately following the determination.

- I. Test method. Compliance with requirements in this Section for oxygen in gasoline, including maximum allowable oxygenate, shall be determined by ASTM 4815-89; Determination of C₁ and C₂ Alcohols and MTBE in Gasoline by Gas Chromatography.

WSR 95-09-052
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed April 17, 1995, 3:25 p.m.]

Original Notice.

Title of Rule: San Juan County shoreline master program.

Purpose: Amending WAC 173-19-360.

Statutory Authority for Adoption: Chapter 90.58 RCW.
 Statute Being Implemented: Chapter 90.58 RCW.

Summary: The proposal would establish a definition, policy and regulations for pedestrian beach access structures.

Reasons Supporting Proposal: Request for amendment was made by San Juan County.

Name of Agency Personnel Responsible for Drafting: Wayne Turnberg, NWRO, 3190 160th Avenue S.E., Bellevue, WA, (206) 649-7030; Implementation and Enforcement: Linda Crerar, 300 Desmond Drive, Lacey, WA, (360) 407-7013.

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 proposal would define the types of beach access structures anticipated, spell out county policy for beach access structures, establish general regulation for all types of beach access structures, and identify specific regulations for beach access structures under each shoreline master program environment designation. The amendment also would define the criteria and performance standards for "exempt" beach access structures, which would be defined as a normal appurtenance to an existing single family residence. As a result of the proposed changes, beach access structures would no longer be required to obtain a shoreline conditional use permit. Instead, exempt structures will need a shoreline exemption and all other beach access structures will require a shoreline substantial development permit.

Proposal Changes the Following Existing Rules: See above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Chapter 19.85 RCW, the Regulatory Fairness Act, requires mitigating

action and filing of a small business economic impact statement when rule adoption will have an economic impact on more than twenty percent of all industries or more than ten percent of any one industry. This amendment proposed by San Juan County does not meet the criteria requiring the preparation of a small business economic impact statement.

Hearing Location: San Juan County Courthouse, Commissioner's Hearing Room, Friday Harbor, Washington, on May 25, 1995, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Kris Jesset by May 18, 1995, TDD (206) 649-4259, or (206) 649-7011 (voice).

Submit Written Comments to: Wayne Turnberg, NWRO, 3190 160th Avenue S.E., Bellevue, WA 98008-5452, FAX (206) 649-7098, by June 2, 1995.

Date of Intended Adoption: June 21, 1995.

April 17, 1995
 Mary Riveland
 Director

AMENDATORY SECTION (Amending Order 94-41, filed 3/22/95, effective 4/22/95)

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 May 15, 1990. Revision approved June 19, 1990. Revision approved February 5, 1991. Revision approved June 4, 1991. Revision approved August 18, 1992. Revision approved October 20, 1992. Revision approved June 28, 1994. Revision approved March 22, 1995. Revision approved June 21, 1995.

WSR 95-09-054
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)
 [Filed April 18, 1995, 8:10 a.m.]

Original Notice.

Title of Rule: WAC 388-265-1750 Protective payee fees.

Purpose: Removes obsolete language that is creating additional impediment to contracting out protective payments for payees and to fully implement federal rules and statutory requirements in the protective payments program. Also, implements E2SHB 2798 welfare reform, paragraph [section] 33(2), Laws of 1994, which require selected pregnant parenting teens to receive grants through a protective payee.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: E2SHB 2798, paragraph [section] 33, Laws of 1994, RCW 74.08.090, 74.08.280, 74.50.060(2).

Summary: Change allows for implementation of federal regulations and state laws enacted in 1994 (E2SHB 2798) which requires services to be provided so that AFDC recipients become "self-sufficient."

Reasons Supporting Proposal: Removes obsolete language that is creating impediment to contracting out payee portion of the protective payments program. Implementation of new services provision is required by federal regulation as well as welfare reform stipulations in E2SHB 2798 related to pregnant parenting teens in order to receive grant payments.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Val Ivey, Division of Employment and Social Services, 438-8435.

Name of Proponent: Department of Social and Health Services, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: "HIGH VOLUME MULTI-CLIENT PROTECTIVE PAYEE FINAL AUDIT REPORT" Report Number EMFS-002-95A, conducted by the Office of Operations Review. "1. FINDING: The department has no contract in place with any of the protective payees even though an administrative fee is paid to these vendors. (DSHS Contracts Manual 3210 and 4210)." Further research has determined that the fee authorized under current WAC 388-265-1750 is inadequate to recruit and/or retain contractors.

Rule is necessary because of federal law, 45 CFR 234.60, 234.70, 250.34, 250.35, and 234.120.

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. This amendment affects protective payments only and is a client benefit. The federal regulations require this service for individuals receiving aid to families with dependent children (AFDC) who have been sanctioned for failure to comply with support enforcement or the JOBS program. The state's general assistance program also requires recipients incapable of managing their assistance grants due to substance abuse or poor money management history to have protective payments. This amendment will have no impact on small businesses nor does it attempt to regulate any small business. Supporting documents for this amendment are cited under Statutory Authority and Federal Law above.

Hearing Location: OB-2 Auditorium, 14th and Jefferson, Olympia, Washington, on May 23, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Office of Vendor Services by May 9, 1995, TDD (206) 753-4542, or SCAN 234-4542.

Submit Written Comments to: Jeanette Sevedge-App, Acting Chief, Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, 14th Avenue and Jefferson Street, Olympia, Washington 98504, Please Identify WAC Numbers, FAX (206) 586-8487, by May 16, 1995.

Date of Intended Adoption: May 24, 1995.

April 18, 1995
Jeanette Sevedge-App
Acting Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-265-1750 Protective payee fees. (1) The department may authorize ~~((an additional))~~ a fee ~~((, not to exceed the five percent of the monthly one person payment standard,))~~ to cover approved administrative costs of the protective payee under the following conditions:

(a) The person serving as protective payee is not a friend, relative, or department employee; and

(b) The ~~((person))~~ client is eligible for:

(i) ~~((A))~~ GA-U ~~((client))~~; ~~((or))~~

(ii) ~~((A))~~ AFDC ~~((recipient))~~ when the department has determined a client is unable to manage the client's assistance funds ~~((as specified in WAC 388-265-1250.))~~; or

(iii) GA or AFDC and is a pregnant or parenting minor, and protective payment established under RCW 74.04.0052 or RCW 71.12.255.

(2) The department shall not allow the protective payee to withhold money from the client's grant for payment of the protective payee's costs or services.

(3) "Administrative costs fee" means a fixed amount per assistance recipient, as set forth in the contract between the protective payee and the department.

WSR 95-09-059

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed April 18, 1995, 9:39 a.m.]

Original Notice.

Title of Rule: Fee rules, WAC 246-314-990, 246-316-990, 246-318-990, 246-322-990, 246-322-991, 246-323-990, 246-325-990, 246-326-990, 246-327-990, 246-331-990, and 246-336-990.

Purpose: To adjust fees to cover actual program costs.

Statutory Authority for Adoption: RCW 43.70.250, 43.70.110, and 43.20B.020.

Summary: The department is adjusting fees to cover actual program costs. The proposed fee increases are the result of increased rent and utility costs, and in anticipation the budget will increase for inflation next biennium. The proposed fee reductions reflect actual costs.

Name of Agency Personnel Responsible for Responsible for Drafting: Leslie Baldwin, P.O. Box 47852, Olympia, WA 98504, (360) 705-6788; Implementation and Enforcement: Kathy Stout, Director, P.O. Box 47852, Olympia, WA 98504, (360) 705-6788.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These amendments will align fees to cover the actual costs of the regulatory programs for specific types of facilities and agencies.

Proposal Changes the Following Existing Rules: WAC 246-314-990, 246-316-990, 246-318-990, 246-322-990, 246-322-991, 246-323-990, 246-325-990, 246-326-990, 246-327-990, 246-331-990, and 246-336-990.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? Yes. A copy of the statement for chapters 246-314, 246-316, 246-318, and 246-322 WAC may be obtained by writing to: Leslie Baldwin, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 705-6788 or FAX (360) 705-6654.

A statement is not required for the following rules. They have negligible or no impact:

Residential treatment facilities, WAC 246-323-990, Adult residential rehabilitation centers, WAC 246-325-990, and Alcoholism treatment facilities, WAC 246-326-990, fees will decrease.

Home health agencies, WAC 246-327-990.

Annual impact will be less than \$50. Biennial renewal fee will be increased as follows:

15 or less FTEs = \$37 + \$18 (base fee) = \$55
 16-50 FTEs = \$47 + \$18 (base fee) = \$65
 51 and more FTEs = \$62 + \$18 (base fee) = \$80

12-month licenses will increase one-half the total amounts specified above.

In addition, the fee the department may charge will increase by \$9 for a:

- 2nd on-site visit resulting from failure to respond to a statement of deficiencies;
- complete inspection resulting from a substantiated complaint; or
- a follow-up compliance inspection.

Hospice agencies, WAC 246-331-990.

Annual impact will be less than \$50.

Biennial renewal fee will be increased as follows:

15 or less FTEs = \$10 + \$18 (base fee) = \$28
 16-50 FTEs = \$22 + \$18 (base fee) = \$40
 51 and more FTEs = \$47 + \$18 (base fee) = \$65

12-month licenses will increase one-half the total amounts specified above.

In addition, the fee the department may charge will increase by \$9 for a:

- 2nd on-site visit resulting from failure to respond to a statement of deficiencies;
- complete inspection resulting from a substantiated complaint; or
- a follow-up compliance inspection.

Home care agencies, WAC 246-336-990.

Annual impact will be less than \$50.

Renewal fees will be reduced.

Fees for an initial 12-month license for new firms, businesses not currently licensed for home care, or currently licensed businesses which have had statement of charges filed against them, will be increased as follows:

15 or less FTEs = \$5 + \$9 (base fee) = \$14
 16-50 FTEs = \$6 + \$9 (base fee) = \$15
 51 and more FTEs = \$11 + \$9 (base fee) = \$20

In addition, the fee the department may charge will increase by \$9 for a:

- 2nd on-site visit resulting from failure to respond to a statement of deficiencies;

- complete inspection resulting from a substantiated complaint; or
- a follow-up compliance inspection.

Hearing Location: Gonzaga University, Schoenberg Center Maple Room, North Pearl Street, Spokane, WA, on May 23, 1995, at 1:30 p.m.; and at the Department of Health, Facilities and Services Licensing Training Room, Target Plaza, Suite 500 (next to Ben Franklin store), 2725 Harrison Avenue N.W., Olympia, WA, on May 24, 1995, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Leslie Baldwin by May 9, 1995, TDD (206) 664-0064, or (360) 705-6788.

Submit Written Comments to: Leslie Baldwin, P.O. Box 47852, Olympia, WA 98504-7852, by May 22, 1995.

Date of Intended Adoption: May 30, 1995.

April 13, 1995
 Mimi Fields, MD, MPH
 for Bruce Miyahara
 Secretary

PROPOSED

AMENDATORY SECTION (Amending Order 185, filed 8/7/91, effective 9/7/91)

WAC 246-314-990 Construction review fees. (1) The project sponsor shall submit to the department:

- (a) A completed project review application form along with project documents for review; and
- (b) The appropriate fee based upon the initial project construction cost as determined from the following construction fee table:

CONSTRUCTION FEE TABLE

Project Cost	Project Review Fee
\$ 0 to \$ 999	\$ 120
1,000 to 1,999	250
2,000 to 2,999	(320) 325
3,000 to 4,999	(400) 410
5,000 to 9,999	(520) 530
10,000 to 19,999	(650) 665
20,000 to 29,999	(800) 820
30,000 to 39,999	(950) 975
40,000 to 49,999	(1,100) 1,125
50,000 to 64,999	(1,300) 1,325
65,000 to 79,999	(1,500) 1,535
80,000 to 99,999	(1,800) 1,845
100,000 to 124,999	(2,150) 2,200
125,000 to 149,999	(2,500) 2,550

PROPOSED

150,000	to	199,999	((2,900)) 2,970
200,000	to	249,999	((3,250)) 3,325
250,000	to	324,999	((3,575)) 3,650
325,000	to	449,999	((4,000)) 4,100
450,000	to	574,999	((4,500)) 4,600
575,000	to	699,999	((5,100)) 5,200
700,000	to	849,999	((5,700)) 5,825
850,000	to	999,999	((6,400)) 6,550
1,000,000	to	1,249,999	((7,000)) 7,150
1,250,000	to	2,499,999	((7,700)) 7,850
2,500,000	to	2,999,999	((8,400)) 8,550
3,000,000	to	3,499,999	((9,100)) 9,300
3,500,000	to	4,999,999	((10,500)) 10,750
5,000,000	to	6,999,999	((11,900)) 12,200
7,000,000	to	9,999,999	((13,500)) 13,800
10,000,000	to	14,999,999	((15,500)) 15,850
15,000,000	to	19,999,999	((17,500)) 17,850
20,000,000	to	29,999,999	((19,500)) 19,900
30,000,000	to	39,999,999	((22,500)) 23,000
40,000,000	to	59,999,999	((25,000)) 25,600
60,000,000	and over		((28,000)) 28,700

(2) The department shall charge a flat fee of eighty dollars for a project involving installation of carpet only.

(3) The project sponsor may request a reduction in the project review fee for fixed or installed technologically advanced diagnostic or treatment equipment projects including lithotripters, CT scans, linear accelerators, or MRI's.

(4) The department may adjust the project review fee if:

(a) The final project cost changes as evidenced on the certificate of project completion card; or

(b) The project sponsor requests a reduction in the fee according to subsection (3) of this section.

AMENDATORY SECTION (Amending WSR 94-13-180, filed 6/21/94, effective 7/22/94)

WAC 246-316-990 Fees. The licensee or applicant shall:

(1) Submit an annual license fee of ~~((thirty four dollars))~~:

(a) Thirty-five dollars and seventy-five cents per bed of the licensed resident bed capacity for initial and renewed licenses effective prior to July 1, 1996; and

(b) Thirty-seven dollars and thirty-five cents per bed of the licensed resident bed capacity for initial and renewed licenses effective July 1, 1996, and thereafter;

(2) Submit an additional one hundred fifty dollars when billed by the department for:

(a) A third on-site visit resulting from failure of the licensee or applicant to adequately respond to a statement of deficiencies; and

(b) A complete on-site survey resulting from a substantiated complaint; and

(3) Submit an additional late fee in the amount of ten dollars per day from the license renewal date until the date of mailing the fee, as evidenced by the postmark.

AMENDATORY SECTION (Amending Order 273, filed 5/28/92, effective 6/28/92)

WAC 246-318-990 Fees. Hospitals licensed under chapter 70.41 RCW shall:

(1) Submit an annual license fee of ~~((forty five))~~ forty-seven dollars and thirty cents for each bed space within the licensed bed capacity of the hospital to the department;

(2) Include all bed spaces in rooms complying with physical plant and movable equipment requirements of this chapter for twenty-four-hour assigned patient rooms;

(3) Include neonatal intensive care bassinets spaces;

(4) Include bed spaces assigned for less than twenty-four hour patient use as part of the licensed bed capacity when:

(a) Physical plant requirements of this chapter are met without movable equipment; and

(b) The hospital currently possesses the required movable equipment and certifies this fact to the department;

(5) Exclude all normal infant bassinets;

(6) Limit licensed bed spaces as required under chapter 70.38 RCW;

(7) Submit an application for bed additions to the department for review and approval under chapter 70.38 RCW subsequent to department establishment of the hospital licensed bed capacity; and

(8) Set up twenty-four-hour assigned patient beds only within the licensed bed capacity approved by the department.

AMENDATORY SECTION (Amending Order 273, filed 5/28/92, effective 6/28/92)

WAC 246-322-990 Private psychiatric hospital fees. Private psychiatric hospitals licensed under chapter 71.12 RCW shall:

(1) Submit an annual fee of ~~((forty five))~~ forty-seven dollars and thirty cents for each bed space within the licensed bed capacity of the hospital to the department;

(2) Include all bed spaces and rooms complying with physical plant and movable equipment requirements of this chapter for twenty-four-hour assigned patient rooms;

(3) Include bed spaces assigned for less than twenty-four-hour patient use as part of the licensed bed capacity when:

(a) Physical plant requirements of this chapter are met without movable equipment; and

(b) The private psychiatric hospital currently possesses the required movable equipment and certifies this fact to the department;

(4) Limit licensed bed spaces as required under chapter 70.38 RCW;

(5) Submit applications for bed additions to the department for review and approval under chapter 70.38 RCW subsequent to department establishment of the private psychiatric hospital's licensed bed capacity; and

(6) Set up twenty-four-hour assigned patient beds only within the licensed bed capacity approved by the department.

AMENDATORY SECTION (Amending Order 273, filed 5/28/92, effective 6/28/92)

WAC 246-322-991 Alcoholism hospital fees. Alcoholism hospitals licensed under chapter 71.12 RCW shall:

(1) Submit an annual fee of ~~((forty-five))~~ forty-seven dollars and thirty cents for each bed space within the licensed bed capacity of the alcoholism hospital to the department;

(2) Include all bed spaces in rooms complying with physical plant and movable equipment requirements of this chapter for twenty-four-hour assigned patient rooms;

(3) Include bed spaces assigned for less than twenty-four-hour patient use as part of the licensed bed capacity when:

(a) Physical plant requirements of this chapter are met without movable equipment; and

(b) The alcoholism hospital currently possesses the required movable equipment and certifies this fact to the department;

(4) Limit licensed bed spaces as required under chapter 70.38 RCW;

(5) Submit an application for bed additions to the department for review and approval under chapter 70.38 RCW subsequent to the department establishment of the alcoholism hospital's licensed bed capacity; and

(6) Set up twenty-four-hour assigned patient beds only within the licensed bed capacity approved by the department.

AMENDATORY SECTION (Amending Order 287, filed 7/10/92, effective 8/10/92)

WAC 246-323-990 Fees. Residential treatment facilities for psychiatrically impaired children and youth (RTF-CY) licensed under chapter 71.12 RCW shall:

(1) Submit an annual fee of ~~((forty-five))~~ thirty-seven dollars and thirty-five cents for each bed space within the licensed bed capacity of the RTF-CY;

(2) Include all bed spaces and rooms complying with physical plant and movable equipment requirements of this chapter; and

(3) Set up twenty-four-hour assigned patient beds only within the licensed bed capacity approved by the department.

AMENDATORY SECTION (Amending Order 287, filed 7/10/92, effective 8/10/92)

WAC 246-325-990 Fees. Adult residential rehabilitation centers (ARRC) licensed under chapter 71.12 RCW shall:

(1) Submit an annual fee of ~~((forty-five))~~ thirty-seven dollars and thirty-five cents for each bed space within the licensed bed capacity of the ARRC;

(2) Include all bed spaces in rooms complying with physical plant and movable equipment requirements in this chapter for client sleeping rooms; and

(3) Set up twenty-four-hour assigned client beds only within the licensed bed capacity approved by the department.

AMENDATORY SECTION (Amending Order 273, filed 5/28/92, effective 6/28/92)

WAC 246-326-990 Fees. Alcoholism treatment facilities licensed under chapter 71.12 RCW shall:

(1) Submit an annual fee of ~~((forty-five))~~ thirty-seven dollars and thirty-five cents for each bed space within the licensed bed capacity of the alcoholism treatment facility to the department;

(2) Include all bed spaces in rooms complying with physical plant and movable equipment requirements for twenty-four-hour assigned patient rooms; and

(3) Set up twenty-four-hour assigned patient beds only within the licensed bed capacity approved by the department.

AMENDATORY SECTION (Amending WSR 94-17-136, filed 8/22/94, effective 9/22/94)

WAC 246-327-990 Fees. (1) A licensee or applicant shall submit to the department:

(a) A biennial renewal fee based on the number of full-time equivalents (FTEs), which is a measurement based on a forty-hour week and is applicable to paid agency personnel or contractors, as follows:

(i) A base fee of three hundred ~~((sixty))~~ seventy-eight dollars; and

(ii) For agencies with:

(A) Fifteen or less FTEs, seven hundred ~~((fifty))~~ eighty-seven dollars;

(B) Sixteen through fifty FTEs, nine hundred forty-seven dollars; or

(C) Fifty-one or more FTEs, one thousand two hundred ~~((thirty))~~ ninety-two dollars;

(b) A fee of one-half the ~~((renewal))~~ fees specified in (a) of this subsection for an initial twelve-month license for:

(i) New firms;

(ii) Businesses not currently licensed to provide home health care in Washington state; or

(iii) Currently licensed businesses which have had statement of charges filed against them; and

(c) A transfer of ownership fee of fifty dollars. A transferred license will be valid for the remainder of the current license period.

(2) An applicant or licensee shall pay one-half the base fee in addition to the full fee for FTEs for each additional hospice and/or home care license.

(3) The department may charge and collect from a licensee a fee of ~~((one-half the base fee specified in subsection (1)(a) of this section))~~ one hundred eighty-nine dollars for:

(a) A second on-site visit resulting from failure of the licensee or applicant to adequately respond to a statement of deficiencies;

(b) A complete on-site survey resulting from a substantiated complaint; or

(c) A follow-up compliance survey.

(4) A licensee with deemed status shall pay fees according to this section.

(5) A licensee shall submit an additional late fee in the amount of ten dollars per day, not to exceed cost of the base fee, from the renewal date until the date of mailing the fee, as evidenced by the postmark.

AMENDATORY SECTION (Amending WSR 94-17-138, filed 8/22/94, effective 9/22/94)

WAC 246-331-990 Fees. (1) A licensee or applicant shall submit to the department:

(a) A biennial renewal fee based on the number of full-time equivalents (FTEs), which is a measurement based on a forty-hour week and is applicable to paid agency personnel or contractors, as follows:

(i) A base fee of three hundred ~~((sixty))~~ seventy-eight dollars; and

(ii) For agencies with:

(A) Fifteen or less FTEs, ~~((one))~~ two hundred ~~((ninety))~~ dollars;

(B) Sixteen through fifty FTEs, four hundred ~~((sixty))~~ eighty-two dollars; or

(C) Fifty-one or more FTEs, nine hundred ~~((fifty))~~ ninety-seven dollars;

(b) A fee of one-half the ~~((renewal fee))~~ fees specified in (a) of this subsection for an initial twelve-month license ~~((for))~~:

(i) New firms;

(ii) Businesses not currently licensed to provide hospice care in Washington state; or

(iii) Currently licensed businesses which have had statement of charges filed against them; and

(c) A transfer of ownership fee of fifty dollars. A transferred license will be valid for the remainder of the current license period.

(2) An applicant or licensee shall pay one-half the base fee in addition to the full fee for FTEs for each additional home health and/or home care license.

(3) The department may charge and collect from a licensee a fee of ~~((one half the base fee specified in subsection (1)(a) of this section))~~ one hundred eighty-nine dollars for:

(a) A second on-site visit resulting from failure of the licensee or applicant to adequately respond to a statement of deficiencies;

(b) A complete on-site inspection resulting from a substantiated complaint; or

(c) A follow-up compliance survey.

(4) A licensee with deemed status shall pay fees according to this section.

(5) A licensee shall submit an additional late fee in the amount of ten dollars per day from the renewal date until the date of mailing the fee, as evidenced by the postmark.

AMENDATORY SECTION (Amending WSR 94-17-137, filed 8/22/94, effective 9/22/94)

WAC 246-336-990 Fees. (1) A licensee or applicant shall submit to the department:

(a) A biennial renewal fee based on the number of full-time equivalents (FTEs), which is a measurement based on a forty-hour week and is applicable to paid agency employees or contractors, as follows:

(i) A base fee of ~~((three))~~ two hundred ~~((sixty))~~ fifty-two dollars; and

(ii) For agencies with:

(A) Fifteen or less FTEs, one hundred ~~((ninety))~~ thirty-three dollars;

(B) Sixteen through fifty FTEs, ~~((two hundred thirty))~~ one hundred sixty-one dollars; or

(C) Fifty-one or more FTEs, ~~((three hundred thirty))~~ two hundred thirty-one dollars;

~~((A fee of one half the renewal fee specified in (a) of this subsection for an initial twelve-month license for:~~

~~((i) New firms;~~

~~((ii) Businesses not currently licensed to provide home care in Washington state; or~~

~~((iii) Currently licensed businesses which have had statement of charges filed against them;))~~ An initial twelve-month license fee for new firms, businesses not currently licensed to provide home care in Washington state, or currently licensed businesses which have had statement of charges filed against them as follows:

(i) A base fee of one hundred eighty-nine dollars; and

(ii) For agencies with:

(A) Fifteen or less FTEs, one hundred dollars;

(B) Sixteen through fifty FTEs, one hundred twenty-one dollars;

(C) Fifty-one or more FTEs, one hundred seventy-six dollars; and

(c) A transfer of ownership fee of fifty dollars. A transferred license will be valid for the remainder of the current license period.

(2) An applicant or licensee shall pay one-half the base fee in addition to the full fee for FTEs for each additional home health and/or hospice license.

(3) The department may charge and collect from a licensee a fee of ~~((one half the base fee specified in subsection (1)(a) of this section))~~ one hundred eighty-nine dollars for:

(a) A second on-site visit resulting from failure of the licensee or applicant to adequately respond to a statement of deficiencies; and

(b) A complete on-site survey resulting from a substantiated complaint; or

(c) A follow-up compliance survey.

(4) A licensee with deemed status shall pay fees according to this section.

(5) A licensee shall submit an additional late fee in the amount of ten dollars per day, not to exceed the cost of the base fee, from the renewal date until the date of mailing the fee, as evidenced by the postmark.

WSR 95-09-060
PROPOSED RULES
GAMBLING COMMISSION

[Filed April 18, 1995, 11:10 a.m.]

Continuance of WSR 95-06-011.

Title of Rule: WAC 230-40-400 Hours limited for card games.

Purpose: Amendment would allow card room licensees to extend hours of operation to 4:00 a.m. with the consent of the director providing local law enforcement does not object.

Statutory Authority for Adoption: RCW 9.46.070.

Statute Being Implemented: Chapter 9.46 RCW.

Summary: New rule will allow card room licensees to extend hours of operation to 4:00 a.m. with the consent of the director providing local law enforcement does not object.

Name of Agency Personnel Responsible for Drafting: Patricia Norman-Cole, Rules Coordinator, Lacey, 438-7654 ext. 364; Implementation: Frank L. Miller, Director, Lacey, 438-7654 ext. 302; and Enforcement: Ben Bishop, Deputy Director, Lacey, 438-7654, ext. 369.

Name of Proponent: [Gambling Commission], governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Allow card room licensees to extend hours to 4:00 a.m.

Proposal Changes the Following Existing Rules: Allow card room licensees to extend hours from 2:00 a.m. to 4:00 a.m. with the consent of the director.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The agency has considered whether these rule changes would create an economic impact on small businesses as defined in chapter 19.85 RCW. It has determined that there are no economic impacts to small business as a result of these proposals for the following reasons: (1) No cost or expenditure of resources; (2) no affect on industry; and (3) no substantive change in existing regulatory scheme.

Hearing Location: Red Lion Inn at the Quay, 100 Columbia, Vancouver, WA 98660, (360) 694-8341, on May 12, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Patricia Norman-Cole by May 10, 1995, TDD (360) 438-7638, or (360) 438-7654 ext. 364.

Submit Written Comments to: Patricia Norman-Cole, Washington State Gambling Commission, P.O. Box 42400, Olympia, WA 98504-2400, FAX (360) 438-8652, by May 10, 1995.

Date of Intended Adoption: May 12, 1995.

April 18, 1995

Patricia Norman-Cole
 Rules Coordinator

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

WAC 230-40-400 Hours limited for card games. Licensees shall not allow the use of their premises for card playing between the hours of 2:00 a.m. and 6:00 a.m.; Provided, That a licensee may extend, with the consent of the director, hours of operation up to 4:00 a.m. upon

application to the commission and so long as no objection is raised by a local law enforcement entity. In any event, a licensee must observe a four-hour period of closure before beginning the next period of operation.

No card games shall be allowed in any public card room at any time the profit seeking retail business to be stimulated thereby is not open to the public for business.

At all times during the hours of operation of a Class E card room, the operator or a licensed card room employee must be on duty and in the licensed card room area.

WSR 95-09-066
PROPOSED RULES
BOARD OF ACCOUNTANCY
 [Order 1650—Filed April 18, 1995, 4:40 p.m.]

Original Notice.

Title of Rule: WAC 4-25-710 CPA certificate—Education requirements.

Purpose: Amend education requirement to obtain certification as a certified public accountant.

Statutory Authority for Adoption: RCW 18.04.055(5).

Statute Being Implemented: RCW 18.04.105(b).

Summary: Increases education requirement from baccalaureate degree to one hundred fifty semester hours including a baccalaureate degree; deletes education equivalency process; adds requirement that at least fifteen semester hours of accounting subjects must be at upper division or graduate level; disallows "life experience" credits in accounting concentration; removes specific subjects in the nonaccounting, business administration requirement; removes "bonus" credits for graduate level courses.

Reasons Supporting Proposal: Proponents state the rule amendment is needed to maintain CPAs' dominant position in international services sector; prepare CPAs to compete in global economy; maintain acceptable competence in increasingly complex business environment; correct existing deficiencies in communication, critical thinking, technology skills; and allow reciprocity with other states.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Carey L. Rader, 210 East Union, Suite H, Olympia, (360) 664-9194.

Name of Proponent: Washington Society of CPAs, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The amendment increases the education required to become a CPA from a baccalaureate degree to one hundred fifty semester hours (including a baccalaureate degree). The amendment also removes a provision allowing the board to specify an equivalent education (combination of competency exams and education) process; adds a requirement that at least fifteen semester hours (of the existing twenty-four hours requirement) of accounting course work must be at the upper division or graduate level; disallows, for purposes of certification, accounting credits granted for "life experience"; removes specific subjects in the nonaccounting, business administration requirement; and removes "bonus" credits for graduate level courses.

PROPOSED

Proposal Changes the Following Existing Rules: See Explanation of Rule above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The board determined, by study and survey, that the rule will not have more than minor cost impact on ten percent or more of the businesses in Standard Industrial Classification 8721 (accounting, auditing, bookkeeping services) or twenty percent or more of all businesses.

Hearing Location: Bank of California Building, 900 4th Avenue, 24th Floor, Attorney General Training Center, Seattle, WA, on May 25, 1995, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Cheryl Sexton by May 20, 1995, TDD (800) 833-6388, or (360) 664-9194.

Submit Written Comments to: P.O. Box 9131, Olympia, WA 98507-9131, FAX (360) 664-9190, by May 25, 1995.

Date of Intended Adoption: June 30, 1995.

April 18, 1995
Carey L. Rader
Executive Director

AMENDATORY SECTION (Amending WSR 93-12-071, filed 5/27/93, effective 7/1/93)

WAC 4-25-710 CPA certificate—Education requirements. Until June 30, 2000, applicants for a CPA certificate shall have a baccalaureate degree conferred by a college or university recognized by the board. The degree program shall include an accounting concentration or its equivalent and related subjects the board deems appropriate. Effective July 1, 2000, an applicant for a CPA certificate shall have completed at least one hundred fifty semester hours of college education, including:

- A baccalaureate or higher degree; and
- An accounting concentration or its equivalent as defined by the board.

(1) Equivalent education. Until June 30, 2000, the board may, in its discretion, waive the educational requirements for any person if the board is satisfied that the applicant has successfully completed such equivalency examinations as may be offered by bona fide educational testing organizations. The board will not prepare or offer equivalent education examinations. The board will designate, by resolution, acceptable educational testing organizations and equivalency examinations when and if acceptable organizations and examinations exist. Effective July 1, 2000, the board will discontinue this provision for equivalent education.

(2) Education obtained outside the United States. In the case of education obtained outside the United States, the board may, at its discretion, rely on bona fide foreign education credential evaluation services. The board will not provide such services, but will designate acceptable foreign education evaluation services, by board resolution, upon application from service providers.

(3) As used in these rules, a "semester hour" means the conventional college semester hour. Quarter hours may be converted to semester hours by multiplying them by two-thirds.

(4) Accreditation standards. For purposes of this rule, the board will recognize colleges and universities which are accredited in accordance with (a) through (c) of this subsection.

(a) An accredited college or university is a four-year degree-granting college or university accredited at the time the applicant's degree was received by virtue of membership in one of the following accrediting agencies:

- (i) Middle States Association of College and Secondary Schools;
- (ii) New England Association of Schools and Colleges;
- (iii) North Central Association of Colleges and Secondary Schools;
- (iv) Northwest Association of Schools and Colleges;
- (v) Southern Association of Colleges and Schools;
- (vi) Western Association of Schools and Colleges; and
- (vii) Accrediting Commission for Independent Colleges and Schools, or its predecessor, the Accrediting Commission of the Association of Independent Colleges and Schools.

(b) If an institution was not accredited at the time an applicant's degree was received but is so accredited at the time the application is filed with the board, the institution will be deemed to be accredited for the purpose of (a) of this subsection provided that it:

- (i) Certifies that the applicant's total educational program would qualify the applicant for graduation with a baccalaureate degree during the time the institution has been accredited; and
- (ii) Furnishes the board satisfactory proof, including college catalogue course numbers and descriptions, that the preaccrediting courses used to qualify the applicant for a concentration in accounting are substantially equivalent to postaccrediting courses.

(c) If an applicant's degree was received at an accredited college or university as defined by (a) or (b) of this subsection, but the educational program which was used to qualify the applicant for a concentration in accounting included courses taken at nonaccredited institutions, either before or after graduation, such courses will be deemed to have been taken at the accredited institution from which applicant's degree was received, provided the accredited institution either:

- (i) Has accepted such courses by including them in its official transcript; or
- (ii) Certifies to the board that it will accept such courses for credit toward graduation.

(5) Alternative to accreditation. A graduate of a four-year degree-granting institution not accredited at the time the applicant's degree was received or at the time the application was filed will be deemed to be a graduate of a four-year accredited college or university if a credentials evaluation service approved by the board certifies that the applicant's degree is equivalent to a degree from an accredited college or university as defined in subsection (4) of this section.

(6) Accounting concentration. Until June 30, 2000, a concentration in accounting for holders of baccalaureate degrees, for purposes of this rule, shall consist of at least:

- (a) Twenty-four semester hours or the equivalent, in accounting subjects including no more than ten semester hours of lower division elementary accounting courses; and

(b) Twenty-four semester hours or the equivalent, in business administration subjects which shall include business law, finance, and economics.

(c) A concentration in accounting for holders of graduate degrees for purposes of this rule shall consist of at least:

(i) Sixteen semester hours or the equivalent in graduate level accounting subjects. Undergraduate accounting courses may be substituted at two-thirds of the stated undergraduate credit; and

(ii) Sixteen semester hours or the equivalent in graduate level business administration subjects which shall include business law, finance, and economics. Undergraduate business courses may be substituted at two-thirds of the stated undergraduate credit.

(7) Accounting concentration. After June 30, 2000, a concentration in accounting, for purposes of this rule, shall consist of at least:

(a) Twenty-four semester hours or the equivalent in accounting subjects of which at least fifteen semester hours must be at the upper division or graduate level (an upper division course is defined as a course only available to students who have standing as a junior, senior or graduate; frequently carries completion of an elementary course(s) as a prerequisite for admission; and is usually designated as "upper division" by the school offering the course); and

(b) Twenty-four semester hours or the equivalent in business administration subjects at the undergraduate or graduate level.

The board will not recognize accounting concentration credits awarded for "life experience" or similar activities retroactively evaluated and recognized by colleges or universities. This restriction is not intended to apply to internships prospectively approved by colleges or universities.

WSR 95-09-068
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS
[Filed April 18, 1995, 4:47 p.m.]

Original Notice.

Title of Rule: Timely and accurate reporting.

Purpose: To implement changes to administration of fee authorized by RCW 41.50.110 for untimely and inaccurate reporting.

Statutory Authority for Adoption: RCW 41.50.050, 41.50.110 (3)(c).

Statute Being Implemented: RCW 41.50.110.

Summary: Changes definition of untimely and inaccurate reporting; amends billing schedule; provides for appeal of billing.

Reasons Supporting Proposal: The department's experience over the last four years administering RCW 41.50.110, along with recent improvements in reporting systems, have allowed the Department of Retirement Systems to redesign the fee process to work more efficiently.

Name of Agency Personnel Responsible for Drafting: Paul Neal, 1025 East Union, Olympia, (360) 586-3368;

Implementation and Enforcement: Dan Swisher, 404 Legion Way, Olympia, (360) 586-9038.

Name of Proponent: Department of Retirement Systems, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rules amend the current WACs governing the implementation of the fee for untimely and inaccurate reporting authorized by RCW 41.50.110(3). The purpose is to provide notice of departmental changes to the administrative design. The effect will be to provide notice of the changes and ease transition.

Proposal Changes the Following Existing Rules: (1) Amends WAC 415-115-030 to change fee assessment to a monthly schedule; (2) amends WAC 415-115-050 to amend definition of inaccurate report; (3) amends WAC 415-115-060 to describe report as an edit report; (4) amends WAC 415-115-070 to enact effective date of changes; (5) amends WAC 415-115-080 to change fee assessment to monthly schedule; and (6) amends WAC 415-115-120 to provide for appeal process.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Only public employees and employers can participate in the retirement systems administered by the department. Therefore, there is no potential impact on small business.

Hearing Location: Boardroom, 2nd Floor, 1025 East Union Avenue, Olympia, WA 98504-8380, on May 26, 1995, at 3:00.

Assistance for Persons with Disabilities: Contact Paul Neal by May 19, 1995, TDD (360) 586-5450, or (360) 586-3368.

Submit Written Comments to: Paul Neal, P.O. Box 8380, Olympia, WA 98504-8380, FAX (360) 753-3166, by May 26, 1995.

Date of Intended Adoption: June 1, 1995.

April 18, 1995

Paul Neal

Rules Coordinator

AMENDATORY SECTION (Amending WSR 91-13-030, filed 6/12/91, effective 7/13/91)

WAC 415-115-030 Assessment of additional administrative fee. (1) An employer who fails to submit timely and accurate reports to the department will be assessed an additional fee related to the increased costs incurred by the department to process the deficient reports.

(2) Every ~~((six))~~ month~~((s))~~, the department will determine the amount of the fee to be assessed by evaluating the timeliness and accuracy of the reports submitted by employers in the preceding ~~((six))~~ month~~((s))~~. If those reports are either untimely or inaccurate, the department will assess an additional administrative fee. This additional administrative fee will not exceed fifty percent of the standard administrative fee.

AMENDATORY SECTION (Amending WSR 91-13-030, filed 6/12/91, effective 7/13/91)

WAC 415-115-050 What is considered an inaccurate report. Reports are inaccurate if they cannot be processed or if they contain errors.

~~((1) Examples of reports which cannot be processed include, but are not limited to, reports which contain unreadable information or reports which are submitted on improper media.~~

~~2) Examples of errors include, but are not limited to, invalid codes, incorrect plan or system assignments, incorrect member social security numbers, or incorrect dollar totals.))~~

AMENDATORY SECTION (Amending WSR 91-13-030, filed 6/12/91, effective 7/13/91)

WAC 415-115-060 Deficiencies in reporting. Any report which is overdue or which is inaccurate is considered a deficient report. Each day a report is late, each report which cannot be processed, or each error contained in a report constitutes a single deficiency in reporting. Employers are notified of reporting deficiencies each month through the department of retirement systems transmittal (~~(deficiency)~~) edit report.

AMENDATORY SECTION (Amending WSR 91-13-030, filed 6/12/91, effective 7/13/91)

WAC 415-115-070 Evaluation of reports and assessment of additional administrative fee. Beginning with July ~~((1991))~~ 1995 reports which are due ~~((in the department))~~ on or before August 15, ~~((1991))~~ 1995, the department will evaluate reports ~~((for timeliness and accuracy under these rules. Beginning January 15, 1992 and every six months thereafter, the department will assess an additional administrative fee on employers who have reported late or inaccurately during the preceding six month period. The six month periods used to evaluate the timeliness and accuracy of reports shall be January through June and July through December))~~ under the 1995 amendments to this chapter.

AMENDATORY SECTION (Amending WSR 92-16-032, filed 7/29/92, effective 8/29/92)

WAC 415-115-080 Determination of additional administrative fee. The department will determine the additional administrative fee that may be assessed to employers who have submitted untimely or inaccurate reports. This fee will be determined as follows:

(1) The department will base the additional administrative fee on costs incurred for processing late or inaccurate reports. Costs related to processing deficient data may include, but are not limited to, costs of personnel, equipment, services and facilities.

(2) The department will determine the total number of deficiencies reported by all employers during each ~~((six-month period))~~ month.

(3) Based upon the costs identified in subsection (1) of this section, the department will determine the additional administrative fee to be charged per deficiency.

(4) The department will determine the additional administrative fee to charge each employer. The total fee shall be an amount equal to the per deficiency fee deter-

mined under subsection (3) of this section multiplied by the deficiencies reported by an employer.

(5) From time to time, the department may review and adjust the charge calculated under subsection (3) of this section.

(6) Additional administrative fees are due and payable the 15th day of the calendar month following the month that the statement is dated.

AMENDATORY SECTION (Amending WSR 91-13-030, filed 6/12/91, effective 7/13/91)

WAC 415-115-120 ((Correction)) Reconsideration of additional administrative fee billing. (1) An employer who has received a billing for untimely or inaccurate reporting under this chapter may request a reconsideration of the billing. The employer must request reconsideration within six months of the date that the billing was issued by the department. The employer must state the reason why, and present evidence that, the specific assessment was not untimely or inaccurate.

(2) In instances where an additional administrative fee has been assessed incorrectly, the department will credit the employer's account in the amount of the incorrect assessment. An employer must provide suitable verification of the incorrectness of the assessment. An employer will be credited only for those reporting deficiencies charged to the employer for which the employer is not responsible.

**WSR 95-09-069
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS**
[Filed April 18, 1995, 4:51 p.m.]

Original Notice.

Title of Rule: Eligibility for membership in the public employees' retirement system (PERS), the teachers' retirement system (TRS) and the law enforcement officers' and fire fighters' retirement system (LEOFF).

Purpose: To codify existing department interpretation of eligibility criteria for membership in PERS, TRS and LEOFF.

Other Identifying Information: Retirement systems established under chapter 41.40 RCW (PERS), chapter 41.32 RCW (TRS) and chapter 41.26 RCW (LEOFF).

Statutory Authority for Adoption: RCW 41.50.050.

Statute Being Implemented: Chapters 41.40, 41.32, and 41.26 RCW.

Summary: Codify existing departmental interpretation of the statutes governing eligibility for membership in PERS, TRS and LEOFF.

Reasons Supporting Proposal: The department's interpretations of eligibility statutes should be published as rules for public notice and to support departmental decisions.

Name of Agency Personnel Responsible for Drafting: Paul Neal, 1025 East Union, Olympia, (360) 586-3368; Implementation and Enforcement: Jack Bryant/Leah Wilson, 1025 East Union, Olympia, (360) 753-3109/753-2075.

Name of Proponent: Department of Retirement Systems, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rules codify department interpretations of the statutes governing membership eligibility. The purpose of the rules is to provide a source for consistent, reliable determinations of eligibility and to provide a resource to employees and employers to make preliminary eligibility determinations.

Proposal Changes the Following Existing Rules: The only existing rules changed are definition sections. Those sections are restructured so that each definition is a separate WAC. This will make it easier for persons using the rules to find particular definitions.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. By definition, only public employees and employers can participate in the retirement systems administered by the department. Therefore, there is no potential impact on small businesses.

Hearing Location: Boardroom, 2nd Floor, 1025 East Union Avenue, Olympia, WA 98504-8380, on May 26, 1995, at 3:00.

Assistance for Persons with Disabilities: Contact Paul Neal by May 19, 1995, TDD (360) 586-5450, or (360) 586-3368.

Submit Written Comments to: Paul Neal, P.O. Box 8380, Olympia, WA 98504-8380, FAX (360) 753-3166, by May 26, 1995.

Date of Intended Adoption: June 1, 1995.

April 18, 1995

Paul Neal
Rules Coordinator

AMENDATORY SECTION (Amending WSR 94-11-009, filed 5/5/94, effective 6/5/94)

WAC 415-112-015 Definitions. ~~((1))~~ All definitions in RCW 41.32.010 apply to terms used in this chapter ~~(; unless a different meaning is plainly required by the context)~~. Other terms relevant to the administration of chapter 41.32 RCW are defined in this chapter.

~~((2) As used in this chapter, unless a different meaning is plainly required by the context:~~

~~"Annual leave" means leave provided by an employer for the purpose of vacation and does not include leave for illness, personal business if in addition to and different than vacation leave, or other paid time off from work. *Provided, however,* That if an employer authorizes only one type of leave to provide paid leave for vacation and illness, as well as any other excused absence from work, such leave will be considered annual leave for purposes of RCW 41.50.150.~~

~~"Contract period" for Plan I members as used in RCW 41.32.345 means the period from July 1 to June 30 of the following year.~~

~~"Day" for purposes of administering RCW 41.32.570 means seven compensated hours. "Seventy five days" means five hundred twenty five cumulative compensated hours;~~

~~"Duly executed" means that all required forms or documents have been completed, signed and notarized, and filed with the department;~~

~~"Insurable interest" means a reasonable expectation of monetary benefit from the continued life of the member; or a relation of the parties to each other by blood or marriage;~~

~~"Pension benefit" means that portion of a retiree's monthly retirement allowance that is funded by the state of Washington and the retiree's former employer or employers;~~

~~"Public educational institution" means a school district, the state school for the deaf, the state school for the blind, educational service districts, institutions of higher education, or community colleges;~~

~~"School year" for Plan I members means the fiscal year running from July 1 to June 30;~~

~~"Single life annuity" means an annuity based solely on the expected remaining life of the member, without regard to any benefits for the member's designated beneficiary or spouse;~~

~~"Spousal consent" means written evidence that the married member's spouse consents to the retirement option selected by the member. The spouse's notarized signature on the retirement application, when such application is duly executed and filed with the department, shall constitute "spousal consent";~~

~~"Survivor" means a person who has an insurable interest in the member's life. Such person shall be nominated by the member by written designation duly executed and filed with the department at the time of retirement.)~~

NEW SECTION

WAC 415-112-0151 Contract period—Definition.

"Contract period" means for Plan I members as used in RCW 41.32.345 means the period from July 1 to June 30 of the following year.

NEW SECTION

WAC 415-112-0152 Day—Definition. "Day" means for purposes of administering RCW 41.32.570 means seven compensated hours. "Seventy-five days" means five hundred twenty-five cumulative compensated hours.

NEW SECTION

WAC 415-112-0153 Duly executed—Definition.

"Duly executed" means that all required forms or documents have been completed, signed and notarized, and filed with the department.

NEW SECTION

WAC 415-112-0154 Ineligible position—Definition.

"Ineligible position" means a position which does not qualify as an eligible position under RCW 41.32.010(37).

NEW SECTION

WAC 415-112-0155 Insurable interest—Definition.

"Insurable interest" means a reasonable expectation of monetary benefit from the continued life of the member; or a relation of the parties to each other by blood or marriage.

NEW SECTION

WAC 415-112-0156 Pension benefit—Definition. "Pension benefit" means that portion of a retiree's monthly retirement allowance that is funded by the state of Washington and the retiree's former employer or employers.

NEW SECTION

WAC 415-112-0157 Public educational institution—Definition. "Public educational institution" means a school district, the state school for the deaf, the state school for the blind, educational service districts, institutions of higher education, or community colleges.

NEW SECTION

WAC 415-112-0158 Public school—Definition. (1) "Public school," as defined in RCW 41.32.010(21), includes school districts, educational service districts, the state school for the deaf, and the state school for the blind but does not include the office of the superintendent of public instruction.

(2) As applied to other TRS employers, "public school" means an institution employing teachers and whose primary function is to educate students. "Employing teachers" means fifty percent or more of a public school's employees are qualified to teach as defined in WAC 415-112-0159.

NEW SECTION

WAC 415-112-0159 Qualified to teach—Definition. "Qualified to teach," as used under RCW 41.32.010(29), means either:

(1) Having the authority to provide instruction at a common school as defined under RCW 28A.150.020 pursuant to:

(a) A valid teaching certificate issued by the office of the superintendent of public instruction under WAC 180-75-055; or

(b) A permit to teach issued by lawful authority of this state under RCW 28A.405.010; or

(2) Being employed under a contract to teach with an institution of higher education as defined in RCW 28A.150.020.

NEW SECTION

WAC 415-112-0161 School year—Definition. (1) "School year" for Plan I members means the fiscal year running from July 1 to June 30.

(2) "School year" for Plan II members means the twelve-month period from September 1 of one year to August 31 of the following year.

NEW SECTION

WAC 415-112-0162 Service in an administrative or supervisory capacity—Definition. As used under RCW 41.32.010(29) and in this chapter:

(1) "Service in an administrative or supervisory capacity," means:

(a) Service in a managerial role relating to the administration of a public school; or

(b) Service involving the exercise of direction over employees of the public school.

(2) The phrase "service in an administrative or supervisory capacity" includes, but is not limited to, service as: Principal, assistant principal, superintendent, assistant superintendent, personnel manager, business manager and school librarian.

NEW SECTION

WAC 415-112-0163 Service in an instructional capacity—Definition. "Service in an instructional capacity," means a qualified teacher performing services as a classroom teacher.

NEW SECTION

WAC 415-112-0164 Single life annuity—Definition. "Single life annuity" means an annuity based solely on the expected remaining life of the member, without regard to any benefits for the member's designated beneficiary or spouse.

NEW SECTION

WAC 415-112-0165 Spousal consent—Definition. "Spousal consent" means written evidence that the married member's spouse consents to the retirement option selected by the member. The spouse's notarized signature on the retirement application, when such application is duly executed and filed with the department, shall constitute "spousal consent."

NEW SECTION

WAC 415-112-0166 Survivor—Definition. "Survivor" means a person who has an insurable interest in the member's life. Such person shall be nominated by the member by written designation duly executed and filed with the department at the time of retirement.

NEW SECTION

WAC 415-112-0167 System acronyms—Definition. The acronyms used in this chapter mean:

(1) "PERS" means the Public Employees' Retirement System.

(2) "TRS" means the Teachers' Retirement System.

NEW SECTION

WAC 415-112-119 Purpose and scope of eligibility rules. WAC 415-112-120 through 415-112-155 codify the department's existing administrative practice regarding eligibility for membership in TRS Plan I and Plan II. The department has applied and will apply these rules to determine eligibility for service occurring prior to the effective dates of these sections.

NEW SECTION

WAC 415-112-120 Am I eligible to establish membership? (1) **You must be a teacher.** You are eligible to establish membership as provided under WAC 415-112-125 only if you work as a teacher. You are a teacher if you are

qualified to teach and work for a public school in an instructional, administrative or supervisory capacity.

(2) **Nonteaching positions.** Positions which do not require service in an instructional, administrative or supervisory capacity include, but are not limited to, the following: Custodian, groundskeeper, bus driver, cafeteria worker, library technician, administrative assistant, and payroll clerk.

NEW SECTION

WAC 415-112-125 If I am eligible, how can I establish membership? (1) If you met the conditions in the following table, you established TRS membership. Your plan status depends upon the date you established membership, as indicated in the following table:

Period of Service	Type of Employment	Plan
Prior to 10/01/77 ^{1/}	If you were contracted to teach full-time you were mandated into membership. If you were employed under a less than full-time contract and you exercised your option to establish membership prior to 10/01/77, you had the option to apply for membership under RCW 41.32.240, if you worked 90 or more full-time days ^{2/} during a fiscal year.	Plan I
10/01/77 through 06/06/90	If you were contracted to teach full-time you were required to be a member. If you were employed as a substitute teacher or under a less than full-time contract, you have the option to apply for membership under RCW 41.32.240 if you worked a minimum of 90 full-time days ^{2/} during a school year, provided 1 month had at least 90 hours.	Plan II
6/07/90 through 08/31/91	You must have been employed in an eligible position as defined in Section 2, Chapter 274, Laws of 1990, (requiring two or more consecutive months of at least 90 hours of compensated employment each month during a school year). For substitute teachers: If you met the above criteria, you may apply for membership and service credit under RCW 41.32.013 and WAC 415-112-140.	Plan II
9/01/91 forward	You must be employed in an eligible position (requiring at least 5 months of 70 hours or more of compensated employment each month during a school year). For substitute teachers: If you meet the above criteria, you may apply for membership/service credit under RCW 41.32.013 and WAC 415-112-140.	Plan II

PROPOSED

^{1/} If you previously established Plan I membership as detailed above, you may reestablish Plan I membership after October 1, 1977.

^{2/} "Ninety days of employment," under RCW 41.32.240 and this section means either:

(a) Ninety full-time calendar days, or the equivalent, during a school year if you were employed as a teacher under a contract; or

(b) Ninety full-time days of actual, compensated service, or the equivalent, during a school year if you were employed as a substitute teacher.

(c) The "equivalent" of a full-time day of employment under (a) and (b) of this subsection is the sum of partial days which, when added together, equals one full-time day.

(2) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Member" - RCW 41.32.010(15).

(b) "Eligible position" - RCW 41.32.010(37).

(c) "Employer" - RCW 41.32.010(11).

(d) "Full-time" - RCW 41.32.240

(e) "Service" - RCW 41.32.010(26).

(f) "Substitute teacher" - RCW 41.32.010(36).

(g) "Teacher" - RCW 41.32.010(29).

(h) "School year" - WAC 415-112-0161.

NEW SECTION

WAC 415-112-130 If I separate from, and then reenter employment, can I continue to participate in TRS? (1) If you are a TRS Plan I member, you will participate in TRS Plan I if you become reemployed with a TRS employer. If you are a Plan I member and have separated from service without withdrawing contributions, you will participate in the system again if you become reemployed with a TRS employer, even if you are not working as a teacher.

(2) If you terminate TRS Plan I membership, you will not reenter TRS Plan I unless you requalify for membership or repay withdrawn contributions as a dual member. If you were a Plan I member and have terminated your membership, you can reestablish your membership and be eligible to participate in the system again only if you:

(a) Become reemployed as a teacher in a position or positions meeting the membership eligibility criteria under RCW 41.32.240 and WAC 415-112-125(1); or

(b) Repaid withdrawn contributions as a dual member under portability. See RCW 41.54.020(2).

(3) If you have service credit in TRS Plan II, you will only reestablish membership if you work as a teacher in an eligible position. If you were a Plan II member who separated from service, you will reestablish membership and be eligible to participate in the system again only if you:

(a) Become reemployed as a teacher; and

(b) Render service in a position or positions meeting the membership eligibility criteria under WAC 415-112-125(1) or 415-112-140(1).

(4) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Dual member" - RCW 41.54.010(4) and WAC 415-113-041.

(b) "Eligible position" - RCW 41.32.010(37).

(c) "Employer" - RCW 41.32.010(11).

(d) "Member" - RCW 41.32.010(15).

(e) "Service" - RCW 41.32.010(26).

(f) "Service in an administrative or supervisory capacity" - WAC 415-112-0162.

(g) "Service in an instructional capacity" - WAC 415-112-0163.

(h) "Teacher" - RCW 41.32.010(29).

NEW SECTION

WAC 415-112-135 Can I be a member if I work as an educational staff associate? (1) You are eligible for membership if you are certificated and employed as an educational staff associate. You are a teacher for purposes of TRS membership if you:

(a) Possess a valid educational staff associate certificate issued by the office of the superintendent of public instruction under WAC 180-75-055(3); and

(b) Serve in an educational staff associate position.

(2) **Positions which qualify as an educational staff associate.** "Educational staff associate," includes but is not limited to a person employed by a public school in any of the following positions: Communications disorder specialist, occupational therapist, physical therapist, reading resource

technician, school counselor, school nurse, school psychologist and school social worker.

(3) If you were enrolled in PERS before June 7, 1984, based on your employment as an educational staff associate, you may remain in PERS. If you were enrolled in the PERS prior to June 7, 1984, based on employment as an educational staff associate, you will remain in PERS unless you choose either to:

(a) Transfer your membership to TRS within the time limits established in RCW 41.32.032; or

(b) Terminate your membership in PERS by withdrawing your accumulated contributions.

(4) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Member" - RCW 41.32.010(15).

(b) "Employer" - RCW 41.32.010(11).

(c) "Public school" - RCW 41.32.010(21) and WAC 415-112-0158.

(d) "Service" - RCW 41.32.010(26).

(e) "Teacher" - RCW 41.32.010(29).

NEW SECTION

WAC 415-112-140 Am I eligible for membership and service credit as a substitute teacher? (1) You may apply for membership and service credit in TRS as a substitute teacher if you meet eligibility criteria.

(a) **TRS Plan I.**

(i) If you are a former Plan I member, you may apply to reestablish Plan I membership if you work ninety or more full-time days during a school year as a teacher.

(ii) If you are a Plan I member, you may apply to the department for service credit in Plan I as a substitute teacher if you work a minimum of twenty full-time days during a school year.

(b) **TRS Plan II.**

(i) You may apply to the department for membership in Plan II if you:

(A) Work at least seventy hours for five or more months during a school year; or

(B) Worked at least ninety hours for two consecutive months during the school year of September 1, 1990, through August 31, 1991.

(ii) If you have previously established membership in Plan II and have not withdrawn your contributions, you may apply to the department for service credit based on any compensated employment you earn as a substitute teacher during a school year.

(2) **To apply, you must submit your employer's quarterly reports to the department at the end of a year.**

(a) To apply for membership and service credit as a substitute teacher, you must submit your employer's quarterly reports to the department no earlier than:

(i) June 30 of the year for which you are applying for Plan I service credit; or

(ii) August 31 of the year for which you are applying for Plan II service credit.

(b) Your employer cannot report your service and earnings history as a substitute teacher to the department through the retirement system monthly reporting system

unless you are also employed in a separate, eligible position with the same employer.

(3) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

- (a) "Member" - RCW 41.32.010(15).
- (b) "Service" - RCW 41.32.010(26).
- (c) "Substitute teacher" - RCW 41.32.010(36).
- (d) "Teacher" - RCW 41.32.010(29).

NEW SECTION

WAC 415-112-145 Can I terminate my status as a member? (1) If you are a TRS Plan I member, you will remain a member until you:

- (a) Die;
- (b) Retire for service or disability; or
- (c) Withdraw your accumulated contributions.

(2) If you are a TRS Plan II member, you will remain a member until you:

- (a) Die;

- (b) Retire for service or disability; or
- (c) Separate from service as a teacher in an eligible position.

(3) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

- (a) "Eligible position" - RCW 41.32.010(37).
- (b) "Member" - RCW 41.32.010(15).
- (c) "Service" - RCW 41.32.010(26).
- (d) "Teacher" - RCW 41.32.010(29).

NEW SECTION

WAC 415-112-155 If I work in both a TRS position and PERS position during the same school year, which system will I be in? (1) If you work in both a TRS and PERS position during the same school year, your membership status and the nature of your positions will determine the system your employer will report you in. You will be reported in either TRS or PERS according to the following tables:

Former TRS Plan I Members ^{1/}

Type of Concurrent Employment ^{2/}	Type of Employer(s)	System You Will Be Reported In
A substitute or less than full-time teaching position and a PERS-eligible position	Same employer	PERS - for both positions.
	Separate TRS employers	PERS - for PERS position only. Your substitute part-time position is not reported unless you qualify for and elect to establish TRS membership under RCW 41.32.240. If you elect to establish TRS membership, your employers will report you in TRS for both positions. Any previously reported service credit and compensation in PERS will be transferred to TRS.
	A TRS employer and non-TRS employer	PERS - for PERS position only. Your substitute part-time position is not reported unless you qualify for and elect to establish TRS membership under RCW 41.32.240. If you elect to establish TRS membership, you must elect either to: 1. Have your TRS service reported in PERS and receive service credit in PERS for both positions; or 2. Have your TRS service reported in TRS and not receive service credit for the PERS position.
A full-time teaching position and an eligible PERS position	Same employer	TRS - for both positions.
	Separate TRS employers	TRS - for both positions.
	A TRS employer and non-TRS employer	You must elect to: 1. Have your TRS service reported in PERS and receive service credit in PERS for both positions; or 2. Have your TRS service reported in TRS and not receive service credit for the PERS position.

PROPOSED

TRS Plan I Members

Type of Concurrent Employment ^{2/}	Type of Employer(s)	System You Will Be Reported In
A full-time or less than full-time TRS position and an eligible PERS position	Same employer	TRS - for both positions.
	Separate TRS employers	TRS - for both positions.
	A TRS employer and non-TRS employer	You must elect either to: <ol style="list-style-type: none"> 1. Have your TRS service reported in PERS and receive service credit in PERS for both positions; or 2. Have your TRS service reported in TRS and not receive service credit for the PERS position.
A full-time or less than full-time TRS position and an ineligible PERS position	Same employer	TRS - for both positions.
	Separate TRS employers	TRS - for both positions.
	A TRS employer and non-TRS employer	TRS - for the TRS position only; your ineligible PERS position is not reportable.

TRS Plan II Members

Type of Concurrent Employment ^{2/}	Type of Employer(s)	System You Will Be Reported In
An eligible TRS position and an ineligible PERS position	Same employer	TRS - for both positions.
	Separate TRS employers	TRS - for TRS position only; your ineligible PERS position is not reported.
	A TRS employer and non-TRS employer	TRS - for TRS position only; your ineligible PERS position is not reported.
An eligible TRS position and an eligible PERS position	Same employer	TRS - for both positions.
	Separate TRS employers	TRS - for both positions. ^{3/}
	A TRS employer and non-TRS employer	You must elect either to: <ol style="list-style-type: none"> 1. Have your TRS service reported in PERS and receive service credit in PERS for both positions; or 2. Have your TRS service reported in TRS and not receive service credit for the PERS position.

PROPOSED

PERS Members

Type of Concurrent Employment ^{2/}	Type of Employer(s)	System You Will Be Reported In
An eligible PERS position and an ineligible TRS or substitute position	Same employer	PERS - for both positions.
	Separate TRS employers	<p>PERS - for the PERS position only, unless you qualify for and elect to establish membership in TRS at the end of the school year under WAC 415-112-125(1).</p> <p>If you elect to establish TRS membership, your employers will report you in TRS for both positions. Any previously reported service credit and compensation in PERS will be transferred to TRS.</p>
	A TRS employer and non-TRS employer	<p>PERS - for the PERS position only. You will not be reported for the TRS position unless you elect to either:</p> <ol style="list-style-type: none"> 1. Have your TRS service reported in PERS and receive service credit in PERS for both positions: or 2. Have your TRS service reported in TRS and not receive service credit for the PERS position.

PROPOSED

Neither TRS Nor PERS Member

Type of Concurrent Employment ^{2/}	Type of Employer(s)	System You Will Be Reported In
An ineligible TRS and an ineligible PERS position	Same employer	TRS - for both positions if the positions combined, qualify as an eligible position.
	Separate employers, TRS or non-TRS	Neither position reported.
A substitute teaching position and an ineligible PERS position	Same employer	Neither position reported. However, if you qualify, you may elect to establish membership in TRS at the end of the school year for your substitute teaching position under RCW 41.32.013 and WAC 415-112-140.
	Separate employers, TRS or non-TRS	Neither position reported. However, if you qualify, you may elect to establish membership in TRS at the end of the school year for your substitute teaching position under RCW 41.32.013 and WAC 415-112-140.

^{1/} "Former TRS I member", as used here, means you terminate your membership by withdrawing your contributions.

^{2/} "Concurrently" means during the same school year.

^{3/} **EXAMPLE:** A TRS II member teaches in an eligible position and during the summer, she works for a state agency in an eligible position under PERS. Because the member has established membership in TRS II through employment as a teacher, her state agency employer must report her service and compensation from the PERS position to the Department in TRS II.

EXAMPLE: A TRS II member is employed concurrently by School District A in an eligible TRS position and by School District B in an eligible PERS position. Because he is a TRS II member, School District B employer must report his service and compensation from the PERS position to the Department in TRS II. If the member terminates his employment in the TRS position with School District A, School District B will report him in PERS for the PERS position.

(2) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

- (a) "Eligible position" - RCW 41.32.010(37) (TRS); RCW 41.40.010(25) (PERS).
- (b) "Employer" - RCW 41.40.010(4) (PERS); RCW 41.31.010(11) (TRS).
- (c) "Full time" - RCW 41.32.240.
- (d) "Ineligible position" - WAC 415-112-0154 (TRS); RCW 41.40.010(26) (PERS).
- (e) "Member" - RCW 41.40.010(5).
- (f) "Membership" - RCW 41.40.023.
- (g) "Report" - WAC 415-108-0104.
- (h) "Service" - RCW 41.40.010(9).

AMENDATORY SECTION (Amending WSR 94-11-009, filed 5/5/94, effective 6/5/94)

WAC 415-108-010 Definitions. ~~((+))~~ All definitions in RCW 41.40.010 apply to terms used in this chapter ~~(; unless a different meaning is plainly required by the context)~~. Other terms relevant to the administration of Chapter 41.40 RCW are defined in this chapter.

~~((2))~~ As used in this chapter, unless a different meaning is plainly required by the context:

~~"Annual leave" means leave provided by an employer for the purpose of vacation and does not include leave for illness, personal business if in addition to and different than vacation leave, or other paid time off from work. Provided, however, That if an employer authorizes only one type of leave to provide paid leave for vacation and illness as well as any other excused absence from work, such leave will be considered annual leave for purposes of RCW 41.50.150.~~

~~"Level of union organization" means a union or a lodge or division of a union;~~

PROPOSED

~~"Union" means a labor guild, labor association, and/or labor organization;~~

~~"Union employer" means a union or a union lodge or other division of the union which has verified that it meets the definition of a Plan I employer in RCW 41.40.010.)~~

NEW SECTION

WAC 415-108-0101 Level of union organization—Definition. "Level of union organization" means a union or a lodge or division of a union.

NEW SECTION

WAC 415-108-0102 Normally—Definition. "Normally," as used in the definition of eligible position under RCW 41.40.010(25), means a position is eligible if it is expected to require at least five months of seventy or more hours of compensated service each month during each of two consecutive years. Once a position is determined to be eligible, it will continue to be eligible if it requires at least five months of seventy or more hours of compensated service during at least one year in any two-year period.

NEW SECTION

WAC 415-108-0103 Project position—Definition. "Project position" means a position established by an employer that has a specific goal and end date.

NEW SECTION

WAC 415-108-0104 Report—Definition. "Report" means an employer's reporting of an employee's hours of service, compensation and contributions to the department on the monthly transmittal report.

NEW SECTION

WAC 415-108-0105 Retirement plan—Definition. "Retirement plan," as used in RCW 41.40.023(4) and in this chapter, means any plan operated wholly or in part by the state or a political subdivision. This includes but is not limited to:

- (1) The retirement systems listed under RCW 41.50.030;
- (2) The retirement systems of the cities of Seattle, Spokane and Tacoma; or
- (3) Any higher education plan authorized under RCW 28B.10.400.

NEW SECTION

WAC 415-108-0106 Union—Definition. "Union" means a labor guild, labor association, and/or labor organization.

NEW SECTION

WAC 415-108-0107 Union employer—Definition. "Union employer" means a union or a union lodge or other division of the union which has verified that it meets the definition of a Plan I employer in RCW 41.40.010.

NEW SECTION

WAC 415-108-0108 Year—Definition. "Year" means any twelve consecutive month period established and applied consistently by an employer to evaluate the eligibility of a specific position. The term may include but is not limited to a school year, calendar year or fiscal year.

Example: An employer has used the twelve consecutive month period from July 1 to June 30 to evaluate the eligibility of positions. When the employer hires a new employee to fill an existing position, the employer must continue to use the July 1 through June 30 period to define a year for the position.

Example: If the same employer in the above example hires a person to work in a project position beginning in November, the employer will use the twelve-month period beginning in November to evaluate the eligibility of the new position. The employer must consistently apply this twelve-month period to evaluate the eligibility of this position.

NEW SECTION

WAC 415-108-0109 System acronyms—Definition. The acronyms used in this chapter are defined as follows:
(1) "PERS" means the public employees' retirement system.
(2) "TRS" means the teachers' retirement system.

NEW SECTION

WAC 415-108-679 Purpose and scope of eligibility rules. WAC 415-108-680 through 415-108-728 codify the department's existing administrative practice regarding eligibility for membership in PERS Plan I and Plan II. The department has applied and will apply these rules to determine eligibility for service occurring prior to effective dates of these sections.

NEW SECTION

WAC 415-108-680 Am I eligible for membership?
(1) **You are eligible for membership if you are employed in an eligible position.** Your position is eligible under RCW 41.40.010(25) if the position, as defined by your employer, normally requires at least five months of seventy or more hours of compensated service per month during each year.

(2) **If you leave an eligible position to serve in a project position, you may retain eligibility.** If you are a member and you leave employment in an eligible position to serve in a project position, the project position is eligible if:

(a) The position, as defined by the employer, normally requires at least five months of seventy or more hours of compensated service each month; or

(b) The position requires at least seventy hours per month and you take the position with the understanding that you are expected to return to your permanent eligible position at the completion of the project.

PROPOSED

(3) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

- (a) "Eligible position" - RCW 41.40.010(25).
- (b) "Employer" - RCW 41.40.010(4).
- (c) "Member" - RCW 41.40.010(5).
- (d) "Membership" - RCW 41.40.023.
- (e) "Normally" - WAC 415-108-0102.
- (f) "Project position" - WAC 415-108-0103.
- (g) "Year" - WAC 415-108-0108.

NEW SECTION

WAC 415-108-690 How is my eligibility evaluated?

(1) **Your eligibility is based on your position.**

In evaluating whether your position is eligible, your employer will determine only whether the position meets the criteria of an eligible position under RCW 41.40.010(25). Your employer will not consider your membership status or individual circumstances unless you:

- (a) Leave employment in an eligible position to serve in a project position (See WAC 415-108-680(2)); or
- (b) Work in both a PERS and TRS position during the same school year (See WAC 415-108-728).

(2) **Your employer will evaluate your position's eligibility for a particular year at the beginning of the year.**

(3) **Your employer or the department may reclassify your position's eligibility based upon your actual work history.** If your employer declares your position to be ineligible at the beginning of a year and by the end of the year, you have actually worked five or more months of seventy or more hours, your employer will, at that time, review your position's eligibility. If at the end of the first year:

- (a) Your employer believes your position meets the requirements for an eligible position and declares the position as eligible, you will enter membership and your employer will report you to the department effective from the date your employer declares the position as eligible; or
- (b) Your employer believes that the position will not meet the criteria for an eligible position during the next year, your employer may continue to define your position as ineligible. However, if during the next year the position actually requires you to again work seventy or more hours each month for at least five months, the department will declare your position as eligible. You will enter membership in the retirement system and your employer will report you to the department effective from the first month of the first year in which your position required you to work for seventy or more hours.

(4) **The department will not reclassify your position's eligibility until history of the position shows that it meets the criteria for an eligible position.** If your employer has declared your position ineligible, the department will not reclassify your position as eligible until history of the position shows a period of two consecutive years of at least five months of seventy or more hours of compensated employment each month.

(5) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

- (a) "Eligible position" - RCW 41.40.010(25).
- (b) "Employer" - RCW 41.40.010(4).
- (c) "Ineligible position" - RCW 41.40.010(26).
- (d) "Membership" - RCW 41.40.023.
- (e) "Project position" - WAC 415-108-0103.
- (f) "Report" - WAC 415-108-0104.
- (g) "Year" - WAC 415-108-0108.

NEW SECTION

WAC 415-108-700 Can I qualify for membership if I work in more than one ineligible position with the same employer? (1) **All of your monthly work for an employer counts as one position.** If you are employed with the same employer in two ineligible positions during a year which, when combined, equate to an eligible position and your employer expects you to continue in this employment for a second consecutive year, your employer will report the total hours you work in both positions to the department as an eligible position.

Example: A person normally works for one employer as a cook for forty hours each month and as a bus driver for forty hours each month. The person is eligible for membership because he works a total of eighty hours each month for at least five months each year and this is the normal pattern of his employment.

Example: A person normally works for one employer for forty hours each month as a cook. For one year only, she takes on extra duties by also working forty hours per month as a bus driver. Although she worked eighty hours each month for five or more months during one year, she is not eligible for membership because these hours are not the normal pattern of her employment.

Example: A person works for one employer for forty hours each month as a cook and also works for another employer for forty hours each month as a bus driver. The person is not eligible for membership because he cannot combine the hours of employment with these separate employers to establish membership.

(2) **You may be reported in TRS if you work in two positions and one position is covered under TRS.** See WAC 415-108-728.

(3) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

- (a) "Eligible position" - RCW 41.40.010(25).
- (b) "Employer" - RCW 41.40.010(4).
- (c) "Ineligible position" - RCW 41.40.010(26).
- (d) "Membership" - RCW 41.40.023.
- (e) "Normally" - WAC 415-108-0102.
- (f) "Report" - WAC 415-108-0104.
- (g) "Year" - WAC 415-108-0108.

NEW SECTION

WAC 415-108-710 If I work for an employer after I retire, will my retirement benefit be affected? (1) If you reenter membership after retiring, the department will suspend payment of your benefit.

(2) You may work for an employer in some circumstances without reentering membership. You may enter employment with an employer after retirement without having to reenter membership if:

(a) You are employed in an ineligible position; or

(b) You are employed in an eligible position on a temporary basis for five months or less in a calendar year.

(i) If you enter compensated employment in an eligible position during a month, that month is counted as a month of employment in the calendar year regardless of the number of hours you worked in the month.

(ii) If you are employed in an eligible position for any five months during a calendar year, the department will count your employment as five months of employment, regardless of whether or not the months are consecutive or your employment is with one or more employers.

(3) You are required to reenter membership if you become reemployed in an eligible position on a temporary basis for more than five months in a calendar year. If you become reemployed in an eligible position on a temporary basis for more than five months in a calendar year you will reenter membership in the retirement system beginning with the sixth month of your employment. Effective at the beginning of the sixth month of your employment:

(a) Your employer will report you to the department; and

(b) The department will suspend your retirement allowance.

(4) You are required to reenter membership if you become permanently reemployed in an eligible position. If you become reemployed in an eligible position on a permanent basis you will immediately become a member. Effective from the date of your reemployment in a permanent eligible position:

(a) Your employer will report you to the department; and

(b) The department will suspend your retirement allowance.

(5) Meaning of employment on a temporary or permanent basis.

(a) "Employed on a temporary basis" under subsection (2) of this section means your employer expects your employment to last for five months or less and not be on a recurring basis.

(b) "Employed on a permanent basis" under subsection (3) of this section means either:

(i) Your employer expects you to continue in your position for more than five months in any calendar year; or

(ii) Your employer expects you to continue in the same position for more than one year on a recurring basis and your employment is for five months or less during each year.

(6) Defined terms used. Definitions for the following terms used in this section may be found in the sections listed.

(a) "Eligible position" - RCW 41.40.010(25).

(b) "Employer" - RCW 41.40.010(4).

(c) "Ineligible position" - RCW 41.40.010(26).

(d) "Membership" - RCW 41.40.023.

(e) "Report" - WAC 415-108-0104.

NEW SECTION

WAC 415-108-720 Participation—Can I be excluded from participating in membership even if I am employed in an eligible position? (1) You may be exempt from participating in membership even if you meet eligibility criteria. Even if you are employed in an eligible position you are exempt from participating in PERS if your individual circumstances qualify you for one of the exceptions to membership under RCW 41.40.023.

(2) If you work for a PERS employer after you retire, you are subject to post-retirement employment restrictions even if you are excluded from participating in membership. If you become employed in an eligible position after you retire, you are subject to the post-retirement employment restrictions under RCW 41.40.150 and 41.40.690 even if you are excluded from membership.

(3) Defined terms used. Definitions for the following terms used in this section may be found in the sections listed.

(a) "Eligible position" - RCW 41.40.010(25).

(b) "Employer" - RCW 41.40.010(4).

(c) "Ineligible position" - RCW 41.40.010(26).

(d) "Membership" - RCW 41.40.023.

NEW SECTION

WAC 415-108-725 If I have retired from another retirement plan or am eligible to retire, am I excluded from participating in PERS? (1) If you have retired or are eligible to retire from another retirement system authorized by the laws of this state you cannot participate in PERS membership unless:

(a) You established membership in PERS prior to March 1, 1976; or

(b) You accrued less than fifteen years of service credit in the other retirement plan.

(2) If you are receiving a disability allowance from any retirement system administered by the department you can not participate in PERS unless you established membership in PERS prior to March 1, 1976.

(3) Defined terms used. Definitions for the following terms used in this section may be found in the sections listed.

(a) "Membership" - RCW 41.40.023.

(b) "Retirement plan" - WAC 415-108-0105.

(c) "Service" - RCW 41.40.010(9).

NEW SECTION

WAC 415-108-726 If I have accrued service credit in another retirement plan, am I excluded from participating in PERS? (1) If you have earned service credit in any retirement plan operated wholly or in part by the state or a political subdivision, you can participate in PERS membership if an agreement exists between PERS and the other plan which permits you to retain service credit in more than one retirement system. See RCW 41.40.023(4). Such

an agreement exists between PERS and the following systems:

- (a) The retirement systems listed under RCW 41.50.030;
 - (b) The retirement systems of the cities of Seattle, Spokane and Tacoma; and
 - (c) The Teachers Insurance & Annuity Association/College Retirement Equity Fund retirement plan.
- (2) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.
- (a) "Membership" - RCW 41.40.023.

- (b) "Retirement plan" - WAC 415-108-0105
- (c) "Service" - RCW 41.40.010(9).

NEW SECTION

WAC 415-108-728 If I work in both a PERS position and TRS position during the same school year, which system will I be in? (1) If you work in both a PERS and TRS position during the same year, your membership status and the nature of your positions will determine the system your employer will report you in. You will be reported in either PERS or TRS according to the following table:

Former TRS Plan I Members ^{1/}

Type of Concurrent Employment ^{2/}	Type of Employer(s)	System You Will Be Reported In
A substitute or less than full-time teaching position and a PERS-eligible position	Same employer	PERS - for both positions.
	Separate TRS employers	PERS - for PERS position only. Your substitute part-time position is not reported unless you qualify for and elect to establish TRS membership under RCW 41.32.240. If you elect to establish TRS membership, your employers will report you in TRS for both positions. Any previously reported service credit and compensation in PERS will be transferred to TRS.
	A TRS employer and non-TRS employer	PERS - for PERS position only. Your substitute part-time position is not reported unless you qualify for and elect to establish TRS membership under RCW 41.32.240. If you elect to establish TRS membership, you must elect either to: <ol style="list-style-type: none"> 1. Have your TRS service reported in PERS and receive service credit in PERS for both positions; or 2. Have your TRS service reported in TRS and not receive service credit for the PERS position.
A full-time teaching position and an eligible PERS position	Same employer	TRS - for both positions.
	Separate TRS employers	TRS - for both positions.
	A TRS employer and non-TRS employer	You must elect to: <ol style="list-style-type: none"> 1. Have your TRS service reported in PERS and receive service credit in PERS for both positions; or 2. Have your TRS service reported in TRS and not receive service credit for the PERS position.

PROPOSED

TRS Plan I Members

Type of Concurrent Employment ^{2/}	Type of Employer(s)	System You Will Be Reported In
A full-time or less than full-time TRS position and an eligible PERS position	Same employer	TRS - for both positions.
	Separate TRS employers	TRS - for both positions.
	A TRS employer and non-TRS employer	You must elect either to: <ol style="list-style-type: none"> 1. Have your TRS service reported in PERS and receive service credit in PERS for both positions; or 2. Have your TRS service reported in TRS and not receive service credit for the PERS position.
A full-time or less than full-time TRS position and an ineligible PERS position	Same employer	TRS - for both positions.
	Separate TRS employers	TRS - for both positions.
	A TRS employer and non-TRS employer	TRS - for the TRS position only; your ineligible PERS position is not reportable.

PROPOSED

TRS Plan II Members

Type of Concurrent Employment ^{2/}	Type of Employer(s)	System You Will Be Reported In
An eligible TRS position and an ineligible PERS position	Same employer	TRS - for both positions.
	Separate TRS employers	TRS - for TRS position only; your ineligible PERS position is not reported.
	A TRS employer and non-TRS employer	TRS - for TRS position only; your ineligible PERS position is not reported.
An eligible TRS position and an eligible PERS position	Same employer	TRS - for both positions.
	Separate TRS employers	TRS - for both positions. ^{3/}
	A TRS employer and non-TRS employer	You must elect either to: <ol style="list-style-type: none"> 1. Have your TRS service reported in PERS and receive service credit in PERS for both positions; or 2. Have your TRS service reported in TRS and not receive service credit for the PERS position.

PERS Members

PROPOSED

Type of Concurrent Employment ^{2/}	Type of Employer(s)	System You Will Be Reported In
An eligible PERS position and an ineligible TRS or substitute position	Same employer	PERS - for both positions.
	Separate TRS employers	<p>PERS - for the PERS position only, unless you qualify for and elect to establish membership in TRS at the end of the school year under WAC 415-112-125(1).</p> <p>If you elect to establish TRS membership, your employers will report you in TRS for both positions. Any previously reported service credit and compensation in PERS will be transferred to TRS.</p>
	A TRS employer and non-TRS employer	<p>PERS - for the PERS position only. You will not be reported for the TRS position unless you elect to either:</p> <ol style="list-style-type: none"> 1. Have your TRS service reported in PERS and receive service credit in PERS for both positions: or 2. Have your TRS service reported in TRS and not receive service credit for the PERS position.

Neither TRS Nor PERS Member

Type of Concurrent Employment ^{2/}	Type of Employer(s)	System You Will Be Reported In
An ineligible TRS and an ineligible PERS position	Same employer	TRS - for both positions if the positions combined, qualify as an eligible position.
	Separate employers, TRS or non-TRS	Neither position reported.
A substitute teaching position and an ineligible PERS position	Same employer	Neither position reported. However, if you qualify, you may elect to establish membership in TRS at the end of the school year for your substitute teaching position under RCW 41.32.013 and WAC 415-112-140.
	Separate employers, TRS or non-TRS	Neither position reported. However, if you qualify, you may elect to establish membership in TRS at the end of the school year for your substitute teaching position under RCW 41.32.013 and WAC 415-112-140.

PROPOSED

^{1/} "Former TRS I member", as used here, means you terminate your membership by withdrawing your contributions.

^{2/} "Concurrently" means during the same school year.

^{3/} **EXAMPLE:** A TRS II member teaches in an eligible position and during the summer, she works for a state agency in an eligible position under PERS. Because the member has established membership in TRS II through employment as a teacher, her state agency employer must report her service and compensation from the PERS position to the Department in TRS II.

EXAMPLE: A TRS II member is employed concurrently by School District A in an eligible TRS position and by School District B in an eligible PERS position. Because he is a TRS II member, School District B employer must report his service and compensation from the PERS position to the Department in TRS II. If the member terminates his employment in the TRS position with School District A, School District B will report him in PERS for the PERS position.

(2) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

- (a) "Eligible position" - RCW 41.40.010(25).
- (b) "Employer" - RCW 41.40.010(4) (PERS); RCW 41.32.010(1) (TRS).
- (c) "Ineligible position" - RCW 41.40.010(26).
- (d) "Member" - RCW 41.40.010(5).
- (e) "Membership" - RCW 41.40.023.
- (f) "Report" - WAC 415-108-0104
- (g) "Service" - RCW 41.40.010(9).

AMENDATORY SECTION (Amending WSR 93-11-078, filed 5/18/93, effective 6/18/93)

WAC 415-104-011 Definitions. ~~((1) The)~~ All definitions ~~((listed))~~ in RCW 41.26.030 ~~((shall))~~ apply to terms used in this chapter. Other terms relevant to the administration of chapter 41.26 RCW are defined in this chapter.

~~((2) As used in this chapter, unless a different meaning is required by context:~~

~~(a) "LEOFF" means the law enforcement officers' and fire fighters' retirement system created in chapter 41.26 RCW.~~

~~(b) "LEOFF plan I elected official" means a LEOFF plan I member who is a civil service employee on leave of absence by reason of having been elected or appointed to an elective public office and who chooses to preserve retirement rights as an active LEOFF member under the procedure described in this chapter.~~

~~(c) "Elective employer" means the employer of the LEOFF plan I elected official during the member's leave of absence from the LEOFF employer for the purpose of serving in elective office.~~

~~(d) "LEOFF employer" means the employer, as defined in RCW 41.26.030 (2)(a), who employs the member as a law enforcement officer or fire fighter.)~~

NEW SECTION

WAC 415-104-0111 Commissioned—Definition. An employee is "commissioned" if he or she is employed as an officer of a general authority Washington law enforcement agency and is empowered by that employer to enforce the criminal laws of the state of Washington.

NEW SECTION

WAC 415-104-0112 Director of public safety—Definition. (1) "Director of public safety" means a person who is employed on or after January 1, 1993, by a city or town on a full-time, fully compensated basis to administer the programs and personnel of a public safety department.

(2) "City or town" as used in this definition, includes only a city or town whose population did not exceed ten thousand at the time the person became employed as a director of public safety.

NEW SECTION

WAC 415-104-0113 Elective employer—Definition. "Elective employer" means the employer of the LEOFF Plan I elected official during the member's leave of absence from the LEOFF employer for the purpose of serving in elective office.

NEW SECTION

WAC 415-104-0114 Full time—Definition. An employee is employed "full time" if the employee is scheduled to earn basic salary from an employer for a minimum of one hundred sixty hours each calendar month.

NEW SECTION

WAC 415-104-0115 Fully compensated—Definition. An employee is "fully compensated" if the employee earns basic salary and benefits from an employer in an amount comparable to the salary received by other full-time employees of the same employer who:

- (1) Hold the same or similar rank; and
- (2) Are employed in a similar position.

NEW SECTION

WAC 415-104-0117 LEOFF employer—Definition. "LEOFF employer" means the employer, as defined in RCW 41.26.030 (2)(a), who employs the member as a law enforcement officer or fire fighter.

NEW SECTION

WAC 415-104-0118 LEOFF Plan I elected official—Definition. "LEOFF Plan I elected official" means a LEOFF Plan I member who is a civil service employee on leave of absence by reason of having been elected or appointed to an elective public office and who chooses to preserve retirement rights as an active LEOFF member under the procedure described in this chapter.

NEW SECTION

WAC 415-104-0120 Public safety officer—Definition.

(1) "Public safety officer" means a person who is employed on or after January 1, 1993, on a full-time, fully compensated basis by a city or town to perform both law enforcement and fire fighter duties.

(2) "City or town" as used in this definition, includes only a city or town whose population did not exceed ten thousand at the time the person became employed as a public safety officer.

NEW SECTION

WAC 415-104-0121 Plan I and Plan II—Definition.

(1) "Plan I" means the law enforcement officers' and fire fighters' retirement system, Plan I providing the benefits and funding provisions covering persons who first became members of the system prior to October 1, 1977.

(2) "Plan II" means the law enforcement officers' and fire fighters' retirement system, Plan II providing the benefits and funding provisions covering persons who first became members of the system on and after October 1, 1977.

NEW SECTION

WAC 415-104-0122 LEOFF—Definition. "LEOFF" means the law enforcement officers' and fire fighters' retirement system established by chapter 41.26 RCW.

MEMBERSHIPNEW SECTION

WAC 415-104-224 Purpose and scope of eligibility rules. WAC 415-104-225 through 415-104-240 codify the department's existing administrative practice regarding eligibility for membership in LEOFF Plan I and Plan II. The department has applied and will apply these rules to determine eligibility for service occurring prior to the effective dates of these sections.

NEW SECTION

WAC 415-104-225 Am I a member? If you are employed by an employer as a full-time, fully compensated law enforcement officer or fire fighter, you are required to be a LEOFF member.

(1) **Law enforcement officers.**

(a) You are a law enforcement officer only if you are commissioned and employed on a full-time, fully compensated basis as a:

- (i) City police officer;
- (ii) Town marshal or deputy marshal;
- (iii) County sheriff;

(iv) Deputy sheriff, if you passed a civil service exam for deputy sheriff and you possess all of the powers, and may perform any of the duties, prescribed by law to be performed by the sheriff;

(v) General authority Washington peace officer under RCW 10.93.020(3);

(vi) Port district general authority law enforcement officer and you are commissioned and employed by a port district general authority law enforcement agency;

(vii) State university or college general authority law enforcement officer; or

(viii) Public safety officer or director of public safety of a city or town if, at the time you first became employed in this position, the population of the city or town did not exceed ten thousand. See RCW 41.26.030 (3)(e).

(b) You are not a law enforcement officer if you are employed in either:

(i) A position that is clerical or secretarial in nature and you are not commissioned; or

(ii) A corrections officer position and the only training required by the Washington criminal justice training commission for your position is basic corrections training under WAC 139-10-210.

(c) If you meet the requirements of this subsection, you qualify as a law enforcement officer regardless of your rank or status as a probationary or permanent employee.

(2) **Fire fighters.** You are a fire fighter if you are employed by an employer on a full-time, fully compensated basis, and as a consequence of your employment, you have the legal authority and responsibility to direct or perform fire protection activities that are required for and directly concerned with preventing, controlling or extinguishing fires.

(a) "Fire protection activities" may include incidental nonfire fighting functions such as housekeeping, equipment maintenance, grounds maintenance, fire safety inspections, lecturing, performing community fire drills and inspecting homes and schools for fire hazards. These activities qualify as fire protection activities only if the primary duty of your position is preventing, controlling or extinguishing fires.

(b) You are a fire fighter if you meet this definition regardless of your rank or status as a probationary or permanent employee or your particular specialty or job title.

(c) You do not qualify for membership as a fire fighter if you are a volunteer fire fighter or resident volunteer fire fighter.

(3) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

- (a) "Commissioned" - WAC 415-104-0111.
- (b) "Director of public safety" - WAC 415-104-0112.
- (c) "Employer" - RCW 41.26.030(2).
- (d) "Fire fighter" - RCW 41.26.030(4).
- (e) "Full time" - WAC 415-104-0114.
- (f) "Fully compensated" - WAC 415-104-0115.
- (g) "Law enforcement officer" - RCW 41.26.030(3).
- (h) "Member" - RCW 41.26.030(8).
- (i) "Public safety officer" - WAC 415-104-0120.

NEW SECTION

WAC 415-104-235 Can I terminate my status as a member? (1) Your membership in the retirement system is terminated if you:

- (a) Die;
- (b) Separate from service; or
- (c) Cease to be employed full time as a law enforcement officer or fire fighter.

(2) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Fire fighter" - RCW 41.26.030(4) and WAC 415-104-225(2).

(b) "Full-time" - WAC 415-104-0114.

(c) "Law enforcement officer" - RCW 41.26.030(3) and WAC 415-104-225(1).

(d) "Member" - RCW 41.26.030(8).

(e) "Service" - RCW 41.26.030(14).

NEW SECTION

WAC 415-104-245 Am I required to meet minimum medical and health standards in order to establish or reestablish Plan I membership? (1) You may be required to meet minimum medical and health standards in order to establish or reestablish Plan I membership.

You are required to meet minimum medical and health standards codified in WAC 415-104-500 through 415-104-755, if you:

(a) Were first employed as a law enforcement officer or fire fighter on or after August 1, 1971, and before October 1, 1977; and

(b) Have been separated from service for more than six months for reasons other than a disability leave, a disability retirement, or an authorized leave of absence.

(2) **If you are an elected sheriff or an appointed police or fire chief, you are exempt from the age requirement of the standards.**

(3) **If you are required to meet the minimum medical and health standards, your employer will enroll you in Plan I provisionally, depending on the results of your physical examination.**

(a) If you are required to meet the minimum medical and health standards, your employer will begin reporting you in LEOFF Plan I from the first day of your employment. Your enrollment in Plan I, however, is provisional depending upon the results of your medical examination.

(b) Your employer is responsible for having you examined by a physician or surgeon appointed by the local disability board and for paying the cost of your examination. Your employer will send a copy of your examination report to the department along with a certification letter of whether you have met the standards.

(4) **If you are denied Plan I membership because you did not meet minimum medical and health standards, you will enter membership in Plan II.**

(a) The department will review your examination report and if you meet the minimum medical and health standards you will be reported in membership in Plan I.

(b) If you do not meet the standards, your employer must stop reporting you to the department in Plan I and report you in Plan II. The department will transfer your membership from Plan I to Plan II retroactively to the beginning of your term of employment.

(5) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Employer" - RCW 41.26.030(2).

(b) "Fire fighter" - RCW 41.26.030(4).

(c) "Full time" - WAC 415-104-0114.

- (d) "Fully compensated" - WAC 415-104-0115.
- (e) "Law enforcement officer" - RCW 41.26.030(3).
- (f) "Member" - RCW 41.26.030(8).
- (g) "Minimum medical and health standards" - WAC 415-104-500 through 415-104-755.
- (h) "Plan I and Plan II" - WAC 415-104-0121.

April 19, 1995
Ed Manary
for Robert Turner
Director

WSR 95-09-081
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)

[Filed April 19, 1995, 10:49 a.m.]

Original Notice.

Title of Rule: Commercial fishing rules.

Purpose: Amend permanent rules to provide for the 1995 Puget Sound net salmon fishery.

Statutory Authority for Adoption: RCW 75.08.080.

Statute Being Implemented: RCW 75.08.080.

Summary: Clarify and adjust boundaries, redefine mesh sizes and adjust salmon net seasons.

Reasons Supporting Proposal: Reduce confusion, provide protection for nontargeted species, allow for harvest of available salmon.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, Natural Resources Building, Olympia, Washington, 902-2930; Implementation: Bruce Crawford, Natural Resources Building, Olympia, Washington, 902-2325; and Enforcement: Dayna Matthews, Natural Resources Building, Olympia, Washington, 902-2927.

Name of Proponent: Washington Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The 7B-7C boundary is redefined as Whiskey Rock is an adequate landmark; the closures in the San Juan Islands and Hood Canal are for an orderly fishery, protection of marbled murrelet, and will prevent federal action that might close the net fisheries; adjustments to seasons, mesh sizes and open periods for the purse seine, reef net and gill net fisheries offer harvest opportunity.

Proposal Changes the Following Existing Rules: Adjust boundaries, mesh sizes, seasons and open periods.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? Yes. A copy of the statement may be obtained by writing to: Evan Jacoby, 600 North Capitol Way, Olympia, WA 98501, phone (360) 902-2930, or FAX (360) 902-2942.

Hearing Location: Harbor Center conference Room, Maritime Heritage Center, Port of Bellingham, Bellingham, on May 25, 1995, at 1:30.

Assistance for Persons with Disabilities: Contact Jeanette Russell by May 18, 1995, TDD (360) 902-2207, or (360) 902-2934.

Submit Written Comments to: Evan Jacoby, 600 North Capitol Way, Olympia, WA 98501, FAX (360) 902-2942, by May 24, 1995.

Date of Intended Adoption: June 1, 1995.

AMENDATORY SECTION (Amending Order 94-62, filed 7/6/94, effective 8/6/94)

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, excluding those on-reservation waters of Hood Canal north of Port Gamble Bay to the marker at the north end of the Port Gamble Indian Reservation, 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 and those on-reservation waters of Hood Canal north of Port Gamble Bay to the marker at the north end of the Port Gamble Indian Reservation.

(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 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 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

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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 86-46, filed 6/12/86)

WAC 220-47-262 Puget Sound—Salmon preserve—San Juan Island. "San Juan Island Salmon Preserve" shall include those waters of Puget Sound lying inside the following lines: A line projected from Decatur Island Light across Lopez Pass to Lopez Island, a line projected from Fautleroy Point on Decatur Island through Lawson Rock to Blakely Island; a line projected from Deer Point on Orcas Island across Spindle Rock to Blakely Island; a line projected from ~~((the most southwesterly point of Orcas Island, located in Section 13, Township 36 North, Range 3 West, W.M., to Neck Point on Shaw Island;))~~ Limestone Point on San Juan Island to the northernmost point of Jones Island then 90 degrees true to Orcas Island; a line projected from Reef Point on San Juan Island to the southernmost point of Shaw Island; and a line projected from Flat Point on Lopez Island to the most westerly point on Canoe Island, thence true north to the shoreline of Shaw Island, excluding the waters of Puget Sound Salmon Management and Catch Reporting Area 7E.

AMENDATORY SECTION (Amending Order 94-62, filed 7/6/94, effective 8/6/94)

WAC 220-47-304 Puget Sound—All citizen salmon species seasons. The following are Puget Sound all citizens salmon species seasons listed by area and species:

AREA	SPECIES	DATE	RANGE
77A:	<u>FRASER SOCKEYE AND PINK CHUM</u>	<u>6/25</u> - <u>9/30</u> ((10/9 - 11/26)) <u>10/8</u> - <u>11/18</u>	

7B:	CHINOOK	((8/7 9/10))
		8/6 = 9/9
	COHO	((9/11 10/29))
		9/10 = 10/28
	CHUM	((10/30 12/17))
		10/29 = 12/16
7C:	CHINOOK	((8/7 10/15))
		8/6 = 10/14
8:	PINK	8/20 = 9/16
	CHUM	((10/23 11/26))
		10/22 = 11/25
8A:	CHUM	((10/23 12/3))
		10/22 = 12/2
8D:	COHO	((9/25 11/12))
		9/24 = 11/11
	CHUM	((11/13 12/3))
		11/12 = 12/16
9A:	COHO	((9/18 11/5))
		9/17 = 11/4
10,11:	CHUM	((10/16 11/19))
		10/15 = 11/20
12:	CHUM	((10/16 11/19))
		10/15 = 11/20
12A:	COHO	9/5 = 10/7
12B:	CHUM	((10/23 11/19))
		10/22 = 11/20
12C:	CHUM	((11/06 11/26))
		10/29 = 11/27

AMENDATORY SECTION (Amending Order 94-62, filed 7/6/94, effective 8/6/94)

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 - (1) The San Juan Island Preserve as defined in WAC 220-47-262.

(2) Those waters within 1,500 feet of shore on Orcas Island from Deer Point northeasterly to Lawrence Point thence west to a point intercepting a line projected from the northernmost point of Jones Island thence 90° true to Orcas Island.

(3) Those waters within 1,500 feet of the shore of Cypress Island from Cypress Head to the northernmost point of Cypress Island.

(4) Those waters easterly of a line projected from Iceberg Point to Iceberg Island, to the easternmost point of Charles Island, then true north from the northernmost point of Charles Island to the shore of Lopez Island.

(5) Those waters northerly of a line projected from the southernmost point of land at Aleck Bay to the westernmost point of Colville Island, thence from the easternmost point of Colville Island to Point Colville.

(6) Those waters easterly of a line projected from Edith Point on Fidalgo Island to the Dennis Shoal Light, thence to

the light on the westernmost point of Burrows Island, thence to the southwesternmost point of Fidalgo Head.

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 - (1) 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.

(2) Those waters within 1,500 feet of the western shore of Camano Island south of a line projected true west from Rocky Point.

Area 8A - Those waters easterly of a line projected from Mission Point to Buoy C1, excluding the waters of Area 8D, thence through the green light at the entrance jetty of the Snohomish River and across the mouth of the Snohomish River to landfall on the eastern shore, 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 - (1) Those waters easterly of a line projected from Meadow Point to West Point.

(2) Those waters of Port Madison northwest of a line from the Agate Pass entrance light to the light on the end of the Indianola dock.

(3) Additional coho seasonal closure: Those waters of Elliott Bay east of a line from Alki Point to the light at Fourmile Rock and those waters northerly of a line projected from Point Wells to "SF" Buoy then west to President's Point.

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 and Anderson Creek.

Areas 12, 12A, and 12B - Additional chinook seasonal closure: Those waters north and east of a line projected from Tekiu Point to Triton Head.

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Areas 12, 12B and 12C - ~~((Additional chum seasonal closure: During 1994))~~ Those waters within 1,000 feet of the eastern shore.

Area 12C - (1) Those waters within 1,000 feet of the western shore between the dock at Glen Ayr R.V. Park and the Hoodspout marina dock.

(2) Those waters south of a line projected from the Cushman Powerhouse to the public boat ramp at Union.

(3) Those waters within 1/4 mile of the mouth of the Dewatto River.

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 94-62, filed 7/6/94, effective 8/6/94)

WAC 220-47-311 Purse seine—Open periods. During 1994, 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 periods provided for hereinafter in each respective Management and Catch Reporting Area:

AREA	TIME	DATE	TIME	DATE
7, 7A:	<u>7AM</u> <u>6AM</u>	-	<u>6PM</u> <u>5PM</u>	<u>10/23, 10/24</u> <u>10/31, 11/01,</u> <u>11/02, 11/06,</u> <u>11/07, 11/08,</u> <u>11/09, 11/10</u>
7B:	<u>6AM</u>	((9/12)) 9/11 <u>10/30</u> <u>11/05</u> <u>11/20</u> <u>11/27</u>	-	<u>4PM</u>
	<u>6AM</u> <u>6AM</u> <u>6AM</u> <u>6AM</u>	-	<u>4PM</u> <u>4PM</u> <u>4PM</u> <u>4PM</u>	((11/12)) <u>10/28</u> <u>11/03</u> <u>11/18</u> <u>11/22</u> <u>11/29</u>
8:	<u>6AM</u>	-	<u>8PM</u>	<u>8/29, 8/30,</u> <u>8/31</u>
	<u>6AM</u>	-	<u>5PM</u>	((11/01, 11/07, 11/08)) <u>11/06</u> <u>11/14, 11/15,</u> ((11/16)) <u>11/20,</u> <u>11/21, 11/22</u>
8A, 8D:	<u>7AM</u> <u>6AM</u>	-	<u>6PM</u> <u>5PM</u>	<u>10/23, 10/24</u> <u>10/31, 11/1,</u> <u>11/02, 11/06,</u> <u>11/07, 11/08</u>
	<u>7AM</u>	-	<u>5PM</u>	<u>11/14, 11/15,</u> <u>11/16, 11/20,</u> <u>11/21, 11/22</u>

10, 11:	<u>7AM</u> <u>6AM</u>	-	<u>6PM</u> <u>5PM</u>	((10/24)) <u>10/23</u> ((11/17)) <u>10/31,</u> <u>11/06, 11/07</u> <u>11/14</u>
12, 12B:	<u>6AM</u>	-	<u>5PM</u>	((11/17)) <u>10/31,</u> <u>11/06, 11/07,</u> ((11/08)) <u>11/14,</u> <u>11/15, 11/16</u>

All other saltwater and freshwater areas - closed.

AMENDATORY SECTION (Amending Order 94-62, filed 7/6/94, effective 8/6/94)

WAC 220-47-401 Reef net open periods. During 1994, 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 Area, during the periods provided for hereinafter in each respective area:

AREA	TIME	DATE(S)
7, 7A	<u>7AM - 7PM</u>	Daily ((10/09 - 10/22)) <u>10/01 - 10/21</u>

It is unlawful to retain coho salmon taken with reef net gear. All other saltwater and freshwater areas - closed.

AMENDATORY SECTION (Amending Order 94-62, filed 7/6/94, effective 8/6/94)

WAC 220-47-411 Gill net—Open periods. During 1994, 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:

AREA	TIME	DATE(S)
7, 7A:	<u>5PM - 8AM</u> <u>4PM - 8AM</u>	<u>NIGHTLY 10/23, 10/24</u> <u>NIGHTLY 10/30, 10/31,</u> <u>11/1, 11/6, 11/7,</u> <u>11/8, 11/9, 11/10</u>
7B:	<u>7PM - ((7AM))</u> <u>8AM</u>	<u>NIGHTLY 8/7, 8/8, ((8/9,</u> 8/10,)) <u>8/14,</u> <u>8/15, 8/16, 8/21,</u> <u>8/22, ((8/23))</u> <u>8/28</u>
	<u>6AM</u> ((9/14)) through <u>4PM</u> ((11/12))	<u>9/10</u> through <u>10/28</u>
	<u>6AM</u> <u>10/30</u> through <u>4PM</u> <u>11/3</u>	<u>11/3</u> through <u>11/18</u>
	<u>6AM</u> <u>11/5</u> through <u>4PM</u> <u>11/18</u>	<u>11/18</u> through <u>11/22</u>
	<u>6AM</u> <u>11/20</u> through <u>4PM</u> <u>11/22</u>	<u>11/22</u> through <u>11/29</u>
8:	<u>7PM - 7AM</u> <u>4PM - 8AM</u>	<u>NIGHTLY 8/28, 8/29, 8/30</u> <u>NIGHTLY ((10/31, 11/7,</u> 11/8,)) <u>11/6,</u> <u>11/13, 11/14,</u> ((11/15)) <u>11/20,</u> <u>11/21, 11/22</u>
8A, 8D:	<u>5PM - 8AM</u> <u>4PM - 8AM</u>	<u>NIGHTLY 10/23, 10/24</u> <u>NIGHTLY 10/30, 10/31,</u> <u>11/1, 11/6, 11/7,</u> <u>11/8, ((11/9,</u> 11/10,)) <u>11/13,</u> <u>11/14, 11/15,</u> ((11/16, 11/17)) <u>11/20,</u> <u>11/21, 11/22</u>

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9A:	6AM	((9/19)) through	4PM	((9/23))
		<u>9/18</u>		<u>9/22</u>
	6AM	((9/26)) through	4PM	((9/30))
		<u>9/25</u>		<u>9/29</u>
	6AM	((10/3)) through	4PM	((10/7))
		<u>10/2</u>		<u>10/6</u>
	6AM	((10/10)) through	4PM	((10/14))
		<u>10/9</u>		<u>10/13</u>
	6AM	((10/17)) through	4PM	((10/21))
		<u>10/16</u>		<u>10/20</u>
	6AM	((10/24)) through	4PM	((10/28))
		<u>10/23</u>		<u>10/27</u>
	6AM	((10/31)) through	4PM	((11/4))
		<u>10/30</u>		<u>11/3</u>
10, 11:	5PM	((10/24))	-	8AM
		<u>10/23</u>		((10/25))
	4PM - 8AM		NIGHTLY	((10/31)) <u>10/30</u>
				<u>11/6</u> , <u>11/07</u> ,
				((11/14)) <u>11/13</u>
12, 12B:	4PM - 8AM		NIGHTLY	((10/31)) <u>10/30</u>
				<u>11/6</u> , <u>11/7</u> ,
				((11/8)) <u>11/13</u> ,
				<u>11/14</u> , <u>11/15</u> ((11/16))

All other saltwater and freshwater areas - closed.
 Nightly openings refer to the start date.

AMENDATORY SECTION (Amending Order 94-62, filed 7/6/94, effective 8/6/94)

WAC 220-47-412 Drift gill net and skiff gill net—
((Minimum)) Mesh sizes. It is unlawful to take, fish for or possess salmon taken with net gear using mesh ~~((less))~~ other than the size hereinafter designated for each species season:

CHINOOK SEASON	7" MINIMUM MESH
COHO SEASON	5" MINIMUM MESH
PINK SEASON	5" MINIMUM MESH,
	5.5" MAXIMUM MESH
CHUM SEASON	((6" MINIMUM MESH
	<u>6.25" MINIMUM MESH</u> for areas
	8, 12, 12B and 12C, only, through
	<u>12/31/94. Effective 1/1/95,))</u> 6.25"
	MINIMUM MESH
<u>FRASER SOCKEYE AND</u>	
<u>PINK SEASON</u>	<u>5" MINIMUM MESH, 6" MAXI-</u>
	<u>MUM MESH</u>

WSR 95-09-089
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
 [Filed April 19, 1995, 11:44 a.m.]

Original Notice.

Title of Rule: Chapter 16-675 WAC, Calibration services.

Purpose: Prescribes fees for weighing and measuring standards services performed by the State Metrology Laboratory.

Statutory Authority for Adoption: Chapter 19.94 RCW.

Statute Being Implemented: RCW 19.94.216(1) and 19.94.325(2).

Summary: Users of metrology services will be required to pay an increase in calibration fees of approximately five percent effective July 1, 1995.

Reasons Supporting Proposal: Increased fees are needed to improve the deficit account condition which resulted in the transition from general fund to fee-supported operations.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bob Arrington, 1111 S.E. Washington, Olympia, WA, (360) 902-1857.

Name of Proponent: Washington State Department of Agriculture, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule will implement new fees for the calibration of weighing and measuring standards. This action is necessary because the current fee structure provides insufficient revenues to support laboratory operations requiring the diversion of program general funds to support the difference. These increased fees will enhance cost recovery, however, will not cover total operating costs.

Proposal Changes the Following Existing Rules: Rule amendment will identify fee increase.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Agency evaluation determined that an SBEIS was not required. Number of businesses required by statute (chapter 19.94 RCW) to submit standards for calibration once every two years=37 DOR reporting units (SIC 504)=2,640.

37 + 2,640=1.4%: SBEIS not required

Additional considerations: (1) There will be no additional activities required of business above those which are ordinarily undertaken in daily operations; (2) there is no need for business to require additional professional services to comply with the proposed rule. Services in place and undertaken normally by business are sufficient to accommodate requirements resulting from this rule; (3) there will be no additional administrative costs, nor increased requirements for equipment, supplies, or labor costs. The new fee schedule will not increase workload; (4) fees are determined both on hourly rates and piece rates. Business is charged based on the quantity and/or category of standards requiring calibration. Relative business costs are based on standard owned/utilized and are therefore deemed proportional assuming a large business would normally have a greater quantity/category of standards than a small business operation; and (5) two-year inspection cycle provides an opportunity to distribute cost of compliance based on the quantity/category of standards owned.

Hearing Location: Natural Resources Building, 1st Floor, Room 172, 1111 S.E. Washington Street, Olympia, WA 98504, on May 23, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Marcia Greene by May 15, 1995, (360) 902-1852.

Submit Written Comments to: Bob Arrington, FAX (360) 902-2086, by May 23, 1995.

Date of Intended Adoption: May 25, 1995.

April 19, 1995
 Julie C. Sandberg
 Assistant Director

PROPOSED

AMENDATORY SECTION (Amending WSR 94-12-035, filed 5/25/94, effective 6/25/94)

WAC 16-675-030 Condition of submitted weights and measures. (Effective July 1, ~~((1994))~~ 1995.) Weights and measures submitted to the laboratory for tolerance testing or calibration must be in a physical condition that makes them acceptable for the service to be performed. Unacceptable weights and measures may be returned to the sender at the sender's expense or, if repairs can be made, these repairs shall be charged at the rate of ~~((~~\$28.30~~))~~ \$29.75 an hour. Repair fees shall be charged in addition to any testing or other calibration fees. Repairs will only be done by written agreement between the department and the owner of the weights or measures to be repaired.

AMENDATORY SECTION (Amending WSR 94-12-035, filed 5/25/94, effective 6/25/94)

WAC 16-675-040 Schedule of laboratory fees. (Effective July 1, ~~((1994))~~ 1995.) The following fees will be charged for services performed by the weights and measures laboratory of the department:

- (1) For the testing or calibration of avoirdupois weights;
 - weighing less than 50 lbs. ~~((~~\$22.60~~))~~ \$ 23.75 an hour
 - weighing from 50 to 499 lbs. ~~((~~\$34.00~~))~~ \$ 35.70 an hour
 - weighing 500 lbs. or more ~~((~~\$56.70~~))~~ \$ 59.60 an hour

For the testing or calibration of metric weights;

- weighing less than 20 kg ~~((~~\$22.60~~))~~ \$ 23.75 an hour
- weighing from 20 to 24 kg ~~((~~\$28.30~~))~~ \$ 29.75 an hour
- weighing from 25 to 249 kg ~~((~~\$34.00~~))~~ \$ 35.70 an hour
- weighing 250 kg or more ~~((~~\$56.70~~))~~ \$ 59.60 an hour

- (2) For the testing or calibration of class 5, 6, c or f weight sets, as defined in the laboratory weights and precision mass standards adopted by the American Society of Testing and Materials and the American National Standard Institute;
 - sets containing less than 10 weights ~~((~~\$22.60~~))~~ \$ 23.75 a set
 - sets containing 10 to 24 weights ~~((~~\$45.30~~))~~ \$ 47.60 a set
 - sets containing 25 to 39 weights ~~((~~\$68.00~~))~~ \$ 71.45 a set
 - sets containing 40 weights or more ~~((~~\$113.40~~))~~ \$119.20 a set

There will be an additional charge of ~~((~~\$56.70~~))~~ \$59.60 a set for any requested declaration of the nominal values or uncertainties of the weights contained in any weight set.

- (3) For the testing or calibration of class 1, 2, 3 or 4 weight sets, as defined in the laboratory weights and precision mass standards adopted by the American Society of Testing and Materials and the American National Standard Institute;
 - sets containing less than 10 weights ~~((~~\$85.00~~))~~ \$ 89.35 a set
 - sets containing 10 to 24 weights ~~((~~\$170.10~~))~~ \$178.80 a set
 - sets containing 25 to 39 weights ~~((~~\$255.20~~))~~ \$268.25 a set
 - sets containing 40 weights or more ~~((~~\$452.60~~))~~ \$476.85 a set

- (4) For the testing or calibration of liquid measuring standards;
 - (a) measuring less than 5 gallons ~~((~~\$11.30~~))~~ \$ 11.85 each
 - measuring 5 to 24 gallons ~~((~~\$22.60~~))~~ \$ 23.75 each
 - measuring 25 to 49 gallons ~~((~~\$45.30~~))~~ \$ 47.60 each
 - measuring 50 to 99 gallons ~~((~~\$90.70~~))~~ \$ 95.35 each
 - measuring 100 to 499 gallons ~~((~~\$170.10~~))~~ \$178.80 each
 - measuring 500 to 999 gallons ~~((~~\$226.80~~))~~ \$238.40 each
 - measuring 1,000 gallons or more ~~((~~\$283.50~~))~~ \$298.00 each
 - (b) measuring less than 20 liters ~~((~~\$11.30~~))~~ \$ 11.85 each
 - measuring 20 to 99 liters ~~((~~\$22.60~~))~~ \$ 23.75 each
 - measuring 100 to 199 liters ~~((~~\$45.30~~))~~ \$ 47.60 each
 - measuring 200 to 399 liters ~~((~~\$90.70~~))~~ \$ 95.35 each

- measuring 400 to 1,999 liters ~~((~~\$170.10~~))~~ \$178.80 each
- measuring 2,000 to 3,999 liters ~~((~~\$226.80~~))~~ \$238.40 each
- measuring 4,000 liters or more ~~((~~\$283.50~~))~~ \$298.00 each

There will be an additional charge of ~~((~~\$11.30~~))~~ \$11.85 per hour for any testing or calibration of any other liquid measuring standards, except that the fee to be charged for flasks, graduates, cylinders and other precision glassware will be ~~((~~\$28.30~~))~~ \$29.75 for each flask, graduate, cylinder or other precision glassware, regardless of capacity.

- (5) For the testing or calibration of linear measuring devices;
 - rulers ~~((~~\$22.60~~))~~ \$ 23.75 each
 - measuring tapes less than 25 feet ~~((~~\$28.30~~))~~ \$ 29.75 each
 - measuring tapes 25 to 99 feet ~~((~~\$56.70~~))~~ \$ 59.60 each
 - measuring tapes 100 feet or more ~~((~~\$113.40~~))~~ \$119.20 each

- ~~((6))~~ For the testing or calibration of scales;
 - analytical scales \$ 51.00 each
 - bench scales \$ 22.60 each
 - counter scales \$ 22.60 each
 - grain test scales \$ 28.30 each
 - jeweler's scales \$ 28.30 each
 - platform scales \$ 34.00 each
 - prescription scales \$ 51.00 each
 - any other scale \$ 56.70 each))

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 16-675-029 Condition of submitted weights and measures.
- WAC 16-675-039 Schedule of laboratory fees.

**WSR 95-09-090
PROPOSED RULES
DEPARTMENT OF AGRICULTURE**
[Filed April 19, 1995, 11:45 a.m.]

Original Notice.
Title of Rule: Chapter 16-674 WAC, Inspection and testing fees for weighing or measuring instruments or devices.

Purpose: Prescribes fees for the inspection and testing of weighing or measuring instruments or devices.

Statutory Authority for Adoption: Chapter 19.94 RCW.
Statute Being Implemented: RCW 19.94.175.

Summary: Commercial device owners will be required to pay an increase in device inspection fees of approximately six percent through June 30, 1995, and a subsequent increase of approximately five percent effective July 1, 1995.

Reasons Supporting Proposal: Increased fees are needed to improve the severe deficit account condition which resulted in the transition from general fund to fee supported operations.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bob Arrington, 1111 S.E. Washington, Olympia, WA, (360) 902-1857.

Name of Proponent: Washington State Department of Agriculture, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule will implement increased fee levels for

PROPOSED

the inspection of weighing, measuring and counting devices used for commercial purposes. Additional revenues are needed because the current fee structure provides insufficient revenues to fund the program. These increased fees will improve cost recovery; however, will not provide sufficient revenues to fully fund the weights and measures program.

Proposal Changes the Following Existing Rules: Rule amendment will identify fee increases.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Agency evaluation determined that an SBEIS was not required. Annual business cost increases are below \$50.00, therefore, the impact is considered minor or negligible.

Additional considerations: (1) There will be no additional activities required of business above those which are ordinarily undertaken in daily operations; (2) there is no need for business to require additional professional services to comply with the proposed rule. Services in place and undertaken normally by business are sufficient to accommodate requirements resulting from this rule; (3) there will be no additional administrative costs, nor increased requirements for equipment, supplies, or labor costs. The new fee schedule will not increase workload; (4) business is charged based on the quantity of devices inspected, tested and approved. Relative business costs are based on devices used for commercial purposes and are therefore deemed proportional assuming large businesses would normally have more devices than small businesses; and (5) inspection cycles provide an opportunity to distribute cost of compliance based on the quantity/category of devices used.

Hearing Location: Natural Resources Building, 1st Floor, Room 172, 1111 S.E. Washington Street, Olympia, WA, on May 23, 1995, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Marcia Greene by May 15, 1995, (360) 902-1852.

Submit Written Comments to: Bob Arrington, FAX (360) 902-2086, by May 23, 1995.

Date of Intended Adoption: May 25, 1995.

April 19, 1995
Julie C. Sandberg
Assistant Director

NEW SECTION

WAC 16-674-059 Inspection and testing fees. (Effective through June 30, 1995.) The following fees shall be charged for the inspection and testing of weighing or measuring instruments or devices included in this fee schedule:

- (1) Weighing devices:
(a) Small scales "zero to four hundred pounds capacity" \$ 12.70
(b) Intermediate scales "four hundred and one pounds to five thousand pounds capacity" \$ 53.10
(c) Large scales "over five thousand pounds capacity" \$ 111.50
(d) Large scales with supplemental devices \$ 132.70
(e) Railroad track scales \$ 849.60
(2) Liquid fuel metering devices:
(a) Motor fuel meters with flows of less than twenty gallons per minute \$ 12.70

- (b) Motor fuel meters with flows of more than twenty but not more than one hundred and fifty gallons per minute \$ 42.45
(c) Motor fuel meters with flows over one hundred and fifty gallons per minute \$ 53.10
(3) Liquid petroleum gas meters:
(a) With one inch diameter or smaller dispensers that are not compensated for temperature variations \$ 53.10
(b) With one inch diameter or smaller dispensers that are compensated for temperature variations \$ 53.10
(c) With greater than one inch diameter dispensers that are not compensated for temperature variations \$ 79.65
(d) With greater than one inch diameter dispensers that are compensated for temperature variations \$ 79.65
(4) Fabric meters \$ 12.70
(5) Cordage meters \$ 12.70
(6) Mass flow meters \$ 37.10
(7) Taxi meters \$ 12.70

The fees in this schedule shall only be paid once every two years, except for railroad track scales for which the fee will be paid annually if an annual inspection is performed. The fees to be charged for the inspection of any device used in an agency or institution to which moneys are appropriated by the legislature or of the federal government shall be the same fees as those that are listed above for commercial devices.

AMENDATORY SECTION (Amending WSR 93-03-079, filed 1/19/93, effective 2/19/93)

WAC 16-674-060 Inspection and testing fees. (Effective July 1, 1995.) The following fees shall be charged for the inspection and testing of weighing or measuring instruments or devices included in this fee schedule:

- (1) Weighing devices:
(a) Small scales "zero to four hundred pounds capacity" \$ ((42.00)) 13.30
(b) Intermediate scales "four hundred and one pounds to five thousand pounds capacity" \$ ((50.00)) 55.80
(c) Large scales "over five thousand pounds capacity" \$ ((405.00)) 117.20
(d) Large scales with supplemental devices \$ ((425.00)) 139.50
(e) Railroad track scales \$ ((800.00)) 893.00
(2) Liquid fuel metering devices:
(a) Motor fuel meters with flows of less than twenty gallons per minute \$ ((42.00)) 13.30

PROPOSED

- (b) Motor fuel meters with flows of more than twenty but not more than one hundred and fifty gallons per minute . . . \$ ~~((40.00))~~
44.60
- (c) Motor fuel meters with flows over one hundred and fifty gallons per minute \$ ~~((50.00))~~
55.80
- (3) Liquid petroleum gas meters:
 - (a) With one inch diameter or smaller dispensers that are not compensated for temperature variations \$ ~~((50.00))~~
55.80
 - (b) With one inch diameter or smaller dispensers that are compensated for temperature variations \$ ~~((50.00))~~
55.80
 - (c) With greater than one inch diameter dispensers that are not compensated for temperature variations \$ ~~((75.00))~~
83.70
 - (d) With greater than one inch diameter dispensers that are compensated for temperature variations \$ ~~((75.00))~~
83.70
- (4) Fabric meters \$ ~~((12.00))~~
13.30
- (5) Cordage meters \$ ~~((12.00))~~
13.30
- (6) Mass flow meters \$ ~~((35.00))~~
39.00
- (7) Taxi meters \$ ~~((12.00))~~
13.30

The fees in this schedule shall only be paid once every two years, except for railroad track scales for which the fee will be paid annually if an annual inspection is performed. The fees to be charged for the inspection of any device used in an agency or institution to which moneys are appropriated by the legislature or of the federal government shall be the same fees as those that are listed above for commercial devices.

AMENDATORY SECTION (Amending WSR 93-03-079, filed 1/19/93, effective 2/19/93)

WAC 16-674-080 Fees for federal grain elevator scales. Scales in use in grain elevators which are licensed by the Federal Grain Inspection Service shall be subject to random and necessary inspections. The fees for such inspections shall be ~~((thirty one dollars fifty))~~ thirty-three dollars seventy-five cents per hour, as adopted under WAC 16-212-060 ~~((15))~~ (17)(d), and shall be payable to the ~~((commodity inspection))~~ laboratory services division of the state department of agriculture, which has entered into a cooperative agreement with the Weights and Measures Program.

PROPOSED

WSR 95-09-002
PERMANENT RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Order R-428, Docket No. UT-941292—Filed April 6, 1995, 4:39 p.m.]

In the matter of amending WAC 480-120-530 relating to emergency services.

The Washington Utilities and Transportation Commission takes this action under Notice No. WSR 95-04-111, filed with the code reviser on February 1, 1995. The commission brings this proceeding pursuant to RCW 80.01.040.

This proceeding complies 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 34.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

The commission scheduled this matter for oral comment and adoption under Notice No. WSR 95-04-111, for 9:00 a.m., Wednesday, March 8, 1995, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA. The notice provided interested persons the opportunity to submit written comments to the commission until February 28, 1995.

No written comments were submitted.

The rule change proposal was considered for adoption at the commission's regularly scheduled open public meeting on March 8, 1995, before Chairman Sharon L. Nelson, Commissioner Richard Hemstad, and Commissioner William R. Gillis. No oral comments were made to the commission.

After considering the written comments of interested persons, the commission adopted the proposed rules, without changes.

In reviewing the entire record, the commission determines that WAC 480-120-530 should be amended to read as set forth in Appendix A, as a rule of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380.

ORDER

THE COMMISSION ORDERS That WAC 480-120-530 is amended to read as set forth in Appendix A, as a rule of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380.

THE COMMISSION FURTHER ORDERS That this order and the rule shown below, after being recorded in the 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.

THE COMMISSION Adopts the commission staff memoranda, presented at those times which the commission considered formal notice and adoption of this proposal, as its brief explanatory statement of the reasons for adoption, and for any variances between noticed and adopted versions, under RCW 34.05.355.

DATED at Olympia, Washington, this 6th day of April 1995.

Washington Utilities and Transportation Commission
 Sharon L. Nelson, Chairman
 Richard Hemstad, Commissioner
 William R. Gillis, Commissioner

AMENDATORY SECTION (Amending Order R-384, Docket No. UT-921192, filed 2/26/93, effective 3/29/93)

WAC 480-120-530 Emergency services. (1) At least once every twenty-four hours, each local exchange company (~~((that does not monitor the performance))~~) and each interexchange telecommunications company owning, operating, or maintaining any portion of any dedicated 911 circuit(~~((s (central office to tandem to public service answering point) on a continuous and automatic basis, shall perform manual operational tests))~~) shall manually test for continuity such portion of the 911 circuit which it owns, operates, or maintains; provided, however, that the foregoing requirement shall not apply to any dedicated 911 circuit, or portion thereof, with respect to which either (a), (b), or (c) of this subsection, or any combination thereof, is satisfied:

(a) The circuit is carried by a transmission system (e.g., T-1 carrier) that is equipped with one or more alarms to detect loss of signal continuity; or

(b) The circuit is equipped with one or more alarms to detect loss of signal continuity; or

(c) The circuit is automatically tested for signal continuity at least once every twenty-four hours. Any dedicated 911 circuit(~~((s))~~) found to be defective shall be immediately reported to the primary public safety answering point (PSAP) manager, and (~~((repaired))~~) repairs shall be undertaken promptly and pursued diligently by the telecommunications company which has responsibility for operating and/or maintaining the circuit. Nothing in this section shall be construed to require any telecommunications company to test or repair any portion of any dedicated 911 circuit which is not owned, operated, or otherwise maintained by it.

(2) Each local exchange company shall develop and institute by April 1, 1993, a circuit identification and protection program for dedicated 911 circuits. The program shall be fully implemented by July 1994. This program shall ensure that all dedicated 911 circuits and associated electronic equipment serving governmental emergency response agencies are clearly identified as such in every central office and remote switch.

WSR 95-09-014
PERMANENT RULES
INSURANCE COMMISSIONER'S OFFICE

[Order R 94-30—Filed April 10, 1995, 2:54 p.m.]

Date of Adoption: April 10, 1995.

Purpose: The purpose of the environmental claims regulation is to provide minimum standards for the conduct of insureds and insurers for presenting and resolving environmental claims, and to facilitate the fair, principled, and equitable resolution of environmental claims without resort to unnecessary, time consuming, and expensive litigation.

PERMANENT

Statutory Authority for Adoption: RCW 48.02.060, 48.30.010.

Other Authority: RCW 48.01.030, 48.05.280, 48.15.100, 48.15.170, and 48.30.010.

Pursuant to notice filed as WSR 95-06-086 on March 1, 1995.

Changes Other than Editing from Proposed to Adopted Version: WAC 284-30-920 and 284-30-930 were changed to more clearly reserve discretion to the insurance commissioner to discipline insurers' violations of these rules. Note: Editing changes were made to the following sections or subsections: WAC 284-30-910(3), 284-30-910(4), 284-30-920(2), 284-30-930(5), 284-30-930(6), and 284-20-200.

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

April 10, 1995

Deborah Senn

Insurance Commissioner

ENVIRONMENTAL CLAIMS

NEW SECTION

WAC 284-30-900 Purpose. (1) There are many insurance coverage disputes involving Washington insureds who face potential liability for their roles at polluted sites in this state. State and federal mandates exist for cleaning up the environment in order to address the adverse effects of hazardous substances on human health and safety and the environment in general. It is in the public interest to reduce the costs incurred in connection with environmental claims and to expedite the resolution of such claims. The state of Washington has a substantial public interest in the timely, efficient, and appropriate resolution of environmental claims involving the liability of insureds at polluted sites in this state. This interest is based on practices favoring good faith and fair dealing in insurance matters and on the state's broader health and safety interest in a clean environment.

(2) Insureds and insurers alike face claims complicated by factual issues concerning events that occurred in the distant past. Many sites with environmental damage involve long-term operations with multiple owners; therefore, issues related to lost policies which may provide insurance coverage in the environmental claims context provide uniquely challenging problems of both lost evidence and witnesses.

(3) Cooperation between insureds and insurers in fairly and expeditiously resolving legitimate disputes and in reducing or eliminating nonmeritorious claims is in the public interest. Facilitating cooperation in resolving legitimate lost policy disputes in environmental claims will reduce unnecessary litigation, thereby freeing more resources for environmental cleanup. Insureds and insurers are encouraged to participate in a mediation program in order to achieve a mutually acceptable, expeditious resolution of environmental claims without resort to costly and lengthy litigation.

(4) This regulation is adopted to provide minimum standards for the conduct of insureds and insurers for presenting and resolving environmental claims with the goal of facilitating the fair, principled, and efficient resolution of environmental claims without resort to unnecessary, time-consuming, and expensive litigation.

NEW SECTION

WAC 284-30-905 Scope. (1) This regulation applies to actions taken by an insurer on or after July 1, 1995, with regard to environmental claims arising under a general liability insurance policy issued to a Washington resident and concerning sites located within this state. This regulation does not apply to environmental claims for which coverage is resolved by judgment, settlement, or payment before July 1, 1995.

(2) This regulation is not exclusive, and acts or omissions, whether or not specified in WAC 284-30-900 through 284-30-940, may also be violations of other sections of the insurance code or other regulations promulgated thereunder.

NEW SECTION

WAC 284-30-910 Definitions. As used in this regulation:

(1) "Environmental claim" means a claim for defense or indemnity submitted under a general liability insurance policy by an insured facing, or allegedly facing, potential liability for bodily injury or property damage to others arising from a discharge of pollutants into land, air, or water.

(2) "General liability insurance policy" means a contract of insurance that provides coverage for the legal obligations of an insured for bodily injury or property damage to others. It includes, for example, pollution insurance policies and comprehensive general liability insurance policies; it does not include insurance policies relating to motor vehicles, personal coverage such as homeowners, or specialty line liability coverage such as directors and officers insurance, errors and omissions insurance, or other similar policies.

(3) "Insured" means a Washington resident who is either the named insured or is acting on behalf of a Washington resident who is a named insured, and is presenting an environmental claim.

(4) "Lost policy" includes general liability insurance policies that are alleged by an insured to be lost.

NEW SECTION

WAC 284-30-920 Procedures for resolving lost policy disputes regarding environmental claims. The commissioner has found and hereby defines it to be an unfair act or practice or an unfair method of competition for an insurer to fail to investigate thoroughly and promptly all claims of lost policies. It is also an unfair practice or an unfair method of competition for an insurer to fail to provide all facts known or discovered during an investigation concerning the issuance and terms of a policy, including copies of documents establishing such facts, to an insured claiming coverage under a lost policy. A single violation of this section may be deemed by the commissioner to be an unfair act or practice or an unfair method of competition. The following procedures are minimum standards for the facilitation of reconstructing a lost policy and determining its terms. These procedures do not create a presumption of coverage for the loss once the contract is reconstructed.

(1) Within fifteen working days after receipt by the insurer of notice of a lost policy, an insurer shall commence an investigation into its records, including its computer records, to determine whether it issued the lost policy. If the

insurer determines that it issued the policy in question, it shall promptly commence an investigation into the terms and conditions relevant to the environmental claim.

(a) For purposes of this section, "notice of a lost policy" means written notice of the lost policy in sufficient detail to identify the person or entity seeking coverage, including information concerning the name of the alleged policyholder, if known, together with material facts known to the insured concerning the lost policy.

(b) Insureds and insurers shall fully cooperate with each other in the investigation of lost policy issues.

(i) Each shall provide to the other facts known or discovered during an investigation, including the identity of any witnesses with knowledge of facts related to the issuance or existence of a lost policy.

(ii) Each shall provide the other with copies of documents establishing facts related to the lost policy.

(iii) Neither an insured nor an insurer shall be required to produce material subject to the attorney-client privilege or the work product doctrine, or confidential claims documents provided to the insurer by another policyholder.

(2) If the insurer discovers information tending to show the issuance of a policy applicable to the claim, the following procedures shall apply:

(a) If the insurer is able to determine the terms of the policy, upon request the insurer shall provide to an insured an accurate copy or reconstruction of the policy or the portions of the policy located.

(b) If after diligent investigation the insurer is not able to locate all or part of the policy or to determine the terms, conditions, or exclusions of the policy, the insurer shall provide copies of all insurance policy forms potentially applicable to the environmental claim issued by the insurer during the applicable policy period. The insurer shall state which of the potentially applicable forms, if any, is most likely to have been issued and why, or alternatively, shall state why it is unable to identify the forms after a good faith search. Providing copies of forms and meeting the standards of this section, is neither an admission by an insurer that a policy was issued or effective, nor, if a policy were issued, that it was necessarily in the form produced, unless the insurer so states.

(c) If it is concluded that a general liability insurance policy more likely than not was issued to the insured by the insurer, and neither the insured nor the insurer can produce any evidence which may tend to show the policy limits applicable to the policy, it shall be assumed, in the absence of other evidence, that the minimum limits of coverage offered by the insurer during the period in question were purchased by the insured.

NEW SECTION

WAC 284-30-930 Specific unfair environmental claims settlement or trade practices defined. The commissioner has found and hereby defines the following acts or practices related to the settlement of environmental claims to be unfair methods of competition or unfair or deceptive acts or practices in the conduct of the business of insurance. A single violation of this section may be deemed by the commissioner to be an unfair claims settlement practice, an unfair trade practice, or an unfair method of competition.

(1) Failure to pay interest at the statutory rate as set by the state treasurer from time to time, pursuant to RCW 19.52.025:

(a) On payments that an insured has made and which the insurer is legally obligated to pay as damages: *Provided however*, That interest shall begin to accrue only when a claim is presented or payment is made by the insured, whichever is the later; or

(b) On overdue payments that an insurer agreed to make pursuant to an agreed settlement with an insured: *Provided however*, That interest shall begin to accrue on the thirty-first day after the date of the settlement or the agreed time, if later.

(2) Failure of an insurer to commence investigation of an environmental claim within fifteen working days after receipt of a notice of an environmental claim.

(a) Insureds and insurers shall fully cooperate with each other in the investigation of environmental claims.

(i) Each shall provide to the other facts known or discovered during an investigation, including the identity of any witnesses with knowledge of facts related to an environmental claim.

(ii) Each shall provide the other with copies of documents establishing facts related to an environmental claim.

(iii) Neither an insured nor an insurer shall be required to produce material subject to the attorney-client privilege or the work product doctrine, or confidential claims documents provided to the insurer by another policyholder.

(b) An excess insurer may rely on the investigation of a primary insurer.

(3) Failure to make payments, under its duty to defend, for costs reasonably incurred in an investigation to determine the source of contamination, the type of contamination, and the extent of the contamination.

(4) Denying a claim on the basis that the insured expected or intended the damage unless, to the best of the insurer's knowledge, information, and belief, formed after reasonable inquiry, the insurer's position is well grounded in fact and is warranted 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.

(5) Denying that there is damage to a site that is listed on the National Priorities List under the Comprehensive Environmental Response Compensation and Liabilities Act of 1980, 42 U.S.C. Sections 6901-6992k, or the hazardous sites list under the Model Toxics Control Act of Washington, chapter 70.105D RCW, if the federal Environmental Protection Agency or the state department of ecology has determined that there is actual damage on the site unless an insurer has evidence that no actual damage occurred. It should not be presumed that only sites on the National Priorities List or the hazardous sites list have environmental damage requiring action.

(6) Requiring the insured to provide answers to repetitive questions and requests for information concerning matters or issues unrelated to the insured's environmental claim. This does not prevent an insurer from clearly reserving its rights as to information that is not available at the time of the correspondence.

NEW SECTION

WAC 284-30-940 Environmental claim mediation program. The commissioner has found and hereby defines it to be an unfair act or practice or an unfair method of competition for an insurer to fail to participate in good faith in nonbinding mediation requested by an insured concerning the existence, terms, or conditions of a lost policy, or regarding coverage for an environmental claim.

(1) The insured may request in writing that the insurer participate in nonbinding mediation.

(2) Upon request from an insured for nonbinding mediation, an insurer shall provide an insured with information concerning an environmental claim mediation program. The information shall include, but need not be limited to, a description of how an insured can efficiently commence a mediation program.

(3) The purposes of mediation shall include, but need not be limited to, the following:

(a) To assist the parties in resolving disputes concerning whether or not a general liability insurance policy applicable to the environmental claim was issued to the insured by the insurer or concerning the relevant terms, conditions, and exclusions of the policy;

(b) To determine whether the entire claim, or a portion thereof, can be settled by agreement of the parties;

(c) If the claim cannot be settled, to determine whether one or more issues can be resolved to the satisfaction of the parties; or

(d) To discuss any other methods of streamlining or reducing the cost of litigation.

(4) Mediation shall be conducted pursuant to mediation rules similar to those of the American Arbitration Association, the Center for Public Resources, the Judicial Arbitration and Mediation Service, RCW 7.70.100, or any other rules of mediation agreed to by the parties.

(5) Unless otherwise agreed, information provided and statements made by either party in a mediation shall be kept confidential by the parties and used only for purposes of the mediation in accordance with RCW 5.60.070.

(6) Insureds and insurers shall have representatives present, or available by telephone, with authority to settle the matter at all mediation sessions.

NEW SECTION

WAC 284-20-200 Retention of policy forms. Beginning July 1, 1996, every insurer shall adopt a record retention procedure and shall maintain records sufficient to reconstruct a copy of every general liability insurance policy issued for delivery in this state to a Washington resident on or after July 1, 1996.

(1) Records may be kept in any reasonable and customary format, including any photographic or electronic format.

(2) Records shall be kept for at least twenty years following the expiration date of the policy.

(3) The insurer shall maintain the capacity to retrieve records sufficient to reconstruct any policy by name of the named insured(s) as shown on the policy declarations page and by policy number.

(4)(a) The insurer shall keep either a copy of each form of general liability insurance policy issued to a resident of this state so that it can be matched to an insured's record

upon request, or a copy of the insured's policy as issued. For manuscript policies, the insurer shall retain a copy of the insured's policy as issued.

(b) For each insured, the insurer shall maintain at least the following information as the insured's record:

(i) The name of all named insureds as shown on the policy declarations page;

(ii) The address of the named insured as shown on the policy declarations page;

(iii) The name of any additional named insured(s);

(iv) The policy number;

(v) The form number(s) or a copy of the insured's policy as issued;

(vi) The limits of liability;

(vii) The annual premium;

(viii) The form number(s) or a copy of any endorsement(s); and

(ix) The policy period.

(5) Records of general liability insurance policies issued to Washington residents and that are in the possession of the insurer on the effective date of this section shall not be destroyed for twenty years after the effective date of this section: *Provided however*, That such records need not be catalogued or indexed to meet the standards of this section.

(6) Records of general liability insurance policies issued by unauthorized insurers shall be kept in this state; however, such records may be maintained on behalf of an unauthorized insurer by the surplus line broker of record on the policy, or the broker's successor.

(7) For purposes of this section, "general liability insurance policy" means a contract of insurance that provides coverage for the legal obligations of an insured for bodily injury or property damage to others. It includes, for example, pollution liability insurance policies and comprehensive general liability insurance policies; it does not include insurance policies relating to motor vehicles, personal coverage such as homeowners, or specialty line liability coverage such as directors and officers insurance, errors and omissions insurance, or other similar policies.

WSR 95-09-018
PERMANENT RULES
DEPARTMENT OF HEALTH

[Filed April 11, 1995, 10:03 a.m.]

Date of Adoption: March 8, 1995.

Purpose: Mitigate economic impact.

Citation of Existing Rules Affected by this Order:
Amending WAC 246-272-25001 Washington state on-site sewage system waivers.

Statutory Authority for Adoption: RCW 43.20.050.

Pursuant to notice filed as WSR 95-04-034 on January 24, 1995.

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

April 6, 1995

Sylvia I. Beck

Executive Director

AMENDATORY SECTION (Amending WSR 94-09-025, filed 4/15/94, effective 1/1/95)

WAC 246-272-25001 Waiver of state regulations.

(1) For individual, site-by-site waiver requests, if concurrence is granted by the department, the local health officer may grant a waiver from specific requirements in this chapter for OSS under three thousand five hundred gallons per day only after the following procedure has been completed:

(a) The applicant submits a waiver application to the local health officer, including justification describing how the requested waiver is consistent with purpose and objectives to meet the public health intent of this chapter;

(b) ~~((When))~~ If the local health officer determines that the waiver is consistent with the standards in and the intent of this chapter ~~((; the applicant forwards the completed waiver form, pertinent and supportive material, with required departmental fee to the department))~~;

(c) ~~((Upon receipt of the waiver application, the department shall respond to the applicant within seven working days as to the status of departmental review. This notification is to include information regarding issues or concerns the department has identified and the expected date for completion of the review.~~

(d) ~~Upon review, the department returns the waiver application to the local health officer and a copy to the applicant, indicating that the department either concurs with the waiver as requested, or conditionally concurs with the request, or states reasons for denying the request.))~~ On a quarterly basis, the local health officer will forward to the department any approved or denied waivers for their records.

(2) The department may grant a waiver from specific requirements in this chapter for a LOSS if a person submits a completed departmental waiver application and required fee to the department, including justification showing the requested waiver is consistent with the LOSS standards in this chapter, and is consistent with the purpose and objectives of this chapter to assure public health protection.

(3) If an applicant desires to modify and resubmit a previously denied waiver request, the process described above in subsection (1) of this section for OSS under three thousand five hundred gallons per day, or subsection (2) of this section for a LOSS shall be followed again.

~~((4) For general, multiple site waivers to respond to regional conditions or issues, if approval is granted by the state board of health, the local health officer may, under the conditions and requirements of an intergovernmental agreement with the department, grant waivers from specific requirements in this chapter for OSS under three thousand five hundred gallons per day only after the following requirements have been met:~~

(a) ~~The local health officer shall submit to the department for review, a proposal for an intergovernmental agreement (IGA) between the local board of health and the department that provides:~~

(i) ~~Justification for the waiver request based on sound technical and scientific information and data;~~

(ii) ~~Written concurrence by the department of ecology that the standards of chapter 173-201 WAC, Water quality standards for surface waters, and chapter 173-200 WAC, Water quality standards for ground water will be met;~~

~~((iii) An appropriate local public review of the proposed IGA, including opportunity for review and comment by adjacent county governments, state agencies, affected parties, and others; and~~

~~((iv) Appropriate technical, administrative, and regulatory requirements to assure public health protection, and limitations, conditions, revocation clauses, and other items as required by the department or the state board of health.~~

~~((b) The department shall, within ninety days of receipt of a completed proposal:~~

(i) ~~Determine if the proposed IGA, with its supporting documentation, adequately addresses technical criteria and standards, and regulatory control to assure public health protection at least equal to that provided by this chapter; and~~

(ii) ~~Submit to the state board of health a report with departmental recommendations regarding the waiver request and the proposed IGA.~~

~~((c) The department may establish fees or other mechanisms of cost recovery, to cover the costs of departmental review, development, and ongoing oversight of proposed intergovernmental agreements, and any departmental activity as provided and agreed upon in intergovernmental agreements, as described in this section.))~~

WSR 95-09-025

PERMANENT RULES

WASHINGTON STATE

EMPLOYEE COMBINED FUND DRIVE

[Filed April 12, 1995, 3:00 p.m.]

Date of Adoption: February 16, 1995.

Purpose: To allow public and private charities that deliver services or assistance to threatened or endangered species, or have a board of directors physically located outside of the state of Washington into the combined fund drive (CFD).

Citation of Existing Rules Affected by this Order: Amending WAC 240-10-030 and 240-10-040.

Statutory Authority for Adoption: WAC 240-10-010(7).

Other Authority: Executive Order 84-13.

Pursuant to notice filed as WSR 95-02-033 on December 29, 1994.

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

April 5, 1995

Sue Hinz

Chair

AMENDATORY SECTION (Amending WSR 94-01-038, filed 12/6/93, effective 1/6/94)

WAC 240-10-030 Definitions. (1) Committee - The Washington state employee combined fund drive committee described in WAC 240-10-010.

(2) State employee combined fund drive campaign - An arrangement by which the committee provides one or more other participating organizations with the opportunity to receive funds contributed to them in the annual campaign, based on their compliance with the regulations herein.

(3) Participating organization - A health and welfare agency whose application has been accepted by the committee.

(4) Annual campaign - The once-a-year period of organized solicitation of state employees conducted annually to obtain voluntary contributions from state employees for charitable commitments to be allocated during the ensuing year of contributions.

(5) Year of contributions - The annual calendar year for collection of the voluntary payroll deductions for charitable contributions authorized by state employees pursuant to these regulations. The normal, full annual calendar year shall begin with January and end with the ensuing December.

(6) Health and welfare agency - The terms "voluntary agency," "voluntary health and welfare agency," "voluntary charitable agency," and "voluntary charitable health and welfare agency" mean an organization that is organized and operated for the purpose of rendering, or of materially or financially supporting the rendering of, one or more of the following services for the benefit of human beings:

- (a) Delivery of health care to ill or infirm individuals;
- (b) Education and training of personnel for the delivery of health care to ill or infirm individuals;
- (c) Health research for the benefit of ill or infirm individuals;
- (d) Delivery of education, training, and care to physically and mentally handicapped individuals;
- (e) Treatment, care, rehabilitation, and counseling of juvenile delinquents, criminals, released convicts, persons who abuse drugs or alcohol, persons who are victims of intra-family violence or abuse, persons who are otherwise in need of social adjustment and rehabilitation, and the families of such persons;
- (f) Relief of victims of crime, war, casualty, famine, natural disasters, and other catastrophes and emergencies;
- (g) Neighborhood and community-wide social services that directly assist needy, poor, and indigent individuals, including provision of emergency relief and shelter, transportation, the preparation and delivery of meals, educational opportunities, and job training;
- (h) Protection of families that, on account of economic or other need, poverty, indigence, or emergency, have a long-term or short-term need of family, child-care, and maternity services, child and marriage counseling, foster care, and guidance or assistance in the management and maintenance of the home and household;
- (i) Relief of needy, poor, and indigent infants and children, and of orphans, including the provision of adoption services;
- (j) Relief of needy, poor, and indigent adults and of the elderly;
- (k) Delivery of services or assistance that conserve, protect, or restore the environment;
- (l) Delivery of services or assistance to threatened or endangered species.

(7) Local presence - Demonstration of direct and substantial presence in the local campaign community:

- (a) The availability of services, such as examinations, treatments, inoculations, preventive care, counseling, training, scholarship assistance, transportation, feeding, institutionalization, shelter, and clothing to persons working or residing in the local campaign community.
- (b) The presence within the local campaign community, or within reasonable commuting distance thereof, of a facility at which services may be obtained, such as an office,

clinic, mobile unit, field agency, or direct provider, or specific demonstrable effects of research, such as personnel or facilities engaged therein or specific local applications thereof.

(c) The availability to persons working or residing in the local campaign community of communication with the voluntary charitable agency by means of home visits, transportation, or telephone calls, provided by the voluntary agency at no charge to the recipient or beneficiary of the service.

(8) Overseas - Areas outside of the District of Columbia and the fifty states of the United States.

AMENDATORY SECTION (Amending WSR 92-19-082, filed 9/15/92, effective 10/16/92)

WAC 240-10-040 Basic standards and criteria for agency membership applicable to all agencies. (1) Basic standards.

(a) Federal exemption. Each charitable organization must submit a copy of the Internal Revenue Service determination letter indicating that it is an exempt organization under Internal Revenue Code Section 501 (c)(3), or is a governmental entity receiving charitable contributions which are entitled to a deduction under Internal Revenue Code Section 170 (c)(1). An advance ruling on its exempt status shall meet this requirement.

(b) Registration and reporting. Each charitable organization shall have registered as a charitable organization with the secretary of state under the provisions of chapter 19.09 RCW (charitable solicitations) and with the attorney general under the provisions of chapter 11.110 RCW (charitable trusts) unless specifically exempt from registration by state law, and shall have filed all required reports within any established time limits.

(c) Integrity of operations. Each charitable organization must have at least a minimal history of service and demonstrate a real capability to serve. Funds contributed to charitable organizations by state employees must be used for their announced purposes. There shall be no payment of commissions for fund-raising, no mailing of commercial merchandise, and no paid general telephone solicitors.

(d) Finances. The charitable organization must use standards of accounting and a financial system based on generally accepted accounting principles which includes accounting procedures that would be acceptable to the American Institute of Certified Public Accountants. The committee may require an independent audit by a certified public accountant. The charitable organization must conduct its fiscal operations in accordance with a detailed annual program budget which is prepared and approved at the beginning of each fiscal year by the board of directors. Prior authorizations by the board of directors shall be required for any significant variation from the approved budget. The committee may require that the charitable organization prepare and make available to the general public an annual financial report.

(e) Nondiscrimination. The charitable organization shall have a policy and procedure of nondiscrimination in regard to race, color, religion, national origin, handicap, age, or sex applicable to persons served by the charitable organization.

(f) Annual reports. The charitable organization shall prepare an annual report available to the general public which includes a full description of the charitable organization's activities including types of solicitation for contributions, the names of its chief administrative personnel, and a full disclosure of the source and use of contributions.

(g) Agency organization. The charitable organization must maintain an active (~~local~~) volunteer board of directors, serving without compensation through regular meetings and exercising satisfactory administrative controls in accordance with the agency's articles of incorporation, bylaws, and, preferably, standards adopted by its national or state affiliate(~~—Provided, That the "local volunteer board" is exempted for those voluntary charitable health and welfare agencies whose services are rendered exclusively or in substantial preponderance overseas, and which meet all the criteria set forth except for the requirement of direct and substantial presence in the local campaign community~~)).

(h) Fund-raising costs. Each organization shall disclose to the committee the estimated percentages of the money collected which will be applied to the cost of solicitation and to the charitable purpose. The information thus provided will be disclosed to state employees during the campaign.

(i) Application deadline. Completed applications must be received before the closing date established annually by the committee.

(2) Criteria.

(a) Service programs. Each charitable agency must have a substantial local presence in a Washington state community with a history of providing programs aimed toward direct services, research, and education in an effort to meet human health, welfare, or social service needs within a Washington state community: *Provided*, That voluntary charitable health and welfare agencies whose services are rendered exclusively or in substantial preponderance overseas, and that meet all the criteria set forth except for the requirement of direct and substantial presence in the local campaign community, shall be eligible for agency membership; and each must be able to comply with integrity and other applicable standards that such services are indeed provided.

(b) Participation in eligible federations.

(i) No charitable organization may participate in more than one eligible federation (umbrella organization) in a county.

(ii) No charitable organization may participate both individually and as a member of an eligible federation (umbrella organization) within a county.

(iii) Applications submitted on behalf of eligible federations (umbrella organizations) shall include a certification that all participating constituent agencies meet the basic standards and criteria, and agree to comply with rules and regulations as set forth by the committee.

WSR 95-09-036
PERMANENT RULES
DEPARTMENT OF ECOLOGY
[Order 94-47—Filed April 13, 1995, 4:46 p.m.]

Date of Adoption: April 7, 1995.

Purpose: To repeal chapter 173-12 WAC, General procedure.

Citation of Existing Rules Affected by this Order: Repealing chapter 173-12 WAC.

Statutory Authority for Adoption: Chapters 43.21 and 34.05 RCW.

Pursuant to notice filed as WSR 95-05-065 on February 14, 1995.

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

April 7, 1994 [1995]

Mary Riveland
Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- | | |
|----------------|---|
| WAC 173-12-010 | Purpose. |
| WAC 173-12-020 | Scope of directions—Requests for advice and guidance. |
| WAC 173-12-030 | Requests of the director for advice and guidance. |
| WAC 173-12-040 | Ecological commission submission of views. |
| WAC 173-12-050 | Adoption of regulations. |
| WAC 173-12-060 | Meetings. |

WSR 95-09-041
PERMANENT RULES
DEPARTMENT OF REVENUE
[Filed April 14, 1995, 2:40 p.m.]

Date of Adoption: April 14, 1995.

Purpose: To provide county assessors with the current rate of interest and property tax component to be used in valuing farm and agricultural land classified under chapter 84.34 RCW for assessment year 1995.

Citation of Existing Rules Affected by this Order: Amending WAC 458-30-262.

Statutory Authority for Adoption: RCW 84.34.065, 84.34.141.

Other Authority: RCW 84.08.010, 84.08.070.

Pursuant to notice filed as WSR 95-06-040 on February 24, 1995.

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

April 14, 1995

William N. Rice
Assistant Director
Property Tax Division

AMENDATORY SECTION (Amending WSR 94-05-062, filed 2/11/94, effective 3/14/94)

WAC 458-30-262 Agricultural land valuation—Interest rate—Property tax component. For assessment year ((1994)) 1995, the interest rate and the property tax component that are to be used to value classified farm and agricultural lands are as follows:

- (1) The interest rate is ((9.69)) 9.53 percent; and
- (2) The property tax component for each county is:

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COUNTY	PERCENT	COUNTY	PERCENT
Adams	1.46	Lewis	1.36
Asotin	1.68	Lincoln	1.54
Benton	1.53	Mason	1.52
Chelan	1.49	Okanogan	1.47
Clallam	1.31	Pacific	1.49
Clark	1.30	Pend Oreille	1.16
Columbia	1.41	Pierce	1.62
Cowlitz	1.22	San Juan	0.92
Douglas	1.48	Skagit	1.17
Ferry	1.11	Skamania	1.08
Franklin	1.62	Snohomish	1.35
Garfield	1.44	Spokane	1.77
Grant	1.46	Stevens	1.21
Grays Harbor	1.53	Thurston	1.51
Island	0.90	Wahkiakum	1.18
Jefferson	1.24	Walla Walla	1.49
King	1.23	Whatecom	1.40
Kitsap	1.34	Whitman	1.64
Kittitas	1.32	Yakima	1.49
Klickitat	1.28		

COUNTY	PERCENT	COUNTY	PERCENT
Adams	1.45	Lewis	1.36
Asotin	1.67	Lincoln	1.59
Benton	1.49	Mason	1.44
Chelan	1.50	Okanogan	1.57
Clallam	1.22	Pacific	1.39
Clark	1.34	Pend Oreille	1.45
Columbia	1.58	Pierce	1.62
Cowlitz	1.23	San Juan	0.85
Douglas	1.46	Skagit	1.15
Ferry	1.13	Skamania	1.02
Franklin	1.66	Snohomish	1.32
Garfield	1.55	Spokane	1.57
Grant	1.53	Stevens	1.22
Grays Harbor	1.48	Thurston	1.51
Island	0.88	Wahkiakum	1.24
Jefferson	1.25	Walla Walla	1.57
King	1.26	Whatcom	1.30
Kitsap	1.32	Whitman	1.56
Kittitas	1.23	Yakima	1.39
Klickitat	1.24		

WSR 95-09-042
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Order 95-02—Filed April 14, 1995, 4:00 p.m.]

Date of Adoption: April 13, 1995.

Purpose: The proposed amendments will implement chapter 205, Laws of 1994, by extending running start program attendance to Central, Eastern and Washington State Universities.

Citation of Existing Rules Affected by this Order: Repealing WAC 392-169-035; and amending WAC 392-169-005 through 392-169-125.

Statutory Authority for Adoption: RCW 28A.300.390, 28A.150.260, and 28A.150.290.

Pursuant to notice filed as WSR 95-06-084 on March 1, 1995.

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

April 13, 1995
 Judith A. Billings
 Superintendent of
 Public Instruction

AMENDATORY SECTION (Amending Order 94-01, filed 2/1/94, effective 3/4/94)

WAC 392-169-005 Authority. The authority for this chapter is RCW 28A.600.390, which authorizes the superintendent of public instruction, the state board for community and technical colleges, and the higher education coordinating board to jointly develop and adopt rules governing RCW 28A.600.300 through 28A.600.380, and 28A.150.260 and 28A.150.290 which authorize the superintendent of public instruction to adopt rules governing basic education allocation moneys. The rules set forth in this chapter have been jointly developed and agreed upon by the three agencies, and adopted and codified in separate chapters of the Washington Administrative Code by each of the three agencies. The rules may be modified only by agreement of all three agencies.

AMENDATORY SECTION (Amending Order 94-01, filed 2/1/94, effective 3/4/94)

WAC 392-169-015 Running start program—Definition. As used in this chapter, the terms "running start" and "running start program" mean the part-time to full-time equivalent enrollment under this chapter of eligible eleventh and twelfth grade high school students in ~~((a community college or technical college))~~ an institution of higher education for the purpose of earning at least high school credit to be awarded by a school district, and such additional college level ~~((academic and college level vocational))~~ or university level credit as may be awarded by the ~~((community college or technical college))~~ institution of higher education.

AMENDATORY SECTION (Amending Order 94-01, filed 2/1/94, effective 3/4/94)

WAC 392-169-020 Eligible student—Definition. As used in this chapter, the term "eligible student" means any person, including a person who is otherwise attending a private school or receiving home-based instruction, who meets each of the following conditions:

(1) The person is under the age of twenty-one years of age as of September 1 of the school year.

(2) The person is eligible by reason of his or her residence or other criterion established by law to enroll in the school district through which the person seeks to obtain the award of running start program high school credit. See ~~((RCW 28A.175.090 ("at risk students"),))~~ RCW 28A.225.160 (residents of a school district), RCW 28A.225.170 (residents of the United States and Indian Reservations), RCW 28A.225.210 (residents of "nonhigh" school districts), and RCW 28A.225.220 ("choice" students). Note: A running start student who changes his or her school district of residence, following enrollment in running start, solely for the purpose of attending ~~((college))~~ an institution of higher education under this chapter shall be deemed to have retained his or her residence in the school district of initial running start enrollment for high school graduation, funding and other purposes under this chapter.

(3) The person is eligible under the grade placement policies of the school district through which the person seeks to obtain running start program high school credit to be in the eleventh or the twelfth grade.

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(4) The person has not as of the beginning of the school year earned the credits required for the award of a high school diploma by the school district through which the person seeks to obtain the award of running start program high school credit.

(5) The person has not as of the beginning of the school year received a high school diploma or its equivalent. Note: A general education development certificate is not considered to be the equivalent of a high school diploma for purposes of this subsection.

(6) The person's running start program enrollment to date is below the applicable eleventh or twelfth grade running start enrollment limitations established under WAC 392-169-055.

AMENDATORY SECTION (Amending Order 94-01, filed 2/1/94, effective 3/4/94)

WAC 392-169-022 Running start student—Definition. For the purposes of this chapter and chapter 392-121 WAC, the term "running start student" means an eligible student:

- (1) Who is enrolled in the running start program in accordance with this chapter;
- (2) Whose enrollment has not been suspended or terminated by withdrawal, transfer, suspension or expulsion; and
- (3) Who has participated in one or more instructional activities conducted by college or university staff (e.g., classroom or laboratory instruction, course work testing, post enrollment/registration academic counseling, and similar other instructional activities) on at least one college or university day during the current (~~(college)~~) quarter or semester since the last enrollment count date.

AMENDATORY SECTION (Amending Order 94-01, filed 2/1/94, effective 3/4/94)

WAC 392-169-023 College or university day—Definition. For the purposes of this chapter, the term "college or university day" means a day on which running start students are afforded the opportunity to be engaged in instructional activity which is planned and conducted by or under the supervision of college or university instructional staff, and on which day all or any portion of the enrolled running start students actually participate in such instructional activity.

AMENDATORY SECTION (Amending Order 94-01, filed 2/1/94, effective 3/4/94)

WAC 392-169-025 Full-time equivalent (FTE) running start enrollment—Definition. For the purposes of this chapter and chapter 392-121 WAC, "full-time equivalent (FTE) running start enrollment" (i.e., college or university enrollment) means the FTE of running start students on an enrollment count date when each student's FTE is determined subject to the limitations of WAC 392-169-022, 392-169-055 and 392-169-115 as follows:

- (1) For college or university courses denominated in (~~(college)~~) quarter credits, the quotient of an eligible student's quarter credits of running start enrollment divided by fifteen (~~(up to a maximum of 1.00 FTE)~~).

(2) For college or university courses denominated in semester credits, the quotient of an eligible student's semester credits of running start enrollment divided by fifteen.

(3) For college or university courses not denominated in (~~(college)~~) quarter or semester credits, the quotient of an eligible student's average hours of running start enrollment per week divided by twenty-five (~~(up to a maximum of 1.00 FTE)~~). Hours of enrollment shall be determined pursuant to WAC 392-121-106 through 392-121-183.

(4) The sum of the results of running start enrollment under subsections (1), (2) and (3) of this section shall not exceed 1.00 FTE per student on any count day or in any school year.

NEW SECTION

WAC 392-169-033 Institution of higher education—Definition. As used in this chapter, the term "institution of higher education" means:

- (1) A Washington community college established under chapter 28B.50 RCW;
- (2) A Washington technical college established under chapter 28B.50 RCW;
- (3) Central Washington University, Eastern Washington University and Washington State University if:
 - (a) The university has decided to participate in the running start program; and
 - (b) The board of directors of the school district through which an eligible student seeks to obtain running start program high school credit has decided to participate in the universities' running start program.

AMENDATORY SECTION (Amending Order 94-01, filed 2/1/94, effective 3/4/94)

WAC 392-169-045 Enrollment—General requirements and conditions. The enrollment of an eligible student in the running start program shall be governed as follows:

- (1) An eligible student is responsible for applying for and pursuing admission to (~~(a community college or technical college)~~) an institution of higher education on or before the deadline for enrollment established by the college or university.
- (2) It shall not be necessary for an eligible student to obtain a release of attendance from his or her resident school district in order for the student to enroll in (~~(any community college or technical college)~~) an institution of higher education.
- (3) An eligible student is entitled to enroll in (~~(any community college and any technical college in the state)~~) an institution of higher education for running start program purposes subject to each of the following conditions and limitations:
 - (a) Enrollment is limited to college (~~(level academic and college level vocational)~~) and university level courses.
 - (b) Prior confirmation pursuant to WAC 392-169-050 by the school district through which the student seeks to obtain the award of running start program high school credit of the amount of high school credit to be awarded on or before the deadline for enrollment established by the (~~(college)~~) institution of higher education.

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(c) Acceptance of the student by the ~~((community college or technical college))~~ institution of higher education subject to generally applicable admission and enrollment requirements and limitations established by the ~~((community college or technical college))~~ institution, including a determination that the student is competent to profit from the college ~~((level academic or vocational))~~ or university level course(s) the student seeks to enroll in: *Provided*, That a technical college shall not deny admission or continued attendance to a person under twenty-two years of age with a disability based upon impaired competency or the creation of a disruptive atmosphere associated with the person's disability.

(d) The limitations upon the duration and extent of ~~((community college and technical college))~~ institution of higher education course enrollment set forth in WAC 392-169-055 and 392-169-057.

AMENDATORY SECTION (Amending Order 94-01, filed 2/1/94, effective 3/4/94)

WAC 392-169-050 Enrollment—High school credit—Prior confirmation. As a condition to an eligible student's enrollment in ~~((community college or technical))~~ college or university courses under this chapter, the eligibility of the courses which the student intends to take for the award of high school credit and the amount of such credit shall first be established, as follows:

(1) The student shall notify the school district through which the student seeks to obtain the award of running start program high school credit of the specific ~~((community college and technical))~~ college or university courses he or she intends to take and shall request confirmation of the amount of high school credit that will be awarded upon successful completion of the courses.

(2) The school district shall establish on a course by course basis the amount of high school required or elective credit, or combination thereof, that shall be awarded for each college or university course successfully completed by the student based upon the conversion rate set forth in WAC 180-51-050.

(3) If a college or university course is not comparable to a school district course required for high school graduation, the school district superintendent shall determine the amount of required high school credit which shall be awarded following consultation with a ~~((community college or technical college))~~ representative of the institution of higher education designated for that purpose. The difference between the amount of required credit and the amount of credit earned at the conversion rate set forth in WAC 180-51-050 shall be awarded as elective credit.

(4) Within twenty school district business days of a student's request for confirmation of credit the school district superintendent or other designated school district representative shall confirm in writing the amount of high school required or elective credit, or combination thereof, which shall be awarded upon successful completion of the courses.

AMENDATORY SECTION (Amending Order 94-01, filed 2/1/94, effective 3/4/94)

WAC 392-169-055 Enrollment—Extent and duration of running start enrollment. Running start program enrollment under this chapter is limited as follows (and as may be further limited for academic reasons under WAC 392-169-057):

(1) An eligible student who enrolls in grade eleven may enroll in ~~((a community or technical college))~~ an institution of higher education while in the eleventh grade for no more than the course work equivalent to one academic year of enrollment as an annual average full-time equivalent running start student (i.e., three college or university quarters as a full-time equivalent ~~((community))~~ college or university student, or two semesters as a full-time equivalent college or university student or nine months as a full-time equivalent technical college student).

(2) An eligible student who enrolls in grade twelve may enroll in ~~((a community or technical college))~~ an institution of higher education while in the twelfth grade for no more than the course work equivalent to one academic year of enrollment as an annual average full-time equivalent running start student (i.e., three college or university quarters as a full-time equivalent community college or university student, or two semesters as a full-time equivalent college or university student and nine months as a full-time technical college student).

(3) Enrollment in ~~((a community college or technical college))~~ an institution of higher education is limited to the fall, winter and spring quarters, and the fall and spring semesters.

(4) As a general rule a student's eligibility for running start program enrollment terminates at the end of the student's twelfth grade regular academic year, notwithstanding the student's failure to have enrolled in ~~((a community college or technical college))~~ an institution of higher education to the full extent permitted by subsections (1) and (2) of this section: *Provided*, That a student who has failed to meet high school graduation requirements as of the end of the student's twelfth grade regular academic year (September-June) due to the student's absence, the student's failure of one or more courses, or another similar reason may continue running start program enrollment for the sole and exclusive purpose of completing the particular course or courses required to meet high school graduation requirements, subject to the enrollment limitation established by subsection (2) of this section.

AMENDATORY SECTION (Amending Order 94-01, filed 2/1/94, effective 3/4/94)

WAC 392-169-057 Enrollment—Extent ~~((and duration))~~ of combined high school and running start enrollment. Concurrent or combined regular high school program and running start program enrollment ~~((is governed))~~ by a student may exceed the equivalent of full-time enrollment as follows:

(1) An eligible student's concurrent enrollment in both the regular high school program, and in running start or ~~((college))~~ an institution of higher education under this chapter, may exceed the equivalent of full-time enrollment: *Provided*, That a designated school district representative and

a designated college or university representative may jointly limit a student's concurrent high school and ~~((college))~~ institution of higher education enrollment, but not to ~~((not))~~ less than the equivalent of full-time enrollment, for bona fide academic reasons based upon a joint evaluation of the student's capabilities and the total course work the student seeks to enroll in.

(2) For purposes of limiting a student's combined regular high school and running start program enrollment for bona fide academic reasons under subsection (1) of this section thirty hours per week shall constitute full-time high school or technical college enrollment, and fifteen quarter credit hours or fifteen semester hours shall constitute full-time ~~((community))~~ college or university enrollment. Thus, for example, a student enrolled in the regular high school program for ten hours per week (one-third FTE) and in a ~~((community))~~ college for ten quarter credit hours (two-thirds FTE) is enrolled the equivalent of full-time.

AMENDATORY SECTION (Amending Order 94-01, filed 2/1/94, effective 3/4/94)

WAC 392-169-060 Enrollment—Exception from tuition and fees. A running start student shall not be required by ~~((a community college or technical college))~~ an institution of higher education to pay any tuition or other fee as a condition to the student's full participation in running start ~~((community college and technical))~~ college or university course work and related activities, or as a condition to the award of credit ~~((therefore))~~ therefor: *Provided*, That requiring a running start student to provide and pay for consumable supplies, textbooks, and other materials to be retained by the student does not constitute the assessment of tuition or a fee for purposes of this ~~((subsection))~~ section: *Provided further*, That this limitation on the assessment of tuition and fees does not apply to a student's ~~((college))~~ enrollment above and beyond running start program enrollment limitations under this chapter (i.e., college and university enrollment in excess of one FTE and college and university summer ~~((quarter))~~ enrollment may be conditioned upon the payment of regular tuition and fees).

AMENDATORY SECTION (Amending Order 94-01, filed 2/1/94, effective 3/4/94)

WAC 392-169-065 Enrollment—Continuing eligibility. Once an eligible student has been enrolled in ~~((a community college or technical college course or program))~~ one or more running start or institution of higher education courses under this chapter, the student shall not be displaced by another student: *Provided*, That a student's continued enrollment in a course or program and enrollment in other courses or programs shall be subject to generally applicable enrollment requirements and limitations established by the ~~((community college or technical college))~~ institution of higher education: *Provided further*, That a technical college shall not deny continued attendance to a person under twenty-two years of age with a disability based upon impaired competency or the creation of a disruptive atmosphere associated with the person's disability.

AMENDATORY SECTION (Amending Order 94-01, filed 2/1/94, effective 3/4/94)

WAC 392-169-075 Academic standards and discipline—Jurisdiction of educational agencies. Each school district ~~((community college district, and technical college district))~~ and institution of higher education shall independently have and exercise exclusive jurisdiction over academic and discipline matters involving a student's enrollment and participation in courses of, and the receipt of services and benefits from, the school district ~~((the community college district, or the technical college district))~~ or the institution of higher education.

AMENDATORY SECTION (Amending Order 94-01, filed 2/1/94, effective 3/4/94)

WAC 392-169-080 Compliance with federal and state requirements of law—Special education program requirements—Necessary cooperative agreements. As a general rule, a school district ~~((a community college district, and a technical college district))~~ and an institution of higher education are independently responsible for assuring compliance with federal and state requirements of law which are applicable to the provision of services and benefits by the school district ~~((community college district, or technical college district))~~ or the institution of higher education under this chapter. If, however, the individualized education program of a special education student established under chapter 392-171 WAC provides for ~~((such))~~ running start enrollment in ~~((a community college or a technical college))~~ an institution of higher education, the school district which established the individualized education program shall also be responsible for assuring compliance with chapter 392-171 WAC in connection with the student's running start enrollment in the ~~((community college or technical college))~~ institution of higher education. School districts ~~((community college districts, and technical college districts))~~ and institutions of higher education shall enter into cooperative agreements as necessary to assure compliance with their respective duties under federal and state law, including agreements which substantiate a school district's claim to necessary federal and state ~~((special education))~~ funding.

AMENDATORY SECTION (Amending Order 94-01, filed 2/1/94, effective 3/4/94)

WAC 392-169-085 High school credit—Award by school districts. Upon confirmation by ~~((a community college or technical college))~~ an institution of higher education of a student's successful completion of running start program courses under this chapter, the school district shall record on the student's secondary school records and transcript the high school credit previously confirmed under WAC 392-169-050 ~~((;))~~ together with a notation that the courses were taken at ~~((a community college or technical college))~~ an institution of higher education.

AMENDATORY SECTION (Amending Order 94-01, filed 2/1/94, effective 3/4/94)

WAC 392-169-090 Finance—Generation and apportionment of state basic education moneys. (1) Each running start student shall generate state running start basic

education moneys based upon the student's enrollment under this chapter in ~~((community college or technical college))~~ institution of higher education courses or programs ~~((or any combination thereof))~~ in accordance with the definitions of FTE and AAFTE students set forth in WAC 392-169-025 and 392-169-030, the enrollment and enrollment count limitations set forth in WAC 392-169-055 and 392-169-115, rules of the superintendent of public instruction set forth in Title 392 WAC which supplement and do not conflict with this chapter, and the Biennial Operating Appropriations Act.

(2) The superintendent of public instruction shall apportion running start basic education moneys to school districts reporting running start enrollments based upon AAFTE nonvocational and vocational running start enrollments and uniform state-wide rates for nonvocational and vocational students as determined pursuant to WAC 392-169-095.

(3) School districts may retain and expend for running start program counseling or other school district purposes up to seven percent of the running start basic education moneys apportioned by the superintendent of public instruction.

(4) School districts shall apportion each ~~((community and technical college district's))~~ institution of higher education's share of running start basic education moneys received under this chapter to each ~~((college district))~~ institution on at least a modified quarterly basis on or before December 31, March 31, June 30, and August 31 each school year.

AMENDATORY SECTION (Amending Order 94-01, filed 2/1/94, effective 3/4/94)

WAC 392-169-100 Running start enrollment count dates. Enrollment count dates for the running start program shall be ~~((the first college day of each of the months of October through June))~~ as follows:

(1) For community and technical colleges and for Central Washington University and Eastern Washington University, the first college or university day of each of the months of October through June; and

(2) For Washington State University the first university day of each of the months of September through May.

AMENDATORY SECTION (Amending Order 94-01, filed 2/1/94, effective 3/4/94)

WAC 392-169-105 Finance—~~((Community college and technical college))~~ Institution of higher education reporting requirements. Each ~~((community college and technical college))~~ institution of higher education that enrolls an eligible student under this chapter shall periodically report enrollment information as follows:

(1) Within ten calendar days of enrollment of the student, provide written notice to the student, and the school district through which the student seeks to obtain running start program high school credit of the courses and the credit hours or instructional/clock hours of enrollment.

(2) After each monthly count date the ~~((college))~~ institution of higher education shall report running start student enrollments by the eighth day of the month to the school district through which the student seeks to obtain the award of running start program high school credit as is necessary for the school district to claim state running start

basic education program moneys under this chapter and chapter 392-121 WAC.

(3) The monthly report shall be prepared in accordance with instructions provided by the superintendent of public instruction, and shall include, but not necessarily be limited to, the following:

(a) The total number of enrolled running start students on the count date (see the definition of a "running start student" in WAC ~~((392-169-023))~~ 392-169-022);

(b) Total nonvocational running start FTE enrollment;

(c) Total vocational running start FTE enrollment; and

(d) The name of each running start student and the nonvocational and vocational running start FTE reported for the student.

AMENDATORY SECTION (Amending Order 94-01, filed 2/1/94, effective 3/4/94)

WAC 392-169-110 Finance—School district reporting requirements. Each ~~((student))~~ school district through which a running start student seeks to obtain running start program high school credit shall make all reports to the superintendent of public instruction in accordance with this chapter and chapter 392-121 WAC as are necessary to substantiate the district's entitlement to the receipt of moneys based upon the student's ~~((community college and technical college))~~ institution of higher education enrollment under this chapter. Running start students shall be so reported as full-time equivalent vocational and nonvocational students, or fractions thereof, in accordance with the definition of full-time equivalent students set forth in WAC 392-169-025.

AMENDATORY SECTION (Amending Order 94-01, filed 2/1/94, effective 3/4/94)

WAC 392-169-115 Finance—Limitations on enrollment counts. No running start student enrolled in ~~((a community college or technical college, or any combination thereof))~~ one or more institutions of higher education reported under WAC 392-169-105 and 392-169-110 shall exceed one full-time equivalent running start student on any enrollment count date or more than one annual average full-time equivalent student in any school year.

AMENDATORY SECTION (Amending Order 94-01, filed 2/1/94, effective 3/4/94)

WAC 392-169-120 Finance—Documentation requirements. School districts and ~~((colleges))~~ institutions of higher education shall maintain documentation supporting running start student enrollment and state funding claims, including the following:

(1) ~~((Colleges))~~ Institution of higher education documentation shall show each student's college or university enrollment status on each enrollment count date and evidence of the student's participation in college or university instructional activities conducted by college or university staff on at least one college or university day since the last enrollment count date. See WAC 392-169-022(3) for a description of required "instructional activities."

(2) School district documentation shall show each student's school district enrollment status on each enrollment count date and evidence that the student is earning high

school graduation credit for running start enrollment reported for state funding.

AMENDATORY SECTION (Amending Order 94-01, filed 2/1/94, effective 3/4/94)

WAC 392-169-125 Current and future (~~community college and technical college~~) institution of higher education enrollment alternatives not affected. This chapter shall not affect the alternative enrollment, and arrangements, therefor, of a secondary student in (~~a community college or technical college~~) an institution of higher education pursuant to a contractual agreement entered into pursuant to RCW 28B.50.530 (interschool district/college district cooperative programs) (~~and~~) or chapter 39.34 RCW (the Interlocal Cooperation Act). See WAC 392-121-183 (Contracting with (~~an educational~~) a higher education institution (~~other than a school district~~)).

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 392-169-035 Community and technical colleges—Definition.

WSR 95-09-047

PERMANENT RULES

WESTERN WASHINGTON UNIVERSITY

[Filed April 17, 1995, 9:30 a.m.]

Date of Adoption: April 14, 1995.

Purpose: To provide an impound alternative other than towing the vehicles from campus as a consequence for violation of university parking regulations and failure to pay fines.

Citation of Existing Rules Affected by this Order: Amending chapter 516-12 WAC.

Statutory Authority for Adoption: RCW 28B.35.-120(12).

Pursuant to notice filed as WSR 95-05-073 on February 15, 1995.

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

April 14, 1995

Wendy K. Bohlke

Assistant Attorney General

Senior Counsel

AMENDATORY SECTION (Amending Order 92-01, filed 3/3/92, effective 3/31/92)

WAC 516-12-400 Definitions. As used in this chapter, and chapters 516-13 and 516-14 WAC, the following words and phrases mean:

(1) "Area designator": A tag affixed to a permit indicating a parking lot assignment for a vehicle.

(2) "Automobile": Any motorized vehicle having four or more wheels.

(3) "Board": The board of trustees of Western Washington University.

(4) "Campus": All state lands devoted to the educational or research activities of the university.

(5) "Dismount zone": Any area designated by signs or symbols as a place where bicycles shall not be ridden but may be walked.

(6) "Employee": Any individual appointed to the faculty, staff, or administration of the university.

(7) "Habitual offender": (~~Any~~) The driver of a vehicle license number or permit number accruing ten or more paid or unpaid parking citations.

(8) "Impoundment": A state in which a vehicle has been seized and kept in legal custody by either being immobilized with a wheel lock device or towed from campus.

(9) "Motorcycle": Any two or three wheeled motorized vehicle.

~~((9))~~ (10) "Motor vehicle" or "vehicle": Any automobile or motorcycle.

~~((10))~~ (11) "Parking appeals board": The board which hears parking citation appeals.

~~((11))~~ (12) "Parking manager": The person appointed parking manager of the university by the president or designee.

~~((12))~~ (13) "Parking space": A parking area designated by a sign, wheelstop, white-painted lines, and/or white traffic buttons.

~~((13))~~ (14) "Permit": Any special or temporary parking permit authorized by the parking manager.

~~((14))~~ (15) "President": The president of Western Washington University.

~~((15))~~ (16) "Public safety department": The university public safety department.

~~((16))~~ (17) "Student": Any person enrolled in the university as a student.

~~((17))~~ (18) "Transportation and parking department": The transportation and parking department of the university.

~~((18))~~ (19) "Time-limited parking space": A space in which parking is allowed for a specific time period.

~~((19))~~ (20) "University": Western Washington University.

~~((20))~~ (21) "Valid permit": An unexpired parking permit authorized by the parking manager, properly registered and displayed on the vehicle.

~~((21))~~ (22) "Wheelstop": A cement, metal, or wood barrier approximately eight inches high.

AMENDATORY SECTION (Amending WSR 90-17-032, filed 8/9/90, effective 9/9/90)

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 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, intersessions 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 "R" (campus resident) lots and reserved spaces in any lot are open to parking unless otherwise designated by the parking manager.

(c) "R" parking lots are restricted to "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: 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 by towing or wheel lock:

(a) All violators are subject to having their vehicles impounded through the use of towing or the wheel lock device at their own risk and expense.

~~((i) Upon receiving a third parking citation with two previous unpaid citations outstanding for more than 72 hours;~~

~~(ii) When the vehicle is parked in such a manner as to endanger the university community; or~~

~~(iii) The vehicle is parked so as to deprive a permit holder of his/her parking space; or~~

~~(iv) When a vehicle is left under circumstances which indicate it has been abandoned; or~~

~~(v) When a vehicle displays a permit that has been forged or reported lost or stolen;~~

~~(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.))~~
Any vehicle may be towed away if the vehicle:

~~(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;))~~ Has been immobilized by wheel lock for more than twenty-four hours; or

~~(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.))~~ Is parked in such a manner as to endanger the university community; or

~~(iii) Is parked in a fire lane or other posted tow-away zone; or~~

~~(iv) Is parked so as to deprive a permit holder of space in his/her assigned lot, personally reserved space or handicapped space without a proper permit; or~~

~~(v) Is left under circumstances which indicate it has been abandoned; or~~

~~(vi) Is found displaying a forged or reported lost or stolen permit; or~~

~~(vii) Cannot be impounded with the wheel lock device.~~
(c) Any vehicle may be immobilized by use of a wheel lock device if the vehicle:

(i) Has an accumulation of two or more unpaid parking tickets (the second of which has been outstanding for more than seventy-two hours); or

(ii) Is parked at any time on campus when parking privileges have been revoked.

(d) The operator/owner of the impounded vehicle must provide positive personal identification and proof of ownership of the vehicle and pay all outstanding citations at the parking services office (or university public safety depart-

ment when parking services office is closed) before a vehicle release is authorized, a release form completed and a copy issued to the vehicle operator/owner.

(e) A fee will be assessed on vehicles immobilized by the wheel lock device.

(f) Any vehicle which remains immobilized by wheel lock for more than twenty-four hours in an area where towing is not practical or possible will be assessed a fee for each day or portion thereof over the twenty-four hours.

(g) An impound fee is charged if the driver of the tow truck or the wheel lock operator has performed any labor prior to the vehicle operator/owner returning to the vehicle before the impoundment is completed.

(h) An impounded vehicle shall be released to the operator/owner of the vehicle when:

(i) Positive identification and proof of ownership of the vehicle is provided;

(ii) All unpaid fines against the impounded vehicle or any other vehicle registered to the violator are paid at parking services (or university public safety department when parking services is closed);

(iii) A wheel lock fee is paid; and/or

(iv) All towing and storage fees are paid.

(i) The operator/owner of the towed vehicle must present an authorized release form to the towing company and pay all towing charges including any storage fees incurred.

(j) The university assumes no responsibility for damages which may result from use of the wheel lock device, storage, or attempts to move a vehicle with a wheel lock device installed.

(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 drive-ways, 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.

WSR 95-09-049

PERMANENT RULES

DEPARTMENT OF

FINANCIAL INSTITUTIONS

[Filed April 17, 1995, 2:23 p.m.]

Date of Adoption: April 17, 1995.

Purpose: Revising the application process for adding groups to a credit union's field of membership ("FOM").

Citation of Existing Rules Affected by this Order: Repealing chapter 419-70 WAC, WAC 419-72-030, 419-72-035, 419-72-040, 419-72-055, 419-72-090 and 419-72-095; amending WAC 419-72-010, 419-72-015, 419-72-020, 419-72-025, 419-72-045, 419-72-050, 419-72-060, 419-72-065, 419-72-070, 419-72-075 and 419-72-080; and new sections WAC 419-72-012 and 419-72-041.

Statutory Authority for Adoption: RCW 31.12.045, [31.12].115, and [31.12].535.

Pursuant to notice filed as WSR 94-24-086 on December 7, 1994.

Changes Other than Editing from Proposed to Adopted Version: WAC 419-72-012 General requirement, changed to clarify that a credit union can include different types of groups (occupational, associational, community) in its FOM.

WAC 419-72-015 Definitions.

Subsection (1), changed to add a new definition for the term "affiliate."

Subsection (2), changed to clarify that persons over age 50, retired persons, and certain college students may automatically be considered members of an association if they are members of an identified group, other than general members of the applicant credit union itself.

Subsection (4), changed to clarify that an area must also have a relatively limited population to be eligible to be considered a community.

Subsections (6) and (7), changed to clarify that the defined terms will be based on the number of employees of an associational group, as appropriate.

WAC 419-72-025 Occupational group application.

Subsection (2)(b)(ii), changed to provide that documentation must be submitted on compliance with plans on penetration and service submitted with previously approved applications for inclusion of a group in the applicant's FOM.

Subsection (3)(b), changed to delete requirement (in certain instances involving overlaps) that employees of the enterprise must attest to inadequate service by the overlapped credit union.

WAC 419-72-041 Small occupational group procedure.

Subsection (5), changed to clarify that SOG size limit applies at time bylaws are amended to include the SOG.

WAC 419-72-050 Associational group application.

Subsection (1)(e), changed to clarify that applicant must provide a statement that it will not conduct direct marketing at inactive members of the association.

Subsection (2)(b)(ii), changed to provide that documentation must be submitted on compliance with plans on penetration and service submitted with previously approved applications for inclusion of a group in the applicant's FOM.

Subsection (3)(b), changed to delete requirement (in certain instances involving overlaps) that members of the association must attest to inadequate service by the overlapped credit union.

WAC 419-72-065 Community application.

Subsection (8), changed to require that plan submitted in connection with application for a community must provide that applicant will not conduct direct marketing at any occupational or associational group in its community, if the group is in the FOM of another state or federally chartered credit union. This subsection is also changed to encourage

(rather than require) credit unions to include in their plan provision for active participation in their communities.

Subsection (10), changed to require documentation of compliance with plans on penetration and service submitted with previously approved applications for inclusion of a group in the applicant's FOM.

WAC 419-72-075 Approval of applications.

Subsection (5), changed to include, as an application approval factor, whether the applicant is in a safe and sound condition, and has the financial and managerial capability to provide service to the group in a safe and sound manner.

Subsection (6), changed to include, as an application approval factor, whether the applicant has complied with plans on penetration and service submitted with previously approved applications for inclusion of a group in the applicant's FOM.

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

April 17, 1995

John L. Bley

Director

AMENDATORY SECTION (Amending Order 89-3, filed 12/6/89, effective 1/6/90)

WAC 419-72-010 Purpose. This chapter is adopted by the ~~((supervisor))~~ director for the purpose of establishing the application process for a credit union to ~~((expand))~~ include in its field of membership ~~((to include))~~ a separate group:

(1) With a common bond of occupation~~((;))~~ or association~~((;))~~; or

(2) That constitutes a community ~~((which each have a common bond))~~.

NEW SECTION

WAC 419-72-012 General requirement. RCW 31.12.045 limits credit union membership "to groups having a common bond of occupation or association, or to groups within a well-defined neighborhood, community, or rural district." Consequently, any group included within the field of membership of a credit union must:

(1) Share a common bond of occupation or association; or

(2) Constitute a community.

A credit union may include different types of groups in its field of membership.

AMENDATORY SECTION (Amending Order 89-3, filed 12/6/89, effective 1/6/90)

WAC 419-72-015 Definitions. Unless the context clearly requires otherwise, as used in this chapter:

(1) "Affiliate" of an enterprise means a person that controls, is controlled by, or is under common control with, the enterprise. "Control" means twenty-five percent or greater stock ownership.

(2) "Common bond of ((occupation" has the same meaning as in WAC 419-70-030)) association" means a current, unifying factor among a group of natural persons, that is based on membership in a bona fide organization whose primary purpose is other than providing eligibility for credit union services. Such an organization must be primarily composed of natural persons who are eligible to partici-

pate in the organization's activities. Such an organization also must have clearly defined membership eligibility and must hold regular meetings at least once each year.

Persons aged fifty or over, retired persons, and matriculating students of an accredited college or university, who are members of an identified organization, other than general members of the applicant's credit union, are deemed to have a common bond of association. The organization need not satisfy the requirements set forth in the prior paragraph.

~~((2))~~ (3) "Common bond of ((association" has the same meaning as in WAC 419-70-040)) occupation" means a current, unifying factor among a group of natural persons that is based on employment by or a work-related relationship with an enterprise. The group may include only the following categories of persons:

(a) Employees of the enterprise, and their family members;

(b) Employees of any subsidiaries of the enterprise, and their family members;

(c) Employees of the affiliates of the enterprise, and their family members;

(d) Nonemployee officials of the enterprise, and their family members; and

(e) Natural persons under contract to work regularly for the enterprise, and their family members.

Each of these categories may be included if they are separately identified in the credit union's bylaws.

~~((3))~~ "Common bond of community" has the same meaning as in WAC 419-70-050) (4) "Community" means a current unifying factor among a group of natural persons, that is based on residence or employment within a well-defined and relatively limited geographic area, with a relatively limited population, that is recognized by those who live or work there as a neighborhood, community, or rural district.

For example, the city of Seattle and King County do not constitute a community for this purpose, because they do not have a relatively limited population. On the other hand, the city of Chelan and Chelan school district are within a well-defined and relatively limited geographic area, with a relatively limited population, and may constitute a community if they are recognized by those who live or work there as a neighborhood, community or rural district. (These examples are based on circumstances existing on December 1, 1994.)

~~((4))~~ (5) "Credit union" means a credit union organized and operating under chapter 31.12 RCW.

(6) "Director" means the director of the Washington state department of financial institutions.

(7) "Number of potential members" means the sum of:

(a) The number of actual members of the applicant credit union; and

(b) The number of employees or members (as appropriate) of the group applied for.

(8) "Required number" means:

(a) If the number of employees or members (as appropriate) of the specified group is two thousand one or more, the required number is at least five percent of the number of these individuals (rounded up to the nearest whole number).

(b) If the number of employees or members (as appropriate) of the specified group is from three hundred thirty to

two thousand, the required number is at least one hundred of these individuals.

(c) If the number of employees or members (as appropriate) of the specified group is three hundred twenty-nine or less, the required number is at least thirty percent of the number of these individuals (rounded up to the nearest whole number).

AMENDATORY SECTION (Amending Order 89-3, filed 12/6/89, effective 1/6/90)

WAC 419-72-020 (~~Expansion~~) **Inclusion of a group with a common bond of occupation.** Except as permitted by WAC 419-72-041, if a credit union wants to include a separate group with a common bond of occupation in its field of membership, it (~~shall~~) must make application to the (~~supervisor~~) director to amend (~~(Article III of)~~) its bylaws (~~(as set forth in)~~) in accordance with RCW 31.12.115. The (~~amendment shall be in a form as set forth in WAC 419-72-095 and shall~~) application must be submitted to the (~~supervisor~~) director in duplicate (~~(along with an application as described in)~~) and must include the information as required by WAC 419-72-025.

AMENDATORY SECTION (Amending Order 89-3, filed 12/6/89, effective 1/6/90)

WAC 419-72-025 **Application to include a separate occupational group.** (1) The application to include a separate group with a common bond of occupation (~~shall~~) must include at least the following information:

(~~(1)~~) (a) The name of the applicant credit union;

(~~(2)~~) (b) Evidence that the applicant's board of directors (~~(of the credit union)~~) has complied with the notice and voting requirements of RCW 31.12.115;

(~~(3)~~) (c) A description of the enterprise including its name, number of employees, and the geographic location of those employees (~~(and the degree of employee support to be made available, i.e., payroll deduction, access to employer premises. If other related individuals)~~). The categories of persons specified in WAC (~~(419-70-030)~~) 419-72-015(2) that are included (~~(they)~~) in the group must be separately identified;

(~~(4)~~) (d) A statement from (~~(the enterprise's managing officer)~~) an officer of the enterprise:

(i) That the enterprise desires membership for its employees in the applicant (~~(credit union)~~); and (~~(that they)~~)

(ii) Whether its employees are (~~(not)~~) currently eligible for membership (~~(in an existing credit union, either state or federally chartered, because of their employment)~~), based upon such employment, in another state or federally chartered credit union. If the employees of the enterprise are eligible for membership in another credit union based upon such employment, the applicant (~~(credit union)~~) must make best efforts to provide a statement of (~~(non-objection)~~) nonobjection from the other credit union(~~(s)~~).

(~~(5)~~) (2) In addition, the application must also include the following information if applicable:

(a) If the number of potential members of the applicant exceeds one hundred twenty percent of the number of its actual members, then the following information must also be submitted:

(i) A copy of the applicant's (~~(credit union's)~~) most recent monthly financial statement;

(~~(6)~~) (ii) A copy of the applicant's (~~(credit union's business)~~) plan or other document demonstrating (~~(the credit union's)~~) its ability and intent to provide service to the new group and specific plans relating anticipated growth to capital levels.

(~~Upon receipt of the above application, the supervisor may request such additional information as is necessary to clarify the application.~~) (b) If the number of employees of the enterprise exceeds five hundred, then the following must also be submitted:

(i) An analysis whether the group has sufficient size and resources to form a credit union of its own;

(ii) Documentation concerning compliance with plans on penetration and service submitted with previously approved applications for inclusion of a group in the applicant's field of membership;

(iii) Documentation that the applicant has given written notice to all other credit unions headquartered in this state, both state and federally chartered, that have a staffed office in any county in which the offices of the enterprise are located. Credit unions entitled to receive the notice will be given twenty days following receipt of the notice to submit to the department any comments on the application.

(3) If the applicant cannot obtain the letter of nonobjection described in subsection (1)(d) of this section, after having made a best efforts attempt to do so, it must submit documentation that:

(a) The required number of employees of the enterprise desire membership in the applicant; or

(b) The other credit union has failed to adequately serve the group after a reasonable period of time, and how the applicant plans to improve this service.

The applicant must supply a copy of the information required in (a) and (b) of this subsection to the other credit union, which will be given sixty days following receipt of such information to submit to the department any comments on the overlap.

This subsection (3) does not apply to overlaps arising out of merger-type transactions between enterprises.

NEW SECTION

WAC 419-72-041 **Streamlined procedure for small occupational groups.** (1) Credit unions may apply to the director for approval of an enabling bylaw amendment ("enabling amendment") that enables them to use the streamlined procedure set forth in this section ("SOG procedure") to include small groups with a common bond of occupation ("small occupational groups" or "SOGs") in their field of membership.

(2) The credit union must first apply to the director for approval of an enabling amendment that satisfies the requirements of this section and which complies with RCW 31.12.115. The director shall approve or deny the application in accordance with WAC 419-72-075. Once the application has been approved by the director, the credit union may immediately begin serving SOGs in compliance with this section and the enabling amendment. The enabling amendment may not be amended without the prior approval of the director.

(3) The enabling amendment will in substance permit a credit union to add a SOG to its field of membership if:

(a) The enterprise is located within twenty-five miles from one of the credit union's service facilities;

(b) The enterprise has provided a written request to the credit union for service;

(c) The employees of the enterprise do not have credit union service available based on such employment;

(d) The number of employees of the enterprise do not exceed one hundred or any larger maximum number as authorized by the director; and

(e) The group is included in the credit union's field of membership as specifically identified in amendments to the credit union's bylaws. Such amendments do not require the director's approval.

(4) The credit union must maintain a control log of SOGs included in its field of membership. The control log must include the board approval of the group, the date of the board approval, the name and location of the enterprise, the number of employees included, and the number of miles to the nearest main or branch office of the enterprise.

(5) The size limit of a SOG is based on the number of employees of the enterprise at the time the bylaws are amended to include the SOG; the size limit does not apply to family members of employees or categories of persons that it may be permissible to include in the group pursuant to the definition of a common bond of occupation in WAC 419-72-015(2). Several groups may be included simultaneously using the SOG procedure, however the number of employees in each SOG must be within the SOG size limit.

(6) The director may revoke the ability of a credit union to use the SOG procedure if the director determines that it is being used to circumvent the regular procedure for inclusion of occupational groups in the credit union's field of membership.

AMENDATORY SECTION (Amending Order 89-3, filed 12/6/89, effective 1/6/90)

WAC 419-72-045 ((Expansion)) Inclusion of a group with a common bond of association. If a credit union wants to include a separate group with a common bond of association ~~((into))~~ in its field of membership it ~~((shall))~~ must make application to the ~~((supervisor))~~ director to amend ~~((Article III of))~~ its bylaws ~~((as set forth in))~~ in accordance with RCW 31.12.115. The ~~((amendment shall be in a form as set forth in WAC 419-72-095 and shall))~~ application must be submitted to the ~~((supervisor))~~ director in duplicate ~~((along with an application as described in))~~ and must include the information as required by WAC 419-72-050.

AMENDATORY SECTION (Amending Order 89-3, filed 12/6/89, effective 1/6/90)

WAC 419-72-050 Application to include a separate associational group. (1) The application to include a separate group with a common bond of association ~~((shall contain))~~ must include at least the following information:

~~((1))~~ (a) The name of the applicant credit union;

~~((2))~~ (b) Evidence that the applicant's board of directors ~~((of the credit union))~~ has complied with the notice and voting requirements of RCW 31.12.115;

~~((3))~~ (c) A detailed description of the group including its charter or articles of incorporation, its bylaws, the qualifications and requirements for membership, and the number and geographic location of its current members;

~~((4))~~ (d) A resolution from the petitioning group's governing body:

(i) That the members ~~((of the group are not currently eligible for membership in an existing credit union and))~~ have been informed of the proposal to affiliate with the applicant ~~((credit union))~~ and ~~((that those members))~~ desire to be associated with the applicant ~~((credit union and are willing to support its objectives))~~;

(ii) Whether the members of the group are currently eligible for membership, based upon their association, in a state or federally chartered credit union. If the members of the association are eligible for membership in another credit union based upon membership in the association, the applicant must make best efforts to provide a statement of nonobjection from the other credit union;

~~((5))~~ (e) A statement by the applicant ~~((credit union))~~ that its direct marketing efforts will be ~~((directed toward))~~ aimed at active members of the group and that the group will not be used as a vehicle ~~((to create))~~ for opening eligibility for credit union membership to the general public;

~~((6))~~ (2) In addition, the application must also include the following information if applicable:

(a) If the number of potential members of the applicant exceeds one hundred twenty percent of its actual members, then the following information must also be submitted:

(i) A copy of the applicant's ~~((credit union's))~~ most recent monthly financial statement;

~~((7))~~ (ii) A copy of the applicant's ~~((credit union's business))~~ plan or other document demonstrating ~~((the credit union's))~~ its ability and intent to provide service to the new group and specific plans relating anticipated growth to capital levels.

~~((Upon receipt of the above application the supervisor may request such other information as is necessary to clarify the application.))~~ (b) If the number of members of the association exceeds five hundred, then the following information must also be submitted:

(i) An analysis whether the group has sufficient size and resources to form a credit union of its own;

(ii) Documentation concerning compliance with plans on penetration and service submitted with previously approved applications for inclusion of a group in the applicant's field of membership;

(iii) Documentation that the applicant has given written notice to all other credit unions headquartered in the state, both state and federally chartered, that have a staffed office in any county in which members of the association reside. Credit unions entitled to receive the notice will be given twenty days following receipt of the notice to submit to the department any comments on the application.

(3) If the applicant cannot obtain the letter of nonobjection described in subsection (1)(d) of this section, after having made a best efforts attempt to do so, it must submit documentation that:

(a) The required number of members of the association desire membership in the applicant; or

(b) The other credit union has failed to adequately serve the group after a reasonable period of time, and how the applicant plans to improve this service.

The applicant must supply a copy of the information required in (a) and (b) of this subsection to the other credit union, which will be given sixty days following receipt of such information to submit to the department any comments on the overlap.

This subsection (3) does not apply to overlaps arising out of merger-type transactions between associations.

AMENDATORY SECTION (Amending Order 89-3, filed 12/6/89, effective 1/6/90)

WAC 419-72-060 ((Expansion)) Inclusion of a community group ((with a common bond of community)). If a credit union wants to include in its field of membership a separate group ((with a common bond of)) which constitutes a community ((into its field of membership)), it ((shall)) must make application to the ((supervisor)) director to amend ((Article III of)) its bylaws ((as set forth in)) in accordance with RCW 31.12.115. The ((amendment shall be in a form as set forth in WAC 419-72-095 and shall)) application must be submitted to the ((supervisor)) director in duplicate ((along with an application as described in)) and must include the information as required by WAC 419-72-065.

AMENDATORY SECTION (Amending Order 89-3, filed 12/6/89, effective 1/6/90)

WAC 419-72-065 Application to include a separate community group. The application to include a community ((shall contain)) must include at least the following information:

- (1) The name of the applicant credit union;
- (2) Evidence that the applicant's board of directors ((of the credit union)) has complied with the notice and voting requirements of RCW 31.12.115;
- (3) A detailed description of the community, neighborhood or rural district including a map setting forth ((the)) its geographic boundaries ((of the community)) and ((the)) its current population ((of the proposed community));
- (4) ((Documentation satisfactory to the supervisor describing)) A detailed description of how the proposed community meets the definition ((of common bond as)) set forth in WAC ((419-70-050)) 419-72-015(3);
- (5) ((Documentation satisfactory to the supervisor that the community does not have adequate credit union financial services available to it;
- (6)) Letters of support from community organizations and/or residents of the area demonstrating their desire to be associated with the applicant ((credit union)) and their willingness to support its objectives;
- ((7)) (6) Any other information that demonstrates the community's desire to have the services of a ((community based)) credit union;
- ((8)) (7) A copy of the applicant's ((credit union's)) most recent monthly financial statement;
- ((9)) (8) A copy of the applicant's ((credit union's business)) plan or other document demonstrating ((the credit union's)) its ability and intent to provide service to the new group and specific plans relating anticipated growth to

capital levels. ((The plan should)) Among other provisions, the plan or other document must include a provision that the applicant will not conduct direct marketing aimed at any occupational or associational group with an office in the community if the group is included in the field of membership of another state or federally chartered credit union. In addition, applicants are encouraged to include provision in the plan or other document for active participation in community activities;

((10)) A copy of the credit union's current loan underwriting standards describing adequate safeguards for its lending activities;

((11)) (9) Evidence that the applicant ((credit union)) has given written notice to all other credit unions headquartered in the state, both state and federally chartered, ((doing business in the county in which the applicant credit union is located.

Upon receipt of the above application the supervisor may request such other information as necessary to clarify)) that have staffed offices in or within five miles of the boundaries of the community. Credit unions entitled to receive the notice will be given twenty days following receipt of the notice to submit to the department any comments on the application; and

(10) Documentation concerning compliance with plans on penetration and service submitted with previously approved applications for inclusion of a group in the applicant's field of membership.

AMENDATORY SECTION (Amending Order 89-3, filed 12/6/89, effective 1/6/90)

WAC 419-72-070 Application deemed complete. An application ((to expand its field of membership shall be)) filed pursuant to this chapter is deemed complete when:

(1) The ((supervisor)) director has received all of the information required ((in)) by this chapter ((except when the applicant credit union is required to give notice to other credit unions. Such an application will not be deemed complete until at least 30 days from the date such notification was given. When an application involves an overlap dispute, such application will not be deemed complete until 60 days from the date that information required in WAC 419-72-040 has been supplied to the affected));

(2) If the applicant credit union is required to provide notice to other credit unions pursuant to WAC 419-72-025(2), 419-72-050(2) or 419-72-065(9), at least twenty days have passed since the applicant gave the notice to other credit unions; and

(3) If the applicant is required to supply certain information to another credit union pursuant to WAC 419-72-025(3) or 419-72-050(3), at least sixty days have passed since the applicant supplied the required information to the other credit union.

If an incomplete application is received ((that is not complete the supervisor)), the director will give written notice to the ((credit union that further information is necessary no later than 30 days from the date the original application was received)) applicant no later than thirty days from the date the original application was received that further information is necessary. The applicant will be

allowed thirty days after receipt of the notice to provide the requested information.

AMENDATORY SECTION (Amending Order 89-3, filed 12/6/89, effective 1/6/90)

WAC 419-72-075 Approval of application. The ~~((supervisor))~~ director shall give written approval or denial of ~~((a request))~~ an application made in conformance with this ~~((regulation))~~ chapter within ~~((30))~~ thirty days from the date it is deemed complete. ~~((The supervisor's decision will be based on the following general criteria:))~~ The director's decision will take into consideration the following general criteria and other issues or facts that may be relevant to the application:

(1) Whether the application is consistent with the provisions of chapter 31.12 RCW and this ~~((regulation))~~ chapter;

(2) Whether the applicant credit union is currently operating in conformance with the provisions of chapter 31.12 RCW, applicable rules in Title 419 WAC, and written supervisory orders, directives and agreements;

(3) Whether the proposed new group possesses a common bond ~~((as defined in chapter 419-70 WAC. The strongest consideration will be given to groups on the lowest organizational level))~~ of occupation or association, or constitutes a community, as defined in WAC 419-72-015;

(4) ~~((The application is economically feasible and advisable;~~

~~((5)))~~ If the application involves the inclusion of a group based on a common bond of occupation or association, whether the proposed new group ~~((does not have))~~ has sufficient size ~~((or))~~ and resources to form a credit union of its own;

~~((6))~~ The proposed new group is composed of individuals who work or reside within a reasonable distance from an operating office of the applicant credit union;

~~((7))~~ (5) Whether the applicant ~~((credit union))~~ is ~~((financially))~~ in a safe and sound condition and possesses the financial ~~((resources))~~ and ~~((management))~~ managerial capability to provide credit union service to the proposed group in a safe and sound manner;

~~((8))~~ The applicant credit union is providing adequate service to its existing eligible membership or has plans to do so in a reasonable time period;

~~((9))~~ The proposal will make credit union service available to individuals who wish to have it;

~~((10))~~ Approval of the request will not create a financial hardship on another credit union or threaten its viability.

Approval of a request for a group with a common bond of community will be based on the following additional general criteria:

~~((1))~~ The geographic boundaries of the proposed community, set it off as distinct and recognizable;

~~((2))~~ The common bond of community is the most viable common bond available to provide credit union services to the residents or workers in the subject area;

~~((3))~~ The proposed community has a total population of 60,000 or less.) (6) Whether the applicant has complied with plans on penetration and service submitted with previously approved applications for inclusion of a group in the applicant's field of membership;

(7) Whether approval of the application might reasonably threaten the viability of another credit union;

(8) Whether the applicant is using the inclusion of the group as a marketing strategy to preempt expansion by other credit unions; and

(9) Whether approval of the application will adversely impact the safety and soundness of the applicant.

The approval of a credit union's application for inclusion of a community group in its field of membership will not preclude approval of another credit union's application to include the same or a portion of the same community group in its field of membership.

AMENDATORY SECTION (Amending Order 89-3, filed 12/6/89, effective 1/6/90)

WAC 419-72-080 Special circumstances. An applicant credit union may request that one or more of the provisions of this ~~((regulation))~~ chapter be waived if an emergency exists which requires immediate ~~((expansion))~~ inclusion of a separate group in order to preserve the viability of the applicant ~~((credit union))~~. The request for waiver may be granted if, in the opinion of the ~~((supervisor))~~ director, the ~~((expansion))~~ request has a reasonable probability of remedying an emergency situation ~~((or is otherwise in the public interest)).~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 419-72-030 Consolidation.
- WAC 419-72-035 Other information.
- WAC 419-72-040 Overlap justification.
- WAC 419-72-055 Other information.
- WAC 419-72-090 Adoption of form.
- WAC 419-72-095 Appendix 1—Request for by-law amendment.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 419-70-010 Purpose.
- WAC 419-70-020 General requirement.
- WAC 419-70-030 Common bond of occupation.
- WAC 419-70-040 Common bond of association.
- WAC 419-70-050 Common bond of community.

WSR 95-09-061

PERMANENT RULES

GAMBLING COMMISSION

[Order 267—Filed April 18, 1995, 11:13 a.m.]

Date of Adoption: April 14, 1995.

Purpose: Net gambling receipts are no longer required to be less than gross food and drink sales. Definition of commercial stimulant compliance has been incorporated into WAC 230-04-080 allowing WAC 230-02-125 and 230-12-075 to be repealed.

PERMANENT

Citation of Existing Rules Affected by this Order:
Repealing WAC 230-02-125 and 230-12-075.

Statutory Authority for Adoption: RCW 9.46.070 and 9.46.0217.

Pursuant to notice filed as WSR 95-06-012 on February 16, 1995.

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

April 18, 1995

Patricia Norman-Cole
Rules Coordinator

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 230-02-125 Adjusted net gambling receipts defined.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 230-12-075 Commercial stimulant compliance.

WSR 95-09-062 PERMANENT RULES GAMBLING COMMISSION

[Order 268—Filed April 18, 1995, 11:16 a.m.]

Date of Adoption: April 14, 1995.

Purpose: This packet of rules will require licensing charitable or nonprofit gambling managers. Amendments would also include the application requirements, procedures for licensing and guidelines for the duties and responsibilities of a charitable/nonprofit gambling manager.

Citation of Existing Rules Affected by this Order:
Amending WAC 230-02-240, 230-02-418, 230-04-145, 230-04-147, 230-12-079, and 230-20-070.

Statutory Authority for Adoption: RCW 9.46.070.

Pursuant to notice filed as WSR 95-04-037 on January 25, 1995; and WSR 95-07-099 on March 17, 1995.

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

April 18, 1995

Patricia Norman-Cole
Rules Coordinator

AMENDATORY SECTION (Amending WSR 91-07-021 filed 3/13/91, effective 4/13/91)

WAC 230-02-240 Commercial gambling manager defined. A "commercial gambling manager" is a person, whether compensated or not, who is responsible for operating and controlling authorized commercial gambling activities (~~other than bingo games~~), and who has the authority to make decisions regarding the operation of such gambling activities. The gambling manager supervises and directs all other persons directly or indirectly involved in the conduct of such activities. A gambling manager may be: An owner; partner; officer of a corporation; or a person designated by any of the above. A gambling manager's duties include, but

are not limited to the following: Hiring, firing, and evaluating gambling personnel; supervising and controlling the conduct of gambling activities; preparing or supervising the preparation of gambling records; controlling cash generated by gambling activities and making bank deposits; and purchasing gambling supplies.

AMENDATORY SECTION (Amending Order 223, filed 6/17/91, effective 7/18/91)

WAC 230-02-418 ((Bingo)) Charitable or nonprofit gambling manager defined. A "~~((bingo))~~ charitable or nonprofit gambling manager" is any ~~((person assigned the responsibility to conduct and/or oversee the conduct of bingo games by the governing board or elected officers of a charitable/nonprofit organization))~~ member or employee of a charitable or nonprofit organization who has the ability to, directly or indirectly, exercise a material degree of control over the operation of any gambling activity or the disbursement of funds generated from gambling activities. This definition includes all persons ~~((directly or indirectly))~~ compensated to advise the board and/or officers regarding specific aspects of operating ~~((a bingo game))~~ any gambling activity, whether as a consultant or any other short-term contract basis: *Provided*, That charitable or nonprofit organizations currently licensed to operate ~~((bingo games))~~ gambling activities, or their members or employees, may provide nonspecific advice to any other charitable/nonprofit organization, without being deemed a ~~((bingo))~~ gambling manager for the receiving organization, if they are not directly or indirectly compensated for such advice. This section is not intended to restrict actions regarding the operation of ~~((a bingo game))~~ any gambling activity that are initiated by the board and/or officers, if such actions are implemented through a ~~((bingo))~~ gambling manager appointed by the board and/or officers.

~~((1)) The duties and responsibilities of a bingo manager include but are not limited to the following:~~

~~((a)) Personnel actions regarding workers in the activity including hiring, firing, training, evaluating, scheduling work periods, and/or setting salaries;~~

~~((b)) Scheduling the gambling activity including determining the time and days of operation;~~

~~((c)) Setting the scope of the gambling activity by determining:~~

~~((i)) The number of games to be played;~~

~~((ii)) The type of games to be played;~~

~~((iii)) The cost for each player to participate; and~~

~~((iv)) The type and amount of prizes to be awarded;~~

~~((d)) Setting the scope of marketing activities related to the gambling activity by determining:~~

~~((i)) Type and scope of promotional activities; and~~

~~((ii)) The media, content, timing, and target market area of advertising;~~

~~((e)) Supervising the operation of the bingo game including all auxiliary activities by ensuring that:~~

~~((i)) The public is protected from fraud;~~

~~((ii)) Persons participating in the activity are reasonably protected from physical harm and civil disorder;~~

~~((iii)) All provisions of Title 230 WAC and chapter 9.46 RCW are followed;~~

~~((iv)) All records are completed and correct; and~~

~~(v) All monies derived from the gambling and auxiliary activities are safeguarded until transferred to a guardian designated by the board and/or officers or directly deposited in the organization's bank account.~~

~~(2) An organization may appoint more than one person whose responsibilities include those of a bingo manager as defined above. When an organization has more than one bingo manager, the manager assigned the highest level of authority shall be designated as the "primary bingo manager" and all others as "assistant bingo managers." The primary bingo manager must be designated on the application for a bingo license.~~

~~(3) All bingo managers shall be knowledgeable of all provisions of Title 230 WAC and chapter 9.46 RCW that relate to the operation of bingo games and auxiliary activities.)~~ For purposes of this Title, the following individuals shall be deemed to be charitable or nonprofit gambling managers:

(1) Any member or employee who has the primary responsibility to supervise the operation of any gambling activity;

(2) Any employee of the organization who has been assigned the responsibility of supervising another gambling manager by the governing board or officers; or

(3) The employee who the officers or governing board of directors has delegated the highest level of authority over the day-to-day affairs of the organization and who is responsible for disbursement of funds generated from gambling activities and/or safeguarding assets purchased with funds generated from gambling activities.

AMENDATORY SECTION (Amending Order 262, filed 12/5/94, effective 1/5/95)

WAC 230-04-145 Licensing of charitable or nonprofit gambling managers ~~(of bingo games)~~—
Application procedures. ~~((+))~~ Each charitable or nonprofit organization licensed to conduct gambling activities shall designate gambling managers who will be responsible to the officers or board of directors for the proper conduct of the activity and safeguarding of all funds generated by such. An individual may be designated as the gambling manager for more than a single activity if so noted on the application for each activity. No person shall perform the duties of a ~~((bingo game))~~ gambling manager ~~((as defined by WAC 230-02-418 for a Class D and above bingo licensee)), as set out in WAC 230-12-079, unless they have~~(-~~~~

~~(a) Received a license to do so from the commission; or~~
~~(b) Submitted))~~ been approved by the commission.

Applicants for a license to perform duties of a gambling manager shall comply with the following procedures:

(1) Gambling managers responsible for the following functions of a charitable or nonprofit organization shall be licensed by the commission:

(a) Primary manager of Class D and above bingo games;

(b) Primary manager of Class C and above punchboards and pull tabs;

(c) Any employee responsible for supervision of gambling managers required to be licensed by (a) or (b) of this subsection; and

(d) The employee assigned the highest level of authority by the officers or governing board of directors to manage the day-to-day affairs of the organization and who is responsible for safeguarding assets purchased with gambling funds or managing the disbursement of gambling funds when:

(i) The organization is licensed to receive more than three hundred thousand dollars in gross gambling receipts; or

(ii) The organization has an established trust and/or endowment fund and gambling receipts in excess of one hundred thousand dollars have been contributed to such funds.

(2) Prior to performing duties as a licensed gambling manager, each applicant shall:

(a) Submit a completed application to the commission on or before the first day the applicant begins working: Provided, That ~~((section (1)(b) above shall not apply))~~ an applicant shall not perform any of the duties of a gambling manager prior to issuance of a license by the commission if one or more of the following ~~((reasons))~~ conditions exist:

(i) The applicant ~~((s present or past license))~~ has been previously denied ~~((;))~~ a license or had a license suspended ~~((;))~~ or revoked by the commission; ~~((or))~~

(ii) The applicant ~~((is presently involved with pending commission charges or criminal prosecution; or))~~ has been served administrative or criminal charges and such charges are pending at the time of the application;

(iii) The applicant has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to ~~((certain))~~ any offense ~~((s))~~ set forth in RCW 9.46.158; or

(iv) The applicant has violated, failed, or refused to comply with provisions, requirements, conditions, limitations, or duties imposed by chapter 9.46 RCW or any rules of the commission.

~~((e) Completed))~~ (b) Complete a training course ~~((as))~~ provided by the commission within ~~((30))~~ thirty days after the first day worked as required by WAC 230-04-020. Individuals that have been performing duties or assigned responsibilities that require a gambling manager license under this section, for at least ninety days prior to the effective date of this section, may be exempted from such training by the director. Types of training required:

(i) Individuals applying for a license under the provisions of subsection (1)(a), (b), or (c) of this section shall attend training for each gambling activity for which they have been assigned primary or secondary oversight responsibility; and

(ii) Individuals applying for a license under the requirements of subsection (1)(d) of this section shall attend training related to safeguarding assets and proper uses of gambling funds.

~~((2))~~ (3) Each application shall be submitted as specified in WAC 230-04-020, and signed by both the applicant and the highest ranking executive officer of the ~~((employing bingo licensee). The duration of the license shall be:~~

(a) One year from the date of application, if the applicant began working the same day or prior to licensure as authorized by section (1)(b) above; or

~~((b))~~ organization;

(4) A gambling manager license shall be valid for a period not to exceed one year ~~((from))~~ beginning on the date of issuance ~~((;))~~ or the date the application was submitted if

the applicant (~~waited for~~) began working prior to licensure, as (required) authorized by (section (1)(b)(i-iv) above; or (e) Upon termination of) subsection (2)(a) of this section, whichever occurs first: *Provided*, That should a licensed gambling manager's employment with the organization listed on the license application be terminated, for any reason, the license shall (expire and the licensee) become immediately void. This individual must reapply for (license) a license prior to performing gambling manager duties for any other charitable or nonprofit organization. Prior to granting a license to a previously licensed gambling manager, the commission shall conduct an investigation to determine the continued qualification of the individual. Such investigation may include inquiries to the previous employer;

~~((3))~~ (5) The fee for this license shall be as required by WAC 230-04-204: *Provided*, That if an applicant is changing employment from one (~~bingo~~) licensee to another prior to the expiration date as specified in ~~((2)(a) and (b) above)~~ subsection (4) of this section, the fee shall be as required for license renewal(-);

(6) An organization may appoint more than one gambling manager who is responsible for supervising bingo games or punchboard and pull tab operations. The manager assigned the highest level of authority for each specific activity shall be designated on the application as the "primary gambling manager" and all others as "assistant gambling managers."

AMENDATORY SECTION (Amending Order 113, filed 10/15/81)

WAC 230-04-147 Notification to the commission upon beginning, terminating, or changing responsibilities (as bingo game) of charitable or nonprofit gambling managers. A (~~licensed bingo game operator~~) charitable or nonprofit organization shall notify the commission in writing when a (bingo game) gambling manager has (began work in the bingo game) been assigned primary responsibility for the operation of any gambling activity or disbursement of funds, or has terminated employment and/or responsibilities for any reason. Individuals required to be licensed shall immediately submit an application for a license, as required by WAC 230-04-020 and 230-04-145. The following procedures shall be followed for notification of changes in responsibilities of gambling managers that do not require an application:

(1) The notification shall be in writing and include:

(a) The full name(~~, sex,~~) and (birthdate) date of birth of the (bingo game) gambling manager(~~, and among other things,~~);

(b) The date the (bingo game) gambling manager (began to work for the bingo game operator, with an acknowledgment that he or she has done so with the operator's knowledge and consent,) was assigned new responsibilities or the date employment and/or responsibilities terminated(-); and

(c) A full description of the change in duties and/or responsibilities;

(2) The notification shall be signed by the highest ranking elected officer or the individual assigned the responsibility of supervising the gambling manager;

(3) The (~~report~~) notification shall be made immediately and must reach the commission's (~~Olympia~~) headquarters office in Lacey not later than ((5)) 5:00 p.m. on the tenth day following the person's first day of work or last day of work, as applicable. If the tenth day falls on a Saturday, Sunday, or state holiday, it shall be due upon the next following business day.

NEW SECTION

WAC 230-12-079 Duties and responsibilities of a charitable or nonprofit gambling manager. Charitable or nonprofit gambling managers shall be knowledgeable of all provisions of Title 230 WAC and chapter 9.46 RCW that relate to the operation of gambling activities they manage and restrictions regarding the use of funds generated from gambling activities for which they have been assigned responsibility. Such managers shall be responsible for supervising the operation of the gambling activity, including all ancillary activities conducted in conjunction with gambling activities, and for safeguarding funds or other assets generated from gambling activities which are under their control. This responsibility shall be fulfilled by ensuring that:

(1) The public is protected from fraud;

(2) The licensed premises is maintained in a safe condition and persons participating in the activity are reasonably protected from physical harm;

(3) Activities are conducted in a manner that ensures fair and equal participation by players and all provisions of Title 230 WAC and chapter 9.46 RCW are followed;

(4) The organization is reasonably protected from illegal acts committed by players or workers;

(5) All records are completed and correct;

(6) All moneys derived from the gambling and ancillary activities are safeguarded until transferred to a guardian designated by the board and/or officers or directly deposited in the organization's bank account;

(7) All assets of the organization, for which the gambling manager is responsible, are protected from misuse or theft; and

(8) All funds generated from gambling activities, for which the gambling manager is responsible, are disbursed or invested in accordance with the directions of the officers or governing board of the organization and used solely to further the purposes of the organization.

AMENDATORY SECTION (Amending Order 243, filed 8/17/93, effective 1/1/94)

WAC 230-20-070 Regulation of managers, operators, and other employees—Charitable or nonprofit organizations. Charitable or nonprofit organizations shall closely supervise all persons involved in the conduct of all gambling activities operated to ensure all rules of the commission are followed. The following restrictions apply to managers, operators, and other employees:

(1) Amusement games and raffles. No person other than a bona fide member of a qualified (~~bona fide~~) charitable or (~~qualified bona fide~~) nonprofit organization(-) shall take any part in the management or operation of, including (~~with respect to amusement games~~) the furnishing of equipment for amusement games, or work as an employee

upon, amusement games or raffles conducted by that organization under a license from the commission: *Provided, ((however,))* That, *((except as to persons operating without a license under RCW 9.46.0315 and 9.46.0321,))* employees of the organization on a regular or part-time basis, employed primarily for purposes other than the conduct of such activities, shall be considered members of the organization for the purposes of *((this subsection))* conducting amusement games or raffles licensed by the commission.

(2) Bingo.

(a) No person other than a bona fide member or an employee of a charitable or nonprofit organization *((licensee))* shall take any part in the management or operation of bingo games conducted under a license issued *((to that organization))* by the commission, and no licensee shall allow any person not one of its members or employees to do so. No person other than a bona fide member of a charitable or nonprofit organization operating without a license under RCW 9.46.0321 shall take any part in the management or operation of bingo conducted by that organization and no such organization shall allow any person not one of its members to do so.

(b) No person who takes any part in the management or operation of a bingo game conducted by one licensee shall take any part in the management or operation of any bingo game conducted by any other organization, or any other branch of the same organization *((: Provided, That))* except under the following conditions:

(i) A person participating in the conduct of bingo games by one Class A, B, or C licensee may also participate in the conduct of bingo games by other Class A, B, or C licensees on a voluntary basis only when such person receives no remuneration for services to other licensees and when the requirements of (c) of this subsection *((3) below))* are satisfied; or

(ii) A person participating in the operation of bingo games conducted by one licensee under any class of license may also participate in the operation of bingo games conducted by other licensees under any class of bingo license, but only when that person has no managerial or supervisory responsibilities in connection with the operation of bingo activities by any licensee and when the requirements of (c) of this subsection *((3) below))* are satisfied. An assistant *((bingo game))* gambling manager, as defined by WAC *((230-02-418))* 230-04-145(6), shall not be deemed a person having managerial or supervisory responsibilities for the purpose of this section and may participate as an hourly employee in the bingo operations of other bingo licensees.

((3)) (c) Any licensee *((which))* that desires to have any person, who participates in any manner in the conduct of bingo games for another licensee, participate in the conduct of its bingo games shall notify the commission, *((and))* local police officials, and any other licensees for which the person works, in writing, of the following:

(i) The name and address of that person *((:))*;

(ii) The name and address of any licensees for *((whom))* which that person is working *((:))*; and

(iii) The capacity in which that person is working for each licensee prior to the time that person participates in the conduct of the licensee's bingo games. *((In addition, the*

~~licensee shall notify any other licensees for which the person works that the individual is now also working for it.~~

((4)) (d) No licensee shall allow any person to take any part in the management, supervision or operation of a bingo game except in conformance with this rule.

((5)) (3) Certain premises excepted. The limitations set forth above in (1) and (2) shall not apply to qualified agricultural fairs conducting amusement games or bingo.

WSR 95-09-064

PERMANENT RULES

GAMBLING COMMISSION

[Order 269—Filed April 18, 1995, 2:55 p.m.]

Date of Adoption: April 14, 1995.

Purpose: Housekeeping changes to clarify wording of rule.

Citation of Existing Rules Affected by this Order: Amending WAC 230-20-130 and 230-20-620.

Statutory Authority for Adoption: RCW 9.46.070.

Pursuant to notice filed as WSR 95-06-010 on February 16, 1995.

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

April 18, 1995

Patricia Norman-Cole

Rules Coordinator

AMENDATORY SECTION (Amending Order 102, filed 5/12/80)

WAC 230-20-130 Operation of bingo upon retail business—Conditions. (1) Bingo games shall not be operated upon a premises part of a retail sales or service business catering to the public except:

(a) When the room or other portion of the premises in which the bingo games are being conducted is separate and apart from the portion being used for the retail sales or service business. The area of the premises being used for bingo shall be separated from the area of the premises being used for the retail business, at minimum, by a transparent or solid barrier not less than seven feet high with no more than two openings between the two areas. Each such opening shall be no more than six feet in width; or

(b) When the business is closed to the public at all times during which the bingo games are conducted on the premises; or

(c) When the bingo games are being conducted upon the premises of a bona fide charitable or bona fide nonprofit organization which is not also being used for a profit seeking business.

(2) In all cases the bingo operator must have, and exercise, complete control over that portion of the premises being used for bingo, at all times said games are being played: *Provided, however, That* at all times when the sale, service or consumption of intoxicating liquor is permitted in said portion of the premises, the responsibility for compliance with liquor laws and regulations shall also be that of the liquor licensee or permittee.

(3) The operator of a retail sales or service business shall limit his operation of pull tabs to that portion of the premises actually being used for such retail business and

open to the public. He shall not operate pull tabs in the area of the premises being used by a bona fide charitable or bona fide nonprofit organization to conduct bingo. The retail operator shall not be deemed to have operated pull tabs in the bingo area solely because the pull tab players may take them into that area, if the tabs are selected and purchased by the players, and prizes determined and paid, in the area used for the retail business.

(4) The owner, manager or any employee of the retail sales or service establishment may not be an officer of the bingo (~~operator~~) operation or participate in the operation of the bingo games on that premises.

AMENDATORY SECTION (Amending Order 55, filed 6/25/76)

WAC 230-20-620 Amusement games—Objects to be thrown to be uniform—Similar games not to use different objects unless designated. No person licensed to conduct amusement games shall conduct any such game within (~~the~~) the state of Washington wherein the winning of a prize depends upon the player's ability to throw or project an object unless all such objects available to any player in said game are uniform in size and weight. No licensee shall conduct more than one game of a similar type on the same premises utilizing similar objects of a different size or weight, unless the difference in such objects is readily apparent or designated by, for example, use of a color scheme.

WSR 95-09-070
PERMANENT RULES
CRIMINAL JUSTICE
TRAINING COMMISSION
 [Filed April 19, 1995, 9:12 a.m.]

Date of Adoption: March 16, 1995.

Purpose: To correct typographical error of WAC referenced in Order Typing Services amendment to read WAC 139-25-110, instead of WAC 139-26-110. Correct WAC number has been verified with Criminal Justice Training Commission's Assistant Attorney General, John Wasberg, and commission minutes taken March 16, 1995.

Citation of Existing Rules Affected by this Order: Amending WAC 139-10-210 Requirement of basic corrections training.

Statutory Authority for Adoption: RCW 43.101.220.

Pursuant to notice filed as WSR 95-04-068 on January 30, 1995.

Changes Other than Editing from Proposed to Adopted Version: Included a reference to WAC 135-25-110, which provides additional definitions of managers and executives, but does not modify the original scope or intent of the rule.

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

April 19, 1995
 James C. Scott
 Executive Director

AMENDATORY SECTION (Amending Order 15-D, filed 9/18/87)

WAC 139-10-210 Requirement of basic corrections training. As provided in RCW 43.101.220, all full-time corrections employees of the state of Washington or of any city, county, or political subdivision of the state of Washington, initially hired on or after January 1, 1982, shall, as a condition of continued employment, successfully complete a basic corrections academy as prescribed, sponsored (~~(the)~~) or conducted by the Washington state criminal justice training commission for their class. This requirement to complete basic training shall be fulfilled within the initial six months of corrections employment unless otherwise extended or waived by the commission. Requests for extension or waiver of the basic training requirement shall be submitted to the commission in writing as designated by its policies.

(1) Corrections personnel shall attend basic academy training according to job function as described below:

(a) Corrections officers academy. All employees whose primary job function is to provide for the custody, safety and security of adult prisoners in jails, penal institutions and work release facilities. Representative job classifications include, but are not limited to, jailers and correctional officers.

(b) Adult services academy. All employees whose primary job function is the case management of offenders, to include assessment, case planning, counseling, supervision, and monitoring. Representative job classes include, but are not limited to, community corrections officers, probation counselors, institution counselors, and psychiatric social workers.

(c) Juvenile services academy. All employees working with juveniles whose primary job function is the case management of offenders, to include assessment, case planning, counseling, supervision, and monitoring. Representative job classes include, but are not limited to, juvenile probation and parole counselors and juvenile rehabilitation counselors.

(d) Juvenile security workers academy. All employees responsible for the care, custody, and safety of youth in county juvenile court detention centers. Representative job class includes, but is not limited to, juvenile detention workers.

(2) It shall be the responsibility of the employing agency to determine the most appropriate basic academy for an employee to attend within the guidelines set by the commission.

An agency may elect to forgo completely any basic academy training if such employee occupies a middle management or an executive position, as defined in WAC 139-10-410, 139-10-510, and 139-25-110.

(3) Failure to comply with the above requirements shall result in a notification of noncompliance from the commission directed to the individual employee, and, as appropriate, the employing agency director, chief or sheriff, the civil service commission, and/or the state auditor's office, and the chief executive of the local unit of government.

(4) Each agency employing personnel covered by RCW 43.101.220 shall be responsible for full and complete compliance with the above training requirements. Additionally, each such agency shall provide the commission with

employment information necessary for the establishment and maintenance of complete and accurate training records on all affected employees.

WSR 95-09-072
PERMANENT RULES
HIGHLINE COMMUNITY COLLEGE

[Filed April 19, 1995, 9:15 a.m.]

Date of Adoption: April 13, 1995.

Purpose: To clarify how tuition waivers are to be set.

Statutory Authority for Adoption: RCW 28B.50.-140(13).

Pursuant to notice filed as WSR 95-06-083 on March 1, 1995.

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

April 13, 1995

Laura E. Saunders

Vice-President

for Administration

NEW SECTION

WAC 132I-130-030 Tuition and fee waivers. (1) Highline may periodically establish tuition and fee waivers as authorized by state law and by the state board for community and technical colleges. This will be done in accordance with chapter 131-28 WAC and under regular college fiscal processes. Information regarding specific waivers will be available as provided in WAC 132I-130-020.

(2) Upon an applicant's request, individual determinations on tuition and fee waivers will be reviewed by the college (registrar), in a brief adjudicative proceeding under RCW 34.05.482 through 34.05.494.

WSR 95-09-085
PERMANENT RULES
EMPLOYMENT SECURITY DEPARTMENT

[Filed April 19, 1995, 11:40 a.m.]

Date of Adoption: April 19, 1995.

Purpose: Housekeeping, to delete verbatim quotes and update regulations to comply with current statutory language, without changing the substance or intent of the regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 192-16-007, 192-16-065 and 192-28-100; amending WAC 192-12-184, 192-12-320, 192-12-190, 192-12-340, 192-16-017, 192-16-019, 192-16-021, 192-16-025, 192-16-050, 192-28-110, 192-28-120, 192-32-001, 192-32-010, 192-32-015, 192-32-025, and 192-32-045.

Statutory Authority for Adoption: RCW 50.12.010, 50.12.040, and 50.20.010.

Pursuant to notice filed as WSR 95-06-081 on March 1, 1995.

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

April 19, 1995

Wendy Holden

Deputy Commissioner

AMENDATORY SECTION (Amending WSR 93-16-053, filed 7/29/93, effective 8/29/93)

WAC 192-12-184 Training—Unemployment benefits while pursuing training. The commissioner prescribes the following ~~((requisites))~~:

(1) Training shall be full-time and the training facility will determine whether the claimant is enrolled in training on a full-time basis and whether he or she is making satisfactory progress.

(2) The claimant shall notify the department if he or she discontinues or suspends the training, or reduces enrollment to less than full-time.

(3) If enrollment drops below full-time or satisfactory progress is not being made, the claimant may be required to show that he or she is meeting the availability for work and active search for work requirements of RCW 50.20.010(3) and the provisions of RCW 50.20.080 relating to failure to apply for, or refusal to accept suitable work.

(4) For the purposes of RCW 50.20.050(3), participation in training previously approved by the commissioner works ~~((and))~~ an unreasonable hardship on the individual when he or she would be required to continue in employment beyond the start or resumption date of the training.

AMENDATORY SECTION (Amending Order 6-84, filed 12/5/84)

WAC 192-12-190 ~~((Interpretive regulation—Failure))~~ Directive to attend job search workshop or training or retraining course ~~((when directed))~~ according to RCW 50.20.044. ~~((RCW 50.20.044 provides that: "If an otherwise eligible individual fails without good cause, as determined by the commissioner under rules prescribed by the commissioner, to attend a job search workshop or a training or retraining course when directed by the department and such workshop or course is available at public expense, such individual shall not be eligible for benefits with respect to any week in which such failure occurred."))~~

(1) The commissioner may direct a claimant, in writing, to attend a job search workshop or training or retraining course if the commissioner finds that a claimant's chance to become reemployed will be enhanced by enrollment in a job search workshop, training or retraining course~~((, the following general rules shall apply:))~~.

~~((+))~~ (2) The department shall not direct a claimant to attend a job search workshop, training or retraining course, if:

(a) The individual has a verifiable bona fide job offer beginning within two weeks~~((;))~~₁ or

(b) The workshop or training ~~((is given at a))~~ location is outside the individual's labor market~~((;))~~₁ or

(c) Cost of child care, transportation, or other training related ~~((to))~~ expense would substantially exceed the costs of conducting an active work search and ~~((which))~~ would result in an unreasonable hardship on the individual~~((;))~~₁ or

(d) Attendance at the workshop or course would work an unreasonable hardship on the individual~~((;))~~₁ or

(e) The individual is a member in good standing of a full referral union, unless such individual is also being required to begin an independent search for work or has been identified as a dislocated worker as defined in RCW 50.04.075.

~~((2))~~ (3) Directives to attend training or retraining courses will be subject to periodic review of appropriateness of attendance in courses exceeding three weeks in duration.

~~((3))~~ (4) An individual who ~~(, having been directed)~~ has received a directive and who fails ~~(,)~~ without good cause ~~(,)~~ to attend ~~(during a week)~~ a substantial portion of the training course or workshop during a week will be ~~(disqualified under RCW 50.20.044)~~ ineligible for the entire week. Good cause shall include illness or disability of the claimant or the claimant's immediate family, or claimant's presence at a job interview scheduled with an employer. Reasons for absence shall be subject to verification.

~~((4))~~ (5) An individual attending a job search workshop shall not be ~~(disqualified)~~ ineligible as the result of such attendance for failure to be available for work or to actively seek work under the provisions of:

- (a) RCW 50.20.010(3)(~~(i)~~); or
- (b) ~~(RCW 50.20.015 (2)(a)(i), or~~
- ~~(e))~~ RCW 50.22.020(1).

~~((5))~~ (6) An individual attending a training or retraining course resulting from a directive ~~(under the provisions of RCW 50.20.044)~~ shall not be ~~(disqualified)~~ ineligible as the result of such attendance for failure to seek work or failure to apply for or to accept work under the provisions of:

- (a) RCW 50.20.010(3)(~~(i)~~);
- (b) RCW 50.20.080(~~(i)~~); or
- (c) RCW 50.22.020 (1)(~~(a)~~);
- ~~(d) RCW 50.22.020 (1)(b);~~
- ~~(e) RCW 50.20.015 (2)(a)(i);~~
- ~~(f) RCW 50.20.015 (2)(a)(ii)).~~

~~((6))~~ (7) Definitions. For purposes of this regulation:

(a) "Available at public expense" means a job search workshop, training or retraining course that is offered at no expense to the individual by:

- (i) The employment security department(~~(i)~~); or
- (ii) Any other governmental or publicly funded organization(~~(i)~~); or
- (iii) Any organization offering a job search workshop or training or retraining program funded privately, but open to the general public(~~(i)~~); or
- (iv) Any educational institution, if expenses are paid by the institution, by a grant to the institution, or a grant to the individual for training expenses.

(b) "Unreasonable hardship" means a result, not due to the individual's voluntary action, that would cause a reasonable person to be unable to attend.

AMENDATORY SECTION (Amending WSR 91-19-007, filed 9/6/91, effective 9/8/91)

WAC 192-12-320 Mailing of determination notices under RCW 50.20.180. ~~((RCW 50.20.180 allows the commissioner to determine the parties to be mailed notices of allowance or denial of benefits.))~~

(1) The claimant will be mailed a notice of determination

- (a) That denies the claimant benefits(~~(i)~~); or

(b) That allows benefits and is also mailed to an employer.

(2) The last employer will be mailed a determination notice if the claimant was separated from employment for reasons other than lack of work.

(3) Any employer from whom the claimant has a potentially disqualifying separation (without sufficient subsequent employment to purge a separation disqualification) will be mailed a determination notice if the claimant was separated from employment for reasons other than lack of work.

(4) A determination of eligibility will be made and a notice mailed to any employer since the beginning of the claimant's base year who provides information that the claimant was discharged as a result of a felony or gross misdemeanor connected with the work.

(5) A determination of eligibility ~~((for))~~ for benefits based on an issue other than a separation from employment will be mailed to an employer if the employer provides relevant information relating to eligibility for a specific week.

AMENDATORY SECTION (Amending Order 4-89, filed 10/4/89, effective 10/9/89)

WAC 192-12-340 Discharges for misconduct for felony or gross misdemeanor—Responsibility for providing information. In any separation where there is a potential disqualification under RCW ~~((50.20.060(2)))~~ 50.20.065 it is the responsibility of the employer to notify the department in a timely manner of any resolution of issues.

~~((1))~~ In any case where the employer has raised the potential of a disqualification under RCW ~~((50.20.060(2)))~~ 50.20.065 within ten days of receiving the notice required by WAC 192-12-310 and the department establishes that there is a possibility of such disqualification, the department will ~~((place the case on a periodic notification list))~~ review the claimant's eligibility for benefits.

~~((2))~~ At least once each calendar quarter, the department will send a notice to the employer with respect to each case on the periodic notification list, requesting further information on the case.

~~((3))~~ If there has been a change of status in any case involving a potential denial under RCW 50.20.060(2), the employer must advise the department of the change within ten days of the mailing of the notice required in subsection (2) above.

~~((4))~~ Once each year, a notice will be mailed to all employers on the periodic notification list requesting a response as to whether the case is still active. If an employer fails to respond to this notice, the employer will be removed from the periodic notification list.

~~((5))~~ Regardless whether the case is listed on the periodic notification list, the department will consider information provided by the employer relating to a discharge for felony or gross misdemeanor misconduct if the employer notifies the department within thirty days of the conviction or admission of the claimant.)

AMENDATORY SECTION (Amending Order 2-77, filed 9/2/77)

WAC 192-16-017 Interpretative regulations—Satisfying disqualifications under RCW 50.20.050 (1) and (4), 50.20.060 and 50.20.080. (1) ~~((Satisfying the disqualifications through subsequent employment. The voluntary leaving work section, RCW 50.20.050, the discharge section, RCW 50.20.060, and the refusal of work or referral to employment section, RCW 50.20.080, may be satisfied by obtaining work and earning wages of not less than the suspended weekly benefit amount in each of five weeks.))~~ The disqualification imposed by RCW 50.20.050 (1) and (4), 50.20.060, and 50.20.080 may be satisfied if the claimant demonstrates that:

(a) ~~((That,))~~ At least five calendar weeks have elapsed since the occurrence of the disqualifying act(, he or she has obtained work and performed services in at least five calendar weeks); and

(b) ~~((That, in at least five of the calendar weeks,))~~ The individual has obtained work and earned wages of not less than five times his or her suspended weekly benefit amount: Provided, That the wages earned need not be in covered employment; however, the department must be satisfied that the employment is not a sham designed in whole or in part to avoid the effect of the disqualification.

(2) ~~((The alternative method of satisfying the disqualification under RCW 50.20.050(4). The disqualification imposed by RCW 50.20.050(4) may be satisfied in the alternative by:~~

(a) ~~The individual reporting in person to the department, or in the case of claimants filing in other states, to the employment office in such other state, in each of ten different calendar weeks, not necessarily consecutive; and~~

(b) ~~Certifying on each occasion that he or she is ready, able and willing immediately to accept any suitable work which may be offered and is actively seeking work pursuant to customary trade practices, and is utilizing such employment counseling and placement services as are available through the employment office; and~~

(c) ~~Having certified pursuant to subsection 2(b) above, completing a timely claim for benefits with respect to the week of certification, thereby attesting to the bona fide nature of said certification. The claim for benefits will not be compensable.~~

~~Provided, That in certain instances, literal compliance with the terms of the special requalification provisions in RCW 50.20.050(4) may impose an unreasonable hardship on claimants who live in remote portions of the state; therefore, the department may, when the individual's labor market does not encompass within it an employment office or itinerant point, establish procedures for special reporting which as nearly as possible approximate the exposure to work and availability checks contemplated by the express terms of the statute.))~~ Claimants filing in other states who are ineligible for benefits under RCW 50.20.050(4) may requalify by:

(a) Reporting as described in RCW 50.20.050(4); or

(b) Reporting by mail to the interstate office of the department and certifying in each of ten different calendar weeks that the requirements of RCW 50.20.050(4) have been met.

AMENDATORY SECTION (Amending Order 6-82, filed 8/17/82)

WAC 192-16-019 Interpretative regulations—(~~Discharges and suspensions for misconduct—~~)Effective date of RCW (~~50.20.060~~) 50.20.065—Discharges for felony or gross misdemeanor. (1) Effective date. The provisions of RCW (~~50.20.060 as amended by section 16, chapter 18, Laws of 1982 1st ex. sess.~~) 50.20.065 are effective as to all discharges or suspensions occurring on July (~~10, 1982~~) 3, 1993, and thereafter.

(2) Definitions.

(a) "Felony" means every crime which (~~may be~~) is defined as such by the applicable state or federal statutes.

(b) "Gross misdemeanor" means every crime which (~~may be~~) is defined as such by the applicable state or federal statutes.

(c) A "competent authority" may be:

(i) A court (including magistrate or court commissioner), prosecuting attorney, or law enforcement agency; or

(ii) An assistant attorney general or an administrative law judge; or

(iii) A regulatory agency or professional association charged by statute with maintaining professional standards or codes of conduct; or

(iv) Any other person or body exclusive of the employer with authority to administer disciplinary action with regard to the claimant.

(d) Admissions of commission of a felony or gross misdemeanor to the employer or to an employee of the employment security department are not to be considered admissions to a competent authority for the purposes of RCW (~~50.20.060(2))~~ 50.20.065.

(3) (~~Discharge for felony or gross misdemeanor.~~) Any individual who has been discharged because of a felony or gross misdemeanor of which he or she has been convicted or has admitted committing shall (~~be disqualified from receiving any benefits for which base year wage credits are earned in any employment prior to the discharge. Provided, That~~) have all hourly wage credits based on that employment canceled when:

(a) The felony or gross misdemeanor (~~must have been~~) is connected with the individual's work; and

(b) The admission (~~must have been~~) is made to each and every element of the felony or gross misdemeanor which caused the individual to be discharged; and

(c) The admission (~~must have been~~) is made to a competent authority(~~, and~~

(d) ~~The disqualification begins with the first day of the calendar week in which the individual was discharged).~~

AMENDATORY SECTION (Amending Order 2-77, filed 9/2/77)

WAC 192-16-021 Interpretative regulations—Suitable work factors—(~~Effective date of~~) RCW 50.20.100. (1) (~~Effective date and general comments. RCW 50.20.100 has been amended by section 6, chapter 33, Laws of 1977 ex. sess. and the provisions are effective as to all claims filed for weeks of unemployment beginning July 3, 1977, and thereafter. This amendment removes RCW 50.20.100 from consideration when adjudicating voluntary quits under RCW 50.20.050. This amendment also modifies~~

the factors which are to be considered in determining whether work is suitable for purposes of RCW 50.20.080 and 50.20.010(3).

(2)) Suitable work factors.

(a) Suitable work is employment in keeping with the individual's prior work experience, education, or training. If the individual lacks such prior work experience, education, or training or such employment is not available in the general area suitable work shall include any employment which the individual would have the physical and mental ability to perform.

(b) In addition to the considerations set forth above and those set forth in RCW 50.20.110, the department shall consider the following factors in determining whether work is suitable to an individual:

(i) The degree of risk involved to the individual's health, safety, and morals;

(ii) The individual's physical fitness;

(iii) The individual's length of unemployment and prospects for securing work in the individual's customary occupation;

(iv) The distance of the available work from the individual's residence; and

(v) The existence of any state or national emergency.

((3)) (2) Definition of general area. "General area" means an individual's labor market area and includes the geographic area within which an individual would customarily seek work in a given occupation.

AMENDATORY SECTION (Amending Order 4-80, filed 8/6/80)

WAC 192-16-025 Lump sum retirement payment. ((RCW 50.04.323(6) provides that, effective April 6, 1980, a lump sum payment of funds, accumulated in an employer-participating government or private retirement pension plan to one eligible for retirement pension, shall be prorated over the life expectancy of the retiree in a manner determined by the commissioner.))

(1) Lump sum payments as described in ((the foregoing paragraph)) RCW 50.04.323(3) will be prorated over the life expectancy of the individual in accordance with Table I in Regulation 1.72-9 of the Internal Revenue Code as amended as of the effective date of the individual's benefit year, and the prorated amount deducted from benefits.

(2) The withdrawal, upon separation from employment, of only the funds, and interest thereon, contributed to a retirement pension by an individual ((is not within the scope of RCW 50.04.323(6) and)) will not serve to reduce benefits.

(3) ((The phrase "one eligible for retirement" is defined as an individual eligible at the time of the lump sum payment for periodic payments under a pension program which is based on age or length of service.)) When an individual receives a lump sum retirement payment and transfers it within sixty days to another long-term retirement plan, such as an Individual Retirement Account (IRA), the portion reinvested is not deductible from benefits.

AMENDATORY SECTION (Amending Order 3-82, filed 6/14/82)

WAC 192-16-050 Diversion of unemployment benefits to satisfy child support obligations. ((Section 11, chapter 18, Laws of 1982 1st ex. sess.)) RCW 50.40.050 requires the department, upon proper notification by a child support agency, to withhold a portion of an individual's unemployment insurance benefits to be transmitted to the child support agency to satisfy child support obligations.

(1) Notification to claimant. The child support agency will serve notice on the claimant of the order to withhold unemployment insurance benefits.

(2) Overpayments. In the event an individual receives benefits to which he or she is not entitled, and those benefits are recoverable under the provisions of RCW 50.20.190, the overpayment will include the amount withheld and transmitted to the child support agency. The withheld benefits for child support obligations are considered to have been paid to the individual and then paid by the individual to the child support agency.

(3) Erroneous withholding. If an amount greater than the amount which should have been deducted from benefits is paid to the child support agency, that agency shall be responsible for reimbursing the individual claimant for any amount in excess of the amount properly received. If an amount less than the amount which should have been paid to the child support agency is withheld and paid, subsequent benefit entitlement of the claimant will be applied to satisfy the amount underpaid to the child support agency.

(4) Appeal rights.

(a) Any appeal regarding the validity of the child support obligation upon which the order to withhold is based including whether the obligation is owed, the total amount of obligation, and the amount to be withheld from benefits and paid over to the child support agency shall be resolved between the claimant and the child support agency. The employment security department will not be responsible for any appeals regarding such matters.

(b) Any appeal regarding the validity of the employment security department's authority to make deductions, the applicable weeks for which the deduction was made, and the accuracy of the amount deducted may be appealed in the same manner in which nonmonetary benefit determinations are appealed. The department's notification to the claimant shall contain an appeals notice. The laws and regulations relating to benefit appeals shall apply to appeals regarding matters subject to this regulation.

(5) Effective date of withholding. No amount shall be withheld from unemployment benefits paid for weeks prior to the date the notice to withhold is served on the individual, or prior to the date when an agreement to withhold is reached between the individual and the child support agency.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 192-16-007

Interpretative regulations—
Disqualification for leaving
work voluntarily—Effective
date of RCW 50.20.050.

WAC 192-16-065 Interpretive regulations—Effective date of chapter 83, Laws of 1988.

AMENDATORY SECTION (Amending Order 4-88, filed 4/29/88)

WAC 192-28-110 Recovery of benefit overpayment—Fault provisions. (1) When an overpayment occurs, the department will make a finding of fault or nonfault based on information provided by the individual and/or by the employer and from information contained in the department's records. After reviewing all such information, the individual will be considered to be at fault when the overpayment is:

(a) The result of fraud, misrepresentation, wilful nondisclosure; or

(b) The result of a ~~(disqualification)~~ discharge for a felony or gross misdemeanor pursuant to the provisions of RCW ~~((50.20.060(2), or if))~~ 50.20.065; or

(c) Based on the presence of all of the following three elements ((are established)):

(i) The individual was paid benefits in an amount greater than he or she was entitled to receive and he or she accepted and retained those benefits; and

(ii) The payment of these benefits was based on incorrect information or a failure to furnish information which the individual should have provided as outlined in the information for claimants booklet, claimant directives and other reasonable written communications issued by the department; or information which the individual caused another to fail to disclose; and

(iii) The individual had sufficient notice that the information should have been reported.

(2) In accordance with WAC 192-23-900, an individual who is overpaid as the result of a conditional payment is liable for repayment.

(3) The individual may be considered to be at fault, even though he or she provided the department with all material information prior to the issuance of an applicable benefit eligibility decision, if the overpayment is the result of payment that the individual should reasonably have known was improper. Following are some, but not all, examples of instances in which an individual should reasonably have known that a payment was improper and therefore is at fault. These are intended as examples only and do not mean that the department would rule in this manner in every such situation.

(a) The individual correctly reported earnings but the department paid benefits at the full amount or incorrectly deducted the earnings.

(b) The individual reported that he or she was unavailable for one or more customary work days, but the department paid at the full amount and the payment was not a conditional payment.

(c) The individual received a retroactive pension payment that he or she had applied for and was reasonably sure would be awarded.

(d) The individual did not inform the department that he or she was eligible for benefits on an unexpired claim against another state.

(e) A lower level decision was reversed by the office of administrative hearings, the commissioner or a court because of new information that the individual failed to disclose to the department.

(f) Other circumstances in which department fact finding indicates that the individual knew the payment was improper.

(4) In determining whether or not an individual is at fault, the department shall also consider education, mental abilities, emotional state, the individual's experience with claiming unemployment insurance and other elements of the individual's personal situation which affect his or her knowledge and ability to comply with reporting all material information that is relevant to benefit eligibility. This includes information contained in the information for claimants booklet, claimant directives and other reasonable written communications issued by the department.

(5) The individual will be considered without fault when he or she provided the department with all material information prior to the issuance of an applicable benefit eligibility decision and the overpayment is the result of payment that the individual would not reasonably have known was improper. Following are some, but not all, examples of instances in which an individual may not reasonably have known that a payment was improper and therefore is not at fault. These are intended as examples only and do not mean that the department would rule in this manner in every such situation.

(a) The department erroneously removed a payment stop, resulting in improper payment.

(b) The individual received a retroactive pension which was backdated by the pension source, not at the individual's request.

(c) A combined wage or federal claim was filed against Washington that should have been filed against another state.

(d) Extended benefits were paid by the department when the individual would have been eligible for a new claim against this or another state.

(e) A lower level decision, in which all information was provided by the individual, was reversed by the office of administrative hearings, the commissioner or a court.

(f) Other circumstances in which department fact finding indicates that the individual did not know the payment was improper.

(6) Fault and waiver are not considered if the individual agrees to an account adjustment as explained in WAC 192-28-120(4).

AMENDATORY SECTION (Amending Order 4-88, filed 4/29/88)

WAC 192-28-120 Recovery of benefit overpayment—By repayment or offset against future benefits.

(1) An overpayment may be recovered either by offset or repayment by the individual in full or by paying the minimum monthly billed amount as defined in WAC 192-28-130. If not repaid by the individual, the amount assessed shall be deducted from benefits payable for any future week(s) claimed. If any recovery procedure is in conflict with federal regulations, the federal regulations shall apply.

(2) For overpayments that are final and assessed pursuant to RCW 50.20.010 because the individual asked to have his or her claim for unemployment insurance cancelled,

PERMANENT

the amount to be deducted will be one hundred percent of benefits payable for each past or future week(s) claimed. The department will ensure that the individual was properly informed of the advantages and/or disadvantages of canceling an existing claim to file a new claim.

(3) When an individual enters into current claim status, the overpayment will not be offset from future weeks payable provided that the individual has not missed two or more payments, as determined by WAC 192-28-130, since the overpayment became final. If the individual has missed two or more payments, the overpayment will be offset in accordance with (a) and (b) of this subsection.

(a) For overpayments brought about by a denial pursuant to RCW 50.20.070 for fraud, misrepresentation, or wilful nondisclosure, the amount to be deducted will be one hundred percent of benefits payable for each future week(s) claimed. Such overpayments will be recouped before any other overpayment the individual may have.

(b) For all other overpayments, the amount to be deducted will be fifty percent of benefits payable for each future week claimed. Provided, that at the request of the individual, an overpayment can be repaid at one hundred percent of benefits payable for each future week claimed.

(4) At the request of the individual, an overpayment may be repaid by account adjustment without an overpayment assessment if both the individual and the department agree to the circumstances, the amount of the overpayment and the method of repayment. If an individual agrees to an account adjustment, he or she can repay the overpayment by authorizing the department to deduct past and/or future benefits payable. No account adjustment action will be taken until the individual has been advised of his or her rights and has been given an opportunity to be heard on the overpayment issue. All individuals will be advised in writing of their right to a formal overpayment assessment, the possibility of waiver and their appeal rights. The individual can ask for and the department will issue a formal overpayment assessment even after an account adjustment has been completed.

(5) For an overpayment assessed by another state, the amount to be deducted for the other state will be as follows:

(a) For overpayments brought about by a denial for fraud, misrepresentation, or wilful nondisclosure, the amount to be deducted will be one hundred percent of benefits payable for each future week(s) claimed. Such overpayments will be recouped before any other overpayment the individual may have.

(b) For all other overpayments, the amount to be deducted will be fifty percent of benefits payable for each future week claimed. Provided, that at the request of the individual, an overpayment can be repaid at one hundred percent of benefits payable for each future week claimed.

(6) Those individuals who have been denied waiver, as well as those individuals for whom waiver was not considered, will be notified in writing of their right to enter into a payment agreement with the department or to make an offer in compromise. Offers in compromise will not be approved for individuals whose overpayment was brought about by a denial pursuant to RCW ~~((50.20.060(2)))~~ 50.20.065 or 50.20.070 unless there are unusual circumstances which would justify a compromise.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 192-28-100 Recovery of benefit overpayment—General provisions.

AMENDATORY SECTION (Amending WSR 91-20-012, filed 9/20/91, effective 10/21/91)

WAC 192-32-001 Scope of chapter. This chapter is intended to govern the implementation of employment security department responsibilities relating to the implementation of chapter ~~((314, Laws of 1991, and chapter 315, Laws of 1991))~~ 50.70 RCW and RCW 50.22.090. This includes the operation of programs authorized by ~~((the acts))~~ these statutes and the determination of timber impact areas required by the ~~((acts))~~ statutes.

AMENDATORY SECTION (Amending WSR 91-20-012, filed 9/20/91, effective 10/21/91)

WAC 192-32-010 Definitions. For the purpose of this chapter:

(1) "Actual job loss" means the absolute loss of jobs in SIC codes 24 as compared to the previous year as calculated by the department.

(2) "Actual or projected job loss" means the greater of actual job loss or projected job loss. The value of actual or projected job loss is that value released by the commissioner and filed for publication in the state register.

(3) "Annual unemployment rate" means the total unemployment rate calculated according to the method defined by the U.S. Department of Labor, Bureau of Labor Statistics. The information is considered available when released to the public by the commissioner of the employment security department. The value of the annual unemployment rate is that value released by the commissioner and filed for publication in the state register.

(4) "Commissioner" means commissioner of the employment security department.

(5) "Department" means the employment security department.

(6) "Labor market" means the area in which workers of specific occupation customarily have found work. Labor market is based on the worker's place of residence and occupation.

(7) "Lumber and wood products location quotient" is determined by dividing the percentage of the average covered employment in lumber and wood products (SIC code 24) in the county by the percentage of the average covered employment in lumber and wood products (SIC code 24) statewide. The information is considered available when released by the commissioner. The value of the location quotient is the value released by the commissioner and filed for publication in the state register.

(8) "Projected job loss" means the estimated job loss in SIC codes 24 in the current year, compared to the previous year, as calculated by the department from information provided by the department of natural resources.

(9) "Targeted county" means a county selected by the criteria of ~~((subsection (2), section 4, chapter 315, Laws of 1994))~~ RCW 50.22.090(2).

(10) "Timber retraining benefits," abbreviated TRB, means the unemployment insurance additional benefits authorized by ~~((section 4, chapter 315, Laws of 1994))~~ RCW 50.22.090(3).

(11) "Wages" means wages earned in employment as defined in chapter 50.04 RCW. This means that only wages in covered employment can be considered in determining if a worker has earned wages in employment in the forest products industry.

AMENDATORY SECTION (Amending WSR 91-20-012, filed 9/20/91, effective 10/21/91)

WAC 192-32-015 Interpretive rule—Effective date of ~~((section 4, chapter 315, Laws of 1994))~~ RCW 50.22.090. (1) The first week for which timber retraining benefits will be payable will be the week beginning Sunday, July 21, 1991.

(2) Any exhaustee whose benefit year ends after July 21, 1991 may be considered as potentially eligible for timber retraining benefits if the other provisions of ~~((section 4, chapter 315, Laws of 1994))~~ RCW 50.22.090 are met.

AMENDATORY SECTION (Amending WSR 91-20-012, filed 9/20/91, effective 10/21/91)

WAC 192-32-025 Post training benefits. ~~((Section 4 (3)(b) of chapter 315, Laws of 1994))~~ RCW 50.22.090 (3)(c) authorizes the payment of timber retraining benefits during the five week period following completion of training. These benefits do not serve to increase the total amount of training related benefits payable, but are included in the maximum amount payable calculated by subtracting regular and extended benefits from 52 times the worker's weekly benefit amount.

AMENDATORY SECTION (Amending WSR 91-20-012, filed 9/20/91, effective 10/21/91)

WAC 192-32-045 Unlikely to return to employment.

(1) For the purposes of paying timber retraining benefits, a worker will have met the unlikely to return to work requirement of ~~((subsection))~~ RCW 50.22.090 (4)(b)(ii) ~~((of section 4, chapter 315, Laws of 1994,))~~ if the tests in subsections (2) and (3) of this section are met.

(2) He or she has:

(a) Become unemployed due to a permanent plant closure;

(b) Received a federal WARN act notice; or

(c) Received a notice of indefinite layoff as a result of a permanent reduction of operations at the worker's place of employment;

(3) His or her skills are in diminishing demand in his or her principal occupation or previous industry.

(4) A worker will not be considered unlikely to return to work if he or she:

(a) Is on standby from the principal employer;

(b) Has a definite date of recall with the principal employer within six months; or

(c) Is unemployed due to a regular seasonal layoff.

(5) A worker who has been determined to be a dislocated worker by the local JTPA authority will be considered to have met the requirements of subsections (2) and (3) of this section.

WSR 95-09-091
PERMANENT RULES
WASHINGTON STATE PATROL

[Filed April 19, 1995, 11:47 a.m.]

Date of Adoption: April 19, 1995.

Purpose: Bring the rule in line with current statute requiring all persons to use seat belts if the vehicle is equipped with them. Currently, law enforcement has an exemption.

Citation of Existing Rules Affected by this Order: Amending WAC 204-41-030.

Statutory Authority for Adoption: RCW 46.61.688.

Pursuant to notice filed as WSR 95-06-065 on February 28, 1995.

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

April 19, 1995

Annette M. Sandberg
 Chief

AMENDATORY SECTION (Amending Order 86-1, filed 9/25/86)

WAC 204-41-030 Seat belting of prisoners. If the patrol vehicle is equipped with a seat belt system, it is intended that all prisoners being transported in a passenger style patrol vehicle wear a seat belt. ~~((However, if the prisoner is combative or for any other reason, the officer in charge of the prisoner has the option to not place the prisoner in a seat belt system.))~~

Prisoners that are transported in the front seat of a patrol vehicle should be placed in a seat belt assembly.

WSR 95-09-001
EMERGENCY RULES
DEPARTMENT OF COMMUNITY,
TRADE AND ECONOMIC DEVELOPMENT
 (Community Development)
 [Filed April 6, 1995, 10:54 a.m.]

Date of Adoption: April 6, 1995.

Purpose: To specify by rule the fees, requirements for passing the examination, and appeal process for manufactured housing installer training and certification.

Statutory Authority for Adoption: Chapter 43.63B 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: Training classes and examinations are scheduled April through June. The certification of manufactured home installers must begin by July 1, 1995, according to our statute, chapter 43.63B RCW. This rule is necessary to allow the training necessary for certification to proceed prior to that date. These provisions are currently the subject of regular rule making to be completed by July 1, 1995.

Effective Date of Rule: Immediately.

April 5, 1995
 Nancy L. Hanna
 Section Manager
 Office of Manufactured Housing

March 24, 1995

EMERGENCY RULE FOR
MANUFACTURED HOUSING
INSTALLER TRAINING AND CERTIFICATION

NEW SECTION

WAC 365-210-010 Examination/failure/re-taking. The examination shall only include topics covered in the training program. In order to pass the examination, applicants must answer 70% of the questions correctly. An applicant who fails the examination shall be permitted to re-take the training course and/or the examination as often as is necessary to secure a passing rate of 70%.

NEW SECTION

WAC 365-210-020 Fees. (1) Fees due at the time of certification must be paid in full in order for the department to issue the certificate.

(2) The fee for the combined application and training program, including the cost of one copy of the training manual, shall be \$100.00. The cost for the examination and certification shall be \$100.00. The fee for renewal of the certificate after three years, including retaking the examination, shall be \$100.

(3) An applicant whose application is found to be ineligible or inadequate shall be entitled to a full refund, and shall be notified by the department of such ineligibility or inadequacy at least 20 days prior to the examination. If a

late application is received and found to be inadequate, the department shall make its best effort to notify the applicant prior to the examination.

(4) An applicant who fails the examination shall not be entitled to a refund.

(5) Individuals will be allowed to audit the training program and not take the examination. The audit fee shall be \$100.00

(6) The department shall make extra copies of the training manual available on request for a fee designed to cover costs.

NEW SECTION

WAC 365-210-030 Failure of examination/brief adjudicative proceeding. Persons failing the examination may seek agency review as a brief adjudicative proceeding under RCW 34.05.482 through 34.05.494.

WSR 95-09-019
EMERGENCY RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed April 11, 1995, 10:51 a.m.]

Purpose: To require all possible victims eligible for Medicaid to apply for Medicaid benefits.

Citation of Existing Rules Affected by this Order: Amending WAC 296-30-025(6).

Statutory Authority for Adoption: RCW 7.68.30 [7.68.030], 51.04.020(1), 51.04.030.

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 amendment is necessary to result in maximum use of victim Medicaid eligibility in order to resolve a projected budget shortfall. Immediate adoption of the amendment is necessary to achieve needed savings within the 1993-95 biennium. Without immediate adoption it is projected that the crime victims program will have insufficient funds to pay crime victim's benefits for the remainder of the biennium. Other possible cost saving measures have been considered, and have been rejected as causing greater hardship to victims.

Effective Date of Rule: Immediately.

April 11, 1995
 Mark O. Brown
 Director

AMENDATORY SECTION (Amending WSR 89-23-004, filed 11/3/89, effective 11/10/89)

WAC 296-30-025 Medical assistance eligibility. The benefits provided under chapter 7.68 RCW that are available and equivalent to those services provided under chapter 74.09 RCW or Title XIX of the Federal Social Security Act are not available to persons eligible for services provided under chapter 74.09 RCW or Title XIX of the Federal Social

Security Act, except to the extent that costs for such services exceed service limits established by the department of social and health services. Accordingly:

(1) Applicants for benefits provided under chapter 7.68 RCW shall provide, concurrent with their application for crime victims' benefits, information requested by the department to determine the applicant's probable eligibility for services provided under chapter 74.09 RCW and Title XIX of the Federal Social Security Act. The applicant, or a person on behalf of the applicant, shall send the application and other requested information to the offices of the crime victims' compensation program in Olympia.

(2) The department shall provide application forms for crime victims' benefits, any forms used to determine probable eligibility for services provided under chapter 74.09 RCW or Title XIX of the Federal Social Security Act, and a pamphlet describing the crime victims' compensation program to hospitals, law enforcement agencies, community organizations, prosecutor based victim/witness units and, as requested, to other service groups. The pamphlet shall (a) explain the limitations of benefits provided under chapter 7.68 RCW; (b) provide assistance for an applicant in completing the forms; and (c) provide an applicant information about where additional assistance is available if the instructions for completing the forms are not understood or if unusual circumstances exist.

(3) Any claimant who is eligible for benefits provided under chapter 7.68 RCW and who the department determines may be eligible for services provided under chapter 74.09 RCW and Title XIX of the Federal Social Security Act, based upon the completed eligibility form referenced above, shall apply to the department of social and health services for a conclusive determination of eligibility for such services.

(4) Because a claimant's circumstances can change and in order to assure that the department provides crime victims' benefits secondary to other available public and private insurance, persons receiving benefits provided under chapter 7.68 RCW but not initially eligible to receive services provided under chapter 74.09 RCW or Title XIX of the Federal Social Security Act shall annually provide information requested by the department to determine the applicant's probable eligibility for services provided under chapter 74.09 RCW and Title XIX of the Federal Social Security Act in order to continue receiving benefits under chapter 7.68 RCW.

(5) The department shall not provide benefits for services provided under chapter 74.09 RCW and Title XIX of the Federal Social Security Act to persons who refuse or who otherwise fail to cooperate or comply in good faith with the requirements of this section, except to the extent that the costs for such services exceed service limits established by the department of social and health services.

(6)~~((a))~~ Except for claims submitted pursuant to RCW 7.68.170 for sexual assault examinations, ~~((or as provided in (b) of this subsection))~~ the department shall not consider applications for benefits under chapter 7.68 RCW until the information requested to determine probable eligibility for services provided under chapter 74.09 RCW and Title XIX of the Federal Social Security Act is received by the department.

~~((b) If the applicant seeks only services that are covered under chapter 7.68 RCW but are not services provided under chapter 74.09 RCW or Title XIX of the Federal Social Security Act, such as appropriate counseling provided by a health care provider pursuant to WAC 296-20-080, the department shall consider applications for benefits under chapter 7.68 RCW without requiring information to determine probable eligibility for other services.))~~

WSR 95-09-027
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
 (Fisheries)

[Order 95-30—Filed April 12, 1995, 4:55 p.m.]

Date of Adoption: April 12, 1995.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
 Amending WAC 220-52-046.

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: There are sufficient hardshell crabs available for commercial harvest.

Effective Date of Rule: Immediately.

April 12, 1995

Judith Freeman

Deputy

for Robert Turner

Director

NEW SECTION

WAC 220-52-04600C Crab fishery—Seasons and areas. Notwithstanding the provisions of WAC 220-52-046, effective immediately through 11:59 p.m. April 25, 1995 it is lawful to take, fish for and possess crab taken for commercial purposes from Marine Fish/Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, and 22B.

WSR 95-09-029
EMERGENCY RULES
DEPARTMENT OF HEALTH
 [Filed April 13, 1995, 9:41 a.m.]

Date of Adoption: March 13, 1995.

Purpose: To implement citizen's initiative (I607) that regulates the profession of denturism.

Statutory Authority for Adoption: RCW 18.30.070(3).

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: Chapter 18.30 RCW, mandates examination and licensing no later than July 1, 1995.
Effective Date of Rule: Immediately.

March 13, 1995

J. Eric Hansen, Chairman
Board of Denture Technology

Chapter 246-812 WAC

BOARD OF DENTURE TECHNOLOGY

DENTURISTS

NEW SECTION

WAC 246-812-001 Purpose. The purpose of these rules is to further clarify and define chapter 18.30. RCW — Denturists.

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 246-812-010 Definitions. The following terms are so defined for the purposes of this chapter:

"Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

"Approval" and "accreditation" are used interchangeably with reference to sanctioning of courses.

"Board" means the state board of denture technology, whose address is:

Department of Health
Health Profession Quality Assurance Division
Board of Denture Technology
1112 SE Quince Street, PO Box 47867
Olympia, WA 98504-7867

"Denture" a denture as defined in RCW 18.30.010(2) includes: a) **Immediate Denture:** a complete denture or removable partial denture fabricated for placement immediately following the removal of natural teeth; b) **Overdenture:** a removable partial or complete denture that covers or rests on one or more remaining natural teeth, roots, and/or dental implants; a prosthesis that covers and is partially supported by natural teeth, tooth roots, and/or dental implants - called also overlay denture, overlay prosthesis, super-imposed prosthesis; c) **Implant Prosthesis:** any removable prosthesis that utilizes dental implants in part or whole for retention, support, and stability; d) Any device secured by implant attachment.

"Denture Technology" for the purposes of application under RCW 18.30.090(3) is defined, at a minimum, as the making, constructing, altering, reproducing or repairing of a denture.

"Five years employment in denture technology" is defined as working a minimum of 20 hours per week during five of the last ten years.

"Office on AIDS" means that section within the department of health with jurisdiction over public health matters as defined in chapter 70.24 RCW.

"4,000 hours practical work experience in denture technology" is defined and taken as a whole, which must have occurred within the past five years of date of application.

NEW SECTION

WAC 246-812-015 Adjudicative proceedings—Procedural rules for the board. The board adopts the model procedural rules for adjudicative proceedings as adopted by the Department of Health and contained in chapter 246-11 WAC, including subsequent amendments.

LICENSURE - APPLICATION AND ELIGIBILITY REQUIREMENTS

NEW SECTION

WAC 246-812-101 Purpose. The purpose of WAC 246-812-101 through 246-812-170 is to establish guidelines on eligibility, and set forth the procedures for application to receive a license for the practice of denturism. By statute, the eligibility and application criterion are established in RCW 18.30.090.

NEW SECTION

WAC 246-812-120 Denturist licensure - Initial eligibility and application requirements. To be eligible for Washington state denturist licensure, the applicant shall complete an application provided by the board, and shall include written documentation to meet eligibility criteria. Each applicant shall provide: (1) A signed, notarized application and required fee. Fees are set by the board and are non-refundable. Fees must be in U.S. funds and made payable by check or money order, to the department of health. (Refer to WAC 246-812-990 for fee schedule).

(2) Proof that they meet the basic eligibility requirements identified in chapter 18.30.090 RCW, documented by the signed, notarized affidavit processed as part of the application.

(3) Proof of seven (7) hours of AIDS education and training as further defined by WAC 246-812-130.

(4) Photograph. A recent photograph, signed and dated, shall be attached to the application.

NEW SECTION

WAC 246-812-125 Denturist licensure - Endorsement. For the purposes of endorsement as provided in RCW 18.30.090 (1)(a) licensing authorities shall be determined to be substantially equivalent that meet the following criteria: (1) **Written examination** - applicants must have successfully completed a written examination which included testing in the areas of:

- (a) Oral pathology;
- (b) Head and oral anatomy and physiology;
- (c) Dental laboratory technology;

Additionally, the examination must include four of the following test categories:

- (d) Partial denture construction and design;
 - (e) Microbiology;
 - (f) Clinical dental technology;
 - (g) Clinical jurisprudence;
 - (h) Asepsis;
 - (i) Medical emergencies;
 - (j) Cardiopulmonary resuscitation.
- (2) Practical examination - Applicants must have successfully completed a clinical examination.

NEW SECTION

WAC 246-812-130 Denturist licensure - Training course approval. For the purposes of eligibility as defined in RCW 18.30.090 (3)(b), board approval will be given to any course(s) that consist of coursework at an accredited institution in each and all of the following areas: (1) Head and oral anatomy and physiology; (2) oral pathology; (3) partial denture construction and design; (4) microbiology; (5) clinical dental technology; (6) dental laboratory technology; (7) clinical jurisprudence; (8) asepsis; (9) medical emergencies; (10) cardiopulmonary resuscitation.

NEW SECTION

WAC 246-812-140 Application for licensure—AIDS education requirements. (1) Application for licensure. Persons applying for a license shall submit, in addition to the other licensure requirements, evidence to show compliance with the education requirements of subsection (3) of this section.

(2) AIDS education and training. The board shall accept formal lecture-type education and training that is consistent with the topical outline available from the Office on AIDS. Such education and training shall be a minimum of seven (7) clock hours. As an alternative to formal lectures, the board will also accept education and training obtained through videos and/or self-study materials. Such videos and/or self-study materials must include a written examination that is graded by the provider of the materials.

All education and training shall include the subjects of prevention, transmission and treatment of AIDS.

(3) Documentation. The applicant shall:

- (a) Certify, on forms provided, that the minimum education and training occurred after January 1, 1986;
- (b) Keep records for two years documenting attendance and description of the learning;
- (c) Be prepared to validate, through submission of these records, that attendance has taken place.

NEW SECTION

WAC 246-812-150 Examination - Content and scores. An applicant seeking licensure in Washington by examination must successfully complete a written and practical examination as specified in chapter 18.30.100 RCW. In order to be licensed, an applicant shall be required to obtain an overall passing score of 70% on the written examination and an overall score of 70% on the practical examination.

NEW SECTION

WAC 246-812-155 Denturist examination scores. An applicant must pass all sections of the written examination and the practical demonstration of skills within three attempts. After three failures the applicant must petition the board for permission to take any further examination. The board shall have complete discretion regarding such petition and the conditions under which further examination permission may be granted.

NEW SECTION

WAC 246-812-160 Lapsed and inactive licenses—Requirements for reinstating or activating a license. (1) A licensee who allows their denturist license to lapse for more than three years must pay a penalty fee per WAC 246-812-990.

(2) A licensee whose license has been inactive for more than three years may be reexamined as provided for in RCW 18.25.040 at the board's discretion.

(3) A licensee who has placed their denturist license on inactive status and later requests to activate the license shall submit to the board, in writing, a request to activate their license from inactive status. The request to activate a license must include the following:

- (a) An applicable fee, per WAC 246-812-990.
- (b) Updated chronology from date license was placed into inactive status.
- (c) Proof of four hours of AIDS education refresher training.

NEW SECTION

WAC 246-812-170 License renewal form. A license shall not be renewed until the applicant has submitted completed renewal forms and the full amount of the renewal fee, including any penalty fee for late renewal of the license.

PRACTICE STANDARDS

NEW SECTION

WAC 246-812-301 Purpose. The purpose of WAC 246-812-201 through 246-812-460 is to provide standards to guide denturists in the conduct of their practice.

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 246-812-320 Maintenance and retention of patient records. Any denturist who treats patients in the state of Washington shall maintain complete treatment records regarding patients treated. These records shall include, but shall not be limited to treatment plans, patient charts, patient histories, correspondence, financial data and billing. These records shall be retained by the denturist for five years in an orderly, accessible file and shall be readily available for inspection by the board or its authorized representative. Copies of records may be forwarded to a second party upon the patient's or authorized agent's written request. In such cases, office records shall state the date on

which the records were released, method forwarded and to whom, and the reason for the release. A reasonable fee may be charged the patient to cover mailing and clerical costs.

In offices where more than one dentist is performing the services the records must specify the dentist who performed the services.

NEW SECTION

WAC 246-812-330 Privileged communications. A dentist shall not, without the consent of the patient, reveal any information acquired in attending such patient, which was necessary to enable the dentist to treat the patient. This shall not apply to the release of information in an official proceeding where the release of information may be compelled by law.

NEW SECTION

WAC 246-812-340 Patient abandonment. The dentist shall always be free to accept or reject a particular patient, bearing in mind that whenever possible a dentist shall respond to any reasonable request for his services in the interest of public health and welfare.

NEW SECTION

WAC 246-812-350 License display—Notification of address. Every person who engages in the practice of dentistry in this state shall display their license, at all times, in a conspicuous place within their office. Whenever requested, they shall exhibit their license to any member of the board, or its authorized agent, and to the secretary or the secretary's authorized agent. Every licensee shall notify the secretary of the address or addresses, including changes, where the licensee shall engage in the practice of dentistry.

NEW SECTION

WAC 246-812-360 Identification of new dentures. Every complete upper and lower denture and removable partial denture fabricated by a dentist licensed under the provisions of RCW 18.30, or fabricated pursuant to the dentist's work order or under the dentist's direction or supervision, shall be marked with the name of the patient for whom the denture is intended. The markings shall be done during fabrication and shall be permanent, legible, and cosmetically acceptable. The exact location of the markings and the methods used to apply or implant them shall be determined by the dentist fabricating the denture. If, in the professional judgment of the dentist, this identification is not practical, identification shall be provided as follows:

- (1) The initials of the patient may be shown alone, if use of the patient's name is impracticable; or
- (2) The identification marks may be omitted in their entirety if none of the forms of identification specified in subsection (1) of this section is practicable, clinically safe, or the patient declines.

NEW SECTION

WAC 246-812-390 Improper billing practices. The following acts shall constitute grounds for which disciplinary action may be taken:

(1) Rebating or offering to rebate to an insured any payment to the licensee by the third-party payor of the insured for services or treatments rendered under the insured's policy.

(2) Submitting to any third-party payor a claim for a service or treatment at a greater or an inflated fee or charge than the usual fee the licensee charges for that service or treatment when rendered without third-party reimbursement.

NEW SECTION

WAC 246-812-400 Dentist associations or societies. The president or chief executive officer of any dentist association or society within this state shall report to the board when an association or society determines that a dentist has committed unprofessional conduct or that a dentist may not be able to practice dentistry with reasonable skill and safety to patients as the result of any mental or physical condition and constitutes an apparent risk to the public health, safety, or welfare. The report required by this section shall be made without regard to whether the license holder appeals, accepts, or acts upon the determination made by the association or society. Notification of appeal shall be included.

NEW SECTION

WAC 246-812-410 Insurance carriers. The executive officer of every insurer, licensed under Title 48 RCW operating in the state of Washington, shall report to the board any evidence that a dentist has charged fees for dentist services not actually provided, or has otherwise committed unprofessional conduct.

NEW SECTION

WAC 246-812-420 Professional liability carriers. Every institution or organization providing professional liability insurance directly or indirectly to dentists shall send the board a complete report of any malpractice settlement, award or payment over five thousand dollars as a result of a claim or action for damages alleged to have been caused by an insured dentist's incompetence or negligence in the practice of dentistry. Such institution or organization shall also report the payment of three or more claims during a year as the result of alleged incompetence or negligence in the practice of dentistry regardless of the dollar amount of the payment.

NEW SECTION

WAC 246-812-430 Courts. The board requests the assistance of all clerks of trial courts within the state to report, to the board, all professional malpractice judgments and all criminal convictions of licensed dentists, other than for minor traffic violations.

NEW SECTION

WAC 246-812-440 State and federal agencies. The board requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which a dentist has been judged to have demonstrated incompetence or negligence in the practice of dentistry, or has otherwise committed unprofessional conduct; or whose practice is impaired as a result of a mental, physical or chemical condition, to report to the board all professional malpractice judgments and decisions.

NEW SECTION

WAC 246-812-450 Professional standards review organizations. Unless prohibited by federal or state law, every professional standards review organization operating within the state of Washington shall report to the board any conviction, determination, or finding that a license holder has committed an act which constitutes unprofessional conduct, or to report information which indicates that the license holder may not be able to practice their profession with reasonable skill and safety to consumers as a result of a mental or physical condition.

NEW SECTION

WAC 246-812-460 Board conflict of interest. Members of the board shall not participate in deciding a disciplinary case where their participation presents a conflict of interest or creates an appearance of a conflict of interest.

INFECTION CONTROLNEW SECTION

WAC 246-812-501 Purpose. The purpose of WAC 246-812-501 through 246-812-520 is to establish requirements for infection control in dentist offices to protect the health and well-being of the people of the state of Washington. For purposes of infection control, all dentist staff members and all patients shall be considered potential carriers of communicable diseases. Infection control procedures are required to prevent disease transmission from patient to dentist and staff, dentist and staff to patient, and from patient to patient. Every dentist is required to comply with the applicable standard of care in effect at the time of treatment. At a minimum, the dentist must comply with the requirements defined in WAC 246-812-620 and 246-812-630.

NEW SECTION

WAC 246-812-510 Definitions. The following definitions pertain to WAC 246-812-601 through WAC 246-812-520.

"Communicable diseases" means an illness caused by an infectious agent which can be transmitted from one person, animal, or object to another person by direct or indirect means including transmission via an intermediate host or vector, food, water or air.

"Decontamination" means the use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point where they are

no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.

"Direct care staff" are the dentist staff who directly provide dentist care to patients.

"Sterilize" means the use of a physical or chemical procedure to destroy all microbial life including highly resistant bacterial endospores.

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 246-812-520 Use of barriers and sterilization techniques. The use of barriers and sterilization techniques is the primary means of assuring that there is the least possible chance of the transmission of communicable diseases from dentist and staff to patients, from patient to patient and from patient to dentist and staff. To prevent patient to patient cross contamination, instruments and supplies contaminated or likely to be contaminated with blood or saliva and touched during treatment must be sterilized between patients or discarded except as otherwise set forth below. Surfaces and equipment which are likely to be contaminated with blood or saliva and touched during treatment must be decontaminated or covered with a barrier which is discarded and replaced between patients except as otherwise set forth below:

(1) Dentists shall comply with the following barrier techniques:

(a) Gloves shall be used by the dentist and direct care staff during treatment which involves intraoral procedures or contact with items potentially contaminated with the patient's bodily fluids. Fresh gloves shall be used for every intraoral patient contact. Gloves shall not be washed or reused for any purpose. The same pair of gloves shall not be used, removed, and reused for the same patient at the same visit or for any other purpose. Gloves that have been used for dentist treatment shall not be reused for any non-dentist purpose.

(b) Masks shall be worn by the dentist and direct care staff when splatter or aerosol is likely.

(c) Unless effective surface decontamination methods are used, protective barriers shall be placed over areas which are likely to be touched during treatment, not removable to be sterilized, and likely to be contaminated by blood or saliva. These procedures must be followed between each patient. These include but are not limited to:

- i. Delivery unit
- ii. Chair controls (not including foot controls)
- iii. Light handles
- iv. Head rest
- v. Instrument trays
- vi. Treatment area and laboratory countertops/benches.

(d) Protective eyewear shields shall be worn by the dentist and direct care staff and provided to all patients during times when splatter or aerosol is expected.

(2) Dentists shall comply with the following sterilization requirements:

(a) Every dentist office shall have the capability to ultrasonically clean and sterilize contaminated items by

autoclave, dry heat, unsaturated formaldehyde/alcohol vapor (such as MDT Chemiclave ®) or ethylene oxide, where adequate ventilation is provided. Sterilizers shall be tested by biological spore test on at least a weekly basis. In the event of a positive biological spore test, the dentist shall take immediate remedial action to ensure the objectives of 2(a) are accomplished. Documentation shall be maintained either in the form of a log reflecting dates and person(s) conducting the testing or copies of reports from an independent testing entity. The documentation shall be maintained for a period of at least five years.

(b) The following items shall be sterilized by an appropriate autoclave, dry heat, unsaturated formaldehyde/alcohol vapor (such as MDT Chemiclave ®) or ethylene oxide sterilization method between patients:

- i. Hand instruments
- ii. Air-water syringe tips
- iii. High volume evacuator tips
- iv. Nose cone sleeves
- v. Metal impression trays

(c) Gross debris shall be removed from items prior to sterilization. Ultrasonic disinfectant solution cleaning shall be used whenever possible.

(d) Nondisposable items used in patient care which cannot be autoclaved, dry heat, unsaturated formaldehyde/alcohol vapor (such as MDT Chemiclave ®) or ethylene oxide sterilized shall be immersed and ultrasonically cleaned in a chemical sterilant. If such a technique is used, the solution shall be approved by the Environmental Protection Agency and used in accordance with the manufacturer's directions for sterilization.

(e) Items such as impressions contaminated with blood or saliva shall be thoroughly rinsed, appropriately disinfected, placed in and transported to the Denturist laboratory in an appropriate case containment device that is properly sealed and separately labeled.

(f) In the laboratory: Ragwheels shall be sterilized or disinfected; Patient pumice shall be discarded after each use; and, patient burrs and stones shall be sterilized or disinfected.

SUBSTANCE ABUSE MONITORING

NEW SECTION

WAC 246-812-601 Purpose. The board recognizes the need to establish a means of proactively providing early recognition and treatment options for denturists whose competency may be impaired due to the abuse of drugs or alcohol. The board intends that such denturists be treated and their treatment monitored so that they can return to or continue to practice their profession in a way which safeguards the public. To accomplish this the board shall approve voluntary substance abuse monitoring programs and shall refer denturists impaired by substance abuse to approved programs as an alternative to instituting disciplinary proceedings as defined in RCW 18.130.160.

NEW SECTION

WAC 246-812-610 Definitions. The following general terms are defined within the context used in this chapter.

"Aftercare" is that period of time after intensive treatment that provides the denturist and the denturist's family with group or individual counseling sessions, discussions with other families, ongoing contact and participation in self-help groups and ongoing continued support of treatment program staff.

"Approved substance abuse monitoring program" or **"approved monitoring program"** is a program the board has determined meets the requirements of the law and the criteria established by the board in WAC 246-812-820 which enters into a contract with denturists who have substance abuse problems regarding the required components of the denturist's recovery activity and oversees the denturist's compliance with these requirements. Substance abuse monitoring programs do not provide evaluation or treatment to participating denturists.

"Approved treatment facility" is a facility approved by the bureau of alcohol and substance abuse, department of social and health services according to RCW 70.96A.020(2) or 69.54.030 to provide intensive alcoholism or drug treatment if located within Washington state. Drug and alcohol treatment programs located out-of-state must be equivalent to the standards required for approval under RCW 70.96A.020(2) or 69.54.030.

"Contract" is a comprehensive, structured agreement between the recovering denturist and the approved monitoring program stipulating the denturist's consent to comply with the monitoring program and its required components of the denturist's recovery activity.

"Health care professional" is an individual who is licensed, certified, or registered in Washington to engage in the delivery of health care to patients.

"Random drug screens" are laboratory tests to detect the presence of drugs of abuse in body fluids which are performed at irregular intervals not known in advance by the person being tested.

"Substance abuse" means the impairment, as determined by the board, of a denturist's professional services by an addiction to, a dependency on, or the use of alcohol, legend drugs, or controlled substances.

"Support group" is a group of health care professionals meeting regularly to support the recovery of its members. The group provides a confidential setting with a trained and experienced health care professional facilitator in which denturists may safely discuss drug diversion, licensure issues, return to work, and other professional issues related to recovery.

"Twelve step groups" are groups such as alcoholics anonymous, narcotics anonymous, and related organizations based on a philosophy of anonymity, belief in a power outside of oneself, a peer group association, and self-help.

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 246-812-620 Approval of substance abuse monitoring programs. The board shall approve the monitoring program(s) which shall participate in the board's substance abuse monitoring program. A monitoring program approved by the board may be contracted with an entity outside the department but within the state, out-of-state, or a separate structure within the department.

(1) The approved monitoring program shall not provide evaluation or treatment to the participating denturist.

(2) The approved monitoring program staff must have the qualifications and knowledge of both substance abuse and the practice of denturism as defined in this chapter to be able to evaluate:

- (a) Clinical laboratories;
- (b) Laboratory results;
- (c) Providers of substance abuse treatment, both individuals and facilities;
- (d) Support groups;
- (e) The denturist work environment; and
- (f) The ability of the denturist to practice with reasonable skill and safety.

(3) The approved monitoring program shall enter into a contract with the denturist and the board to oversee the denturist's compliance with the requirements of the program.

(4) The approved monitoring program may make exceptions to individual components of the contract on an individual basis.

(5) The approved monitoring program staff shall recommend, on an individual basis, whether a denturist shall be prohibited from engaging in the practice of denturism for a period of time and restrictions, if any, on the denturist's access to controlled substances in the work place.

(6) The approved monitoring program shall maintain records on participants.

(7) The approved monitoring program shall be responsible for providing feedback to the denturist as to whether treatment progress is acceptable.

(8) The approved monitoring program shall report to the board any denturist who fails to comply with the requirements of the monitoring program.

(9) The approved monitoring program shall receive from the board guidelines on treatment, monitoring, and limitations on the practice of denturism for those participating in the program.

NEW SECTION

WAC 246-812-630 Participation in approved substance abuse monitoring program. (1) In lieu of disciplinary action, the denturist may accept board referral into the approved substance abuse monitoring program.

(a) The denturist shall undergo a complete physical and psycho-social evaluation before entering the approved monitoring program. This evaluation shall be performed by health care professional(s) with expertise in chemical dependency. The person(s) performing the evaluation shall not also be the provider of the recommended treatment.

(b) The denturist shall enter into a contract with the board and the approved substance abuse monitoring program to comply with the requirements of the program which shall include, but not be limited to:

(i) The denturist shall undergo intensive substance abuse treatment in an approved treatment facility.

(ii) The denturist shall agree to remain free of all mind-altering substances including alcohol except for medications prescribed by an authorized prescriber, as defined in RCW 69.41.030 and 69.50.101.

(iii) The denturist must complete the prescribed aftercare program of the intensive treatment facility, which may include individual and/or group psychotherapy.

(iv) The treatment counselor(s) shall provide reports to the approved monitoring program at specified intervals. Reports shall include treatment, prognosis, and goals.

(v) The denturist shall submit to random drug screening as specified by the approved monitoring program.

(vi) The denturist shall attend support groups facilitated by a health care professional and/or twelve step group meetings as specified by the contract.

(vii) The denturist shall comply with specified employment conditions and restrictions as defined by the contract.

(viii) The denturist shall sign a waiver allowing the approved monitoring program to release information to the board if the denturist does not comply with the requirements of this contract.

(c) The denturist is responsible for paying the costs of the physical and psycho-social evaluation, substance abuse treatment, and random drug screens.

(d) The denturist may be subject to disciplinary action under RCW 18.130.160 if the denturist does not consent to be referred to the approved monitoring program, does not comply with specified employment restrictions, or does not successfully complete the program.

(2) A denturist who is not being investigated by the board or subject to current disciplinary action or currently being monitored by the board for substance abuse may voluntarily participate in the approved substance abuse monitoring program without being referred by the board. Such voluntary participants shall not be subject to disciplinary action under RCW 18.130.160 for their substance abuse, and shall not have their participation made known to the board if they meet the requirements of the approved monitoring program as defined in subsection (1) of this section.

(3) The treatment and pretreatment records of license holders referred to or voluntarily participating in approved monitoring programs shall be confidential, shall be exempt from RCW 42.17.250 through 42.17.450 and shall not be subject to discovery by subpoena or admissible as evidence except for monitoring records reported to the disciplinary authority for cause as defined in subsection (1) of this section. Records held by the board under this section shall be exempt from RCW 42.17.250 through 42.17.450 and shall not be subject to discovery by subpoena except by the license holder.

FEESNEW SECTION

WAC 246-812-990 Denturist fees. The following fees shall be charged by the department of health and are non-refundable:

Title of Fee	Fee
Application (includes the initial license which expires the following June 30)	\$ 1,000
Examination	\$ 1,500
Re-examination, written	\$ 500
Re-examination, practical	\$ 500
License renewal	\$ 2,750
Late renewal penalty	\$ 300
Inactive license renewal	\$ 1,500
Duplicate License	\$ 15
Certification	\$ 25
Multiple Location Licenses	\$ 50

**WSR 95-09-031
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

(Fisheries)

[Order 95-31—Filed April 13, 1995, 1:49 p.m.]

Date of Adoption: April 12, 1995.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:

Amending WAC 220-32-055.

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: Harvestable numbers of salmon are available for a subsistence fishery. This conforms state rules with Yakama Indian Nation regulations.

Effective Date of Rule: Immediately.

April 12, 1995

Judith Freeman

Deputy

for Robert Turner

Director

NEW SECTION

WAC 220-32-05500K Columbia River tributaries—Subsistence. Notwithstanding the provisions of WAC 220-32-055, effective immediately until further notice, it is unlawful for a person possessing treaty fishing rights under the Yakama treaty to take or possess salmon taken for subsistence purposes from the Yakima River and Klickitat River, except under the following provisions:

(1) The Yakima River from Horn Rapids Dam to Wapato Dam is open noon Tuesday to 6:00 p.m. Saturday of each week from April 11 through June 10, 1995.

(2) The Klickitat River from the Swinging Bridge (RM 1.5) to Fishway No. 5 (RM 2.2) is open noon Thursday to 6:00 p.m. Saturday of each week from April 13 through May 6, 1995.

(3) Allowable Gear: Dipnets, setbag net, or rod and reel with bait or lures. All other fishing gear and methods, including snagging are unlawful.

**WSR 95-09-039
EMERGENCY RULES
DEPARTMENT OF
NATURAL RESOURCES**

[Order 630—Filed April 14, 1995, 8:59 a.m.]

Date of Adoption: April 5, 1995.

Purpose: Postponing the starting date of closed season.

Statutory Authority for Adoption: RCW 76.04.005(2).

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: Current and predicted weather conditions allow for the delay of the start of the closed season, as defined in RCW 76.04.005(2), until June 1, 1995.

Effective Date of Rule: Immediately.

April 13, 1995

Kaleen Cottingham

Supervisor

NEW SECTION

WAC 332-26-080 Closed season. The start of the Closed Season, as defined in RCW 76.04.005(2), for 1995 shall be delayed until June 1.

**WSR 95-09-050
EMERGENCY RULES
FISH AND WILDLIFE
COMMISSION**

(Wildlife)

[Order 95-32—Filed April 17, 1995, 3:14 p.m., effective May 1, 1995]

Date of Adoption: April 8, 1995.

Purpose: These rules will be adopted as permanent rules for the 1995-1996 season. In order to have them effective on May 1, 1995, this filing needs to be made. It is anticipated that permanent adoption of these rules will occur on April 22, 1995. This filing will cover the period between the adoption of the permanent rules and the effective date of those rules.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.040.

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: See Purpose above.

Effective Date of Rule: May 1, 1995.

April 8, 1995
John McGlenn
Chairman

NEW SECTION

WAC 232-28-61900C Washington game fish seasons and daily limits — Regional regulation exceptions. Notwithstanding the provisions of WAC 232-28-619, effective May 1, 1995, until further notice:

Alkali Flat Creek (Whitman County): Year around season.

Crab Creek (Lincoln County) and tributaries: Year around season.

Grande Ronde River, from mouth to County Road Bridge about two and one-half miles upstream: Year around season. Trout, minimum length twelve inches, maximum length twenty inches. Retaining steelhead is prohibited. Selective fishery regulations September 1 through May 31.

From County Road Bridge upstream to Oregon state line and all tributaries June 1 through April 15 season. Trout, minimum length twelve inches; selective fishery regulations June 1 through August 31. Wild steelhead release September 1 through April 15.

Palouse River (Whitman County) and tributaries: Year around season.

Pataha Creek, mouth to Pomeroy city limits: Year around season.

Within the city limits of Pomeroy: Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Roosevelt Lake (Columbia River): All species - Closed February 1 through May 31 in San Poil arm upstream from mouth of Manilla Creek. Trout - no more than two over twenty inches in length. Walleye - daily limit eight, not more than one over twenty inches in length; only walleye less than sixteen inches or over twenty inches in length may be kept, closed April 1 through May 31 in Spokane arm upstream from SR 25 Bridge and in Kettle arm upstream from Burlington-Northern Railroad bridge at Twin Bridges.

Roosevelt Lake (Columbia River) tributaries: With the exception of those tributaries listed under Regional Regulations: all tributaries to Lake Roosevelt between Grand Coulee Dam and the State Highway 25 Bridge at Northport: TROUT - daily limit - 5, no minimum length.

Tucannon River, note: All tributaries closed. Wild steelhead release.

From the Highway 261 Bridge upstream to Highway 12 Bridge: June 1 through August 31 season. Open only to fishing for steelhead and whitefish September 1 through April 15.

From the Highway 12 Bridge upstream to the Cummings Creek Bridge: June 1 through October 31, trout, daily limit - five. Open only to fishing for steelhead and whitefish November 1 through April 15.

From the Cummings Creek Bridge upstream to a point four hundred feet upstream of the hatchery intake dam: Closed waters.

From a point four hundred feet upstream of the hatchery intake dam to the Panjab Creek Bridge: Trout - daily limit - five, selective fishery regulations. Only two Dolly Varden/Bull Trout over twenty inches in length may be retained as part of the trout daily limit.

From the Panjab Creek Bridge upstream: Closed waters.

Big Twin Lake (Okanogan County): Last Saturday in April through October 31 season. Trout - daily limit - one; selective fishery regulations except electric motors permitted.

Methow River, from mouth upstream to second powerline crossing (approximately one mile): June 1 through March 31 season. Trout, minimum length twelve inches. Wild steelhead release.

From second powerline crossing above railroad bridge (approximately one mile) upstream to mouth of Lost River: June 1 through March 31 season. Wild steelhead release. Trout, minimum length twelve inches; selective fishery regulations June 1 through September 30.

Proctor Lake (Okanogan County): Statewide regulations apply.

Baker Lake: Last Saturday in April through October 31 season. Feeding (chumming) permitted. Trout - minimum length six inches and maximum length eighteen inches. An area two hundred feet in radius around the pump discharge, at the south end of the lake is closed.

Green (Duwamish) River, from the First Avenue Bridge to Tacoma Headworks Dam: June 1 through February 28 season. Trout, minimum length fourteen inches. Exempt from wild steelhead release July 1 through November 30. Fishing from any floating device prohibited November 1 through February 28. Note: Area from the Auburn-Black Diamond Bridge downstream to the 8th St. N.E. Bridge in Auburn is closed September 1 through October 15 and area from the Auburn-Black Diamond Bridge downstream to the Highway 18 Bridge is closed September 1 through October 31.

From the SR 167 Bridge to the Tacoma Headworks Dam: Additional March 1 through March 15 season. Trout, minimum length fourteen inches. Wild steelhead release. Fishing from any floating device prohibited.

Samish River, from its mouth to the old Highway 99 Bridge and from the department rack to the Hickson Bridge: June 1 through March 15 season. Trout, minimum length fourteen inches. December 1 through March 15 wild steelhead release. Note: Closed from Highway 99 Bridge to department salmon rack.

Sauk River, from its mouth to the mouth of the White Chuck River: June 1 through February 28 season. Trout, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From the mouth of the White Chuck River to headwaters, including North and South Forks: Trout, minimum length fourteen inches. Selective fishery regulations. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From its mouth to the Darrington Bridge: Additional March 1 through April 30 season. Catch-and-release only, and selective fishery regulations.

Shannon, Lake: Last Saturday in April through October 31 season. Feeding (chumming) permitted. Trout - minimum length six inches and maximum length eighteen inches.

Snohomish River, all channels, sloughs, and interconnected waterways (excluding all tributaries) from mouth to Highway 529: Year around season. Trout, minimum length fourteen inches. Wild steelhead release May 1 through November 30. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From Highway 529 upstream (all channels): June 1 through March 31 season. Trout - daily limit - two, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain as part of trout daily limit, minimum length twenty inches.

Washington, Lake, including that portion of the Sammamish River from the 68th Avenue N.E. Bridge downstream: December 1 through last day in February season: trout - no retention of steelhead or rainbow trout over twenty inches in length. March 1 through June 30 season: Trout - minimum length twelve inches. No retention of steelhead or rainbow trout over twenty inches in length. Closed to boat fishing one hundred yards either side of the floating bridges. Feeding (chumming) permitted year around. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon.

Washington, Lake, Ship Canal (waters east of a north-south line 400 feet west of the fish ladder at the Chittenden Locks and west of a north-south line at the eastern ends of the concrete abutments east of the Montlake Bridge): Seasons: West boundary to a north-south line 400 feet east of the eastern end of the northern wing-wall of Chittenden Locks - Closed waters; 400 feet east of the eastern end of the northern wing-wall of Chittenden Locks to the east boundary - Open year around. Species restrictions: Trout - December 1 through last day in February: Daily limit five, no minimum length. No retention of steelhead or rainbow trout over twenty inches in length. Trout - March 1 through June 30: Daily limit five. Minimum length twelve inches. no retention of steelhead or rainbow trout over twenty inches in length. Trout - July 1 through November 30: Daily limit five, no minimum length. Wild steelhead release. Kokanee/sockeye less than fifteen inches in length are kokanee and fifteen inches and over in length are sockeye salmon. Special provisions: West of Fremont Bridge - Unlawful to fish from boats of Fremont Bridge - chumming permitted.

Horsethief Lake: Last Saturday in April through October 31 season.

Kalama River, for all sections from mouth to Kalama Falls that are open to fishing the following regulations apply: (1) Trout, minimum length twelve inches; and (2) wild cutthroat release; and (3) wild steelhead release.

From mouth upstream to one thousand feet below fishway at upper salmon hatchery: (1) Year around season; (2) September 1 through October 31 fly fishing only from the pipeline crossing to the posted deadline at the intake to the lower salmon hatchery; (3) from two hundred feet above to one thousand five hundred feet below the temporary rack is closed during the period the fish rack is installed; and (4) motors prohibited upstream of Modrow Bridge.

One thousand feet below fishway to one thousand feet above the fishway at upper salmon hatchery: Closed waters

From one thousand feet above the fishway at the upper salmon hatchery to Summers Creek: Year around seasons.

From Summers Creek upstream to the 6420 Road at about one mile above the gate at the end of the county road: June 1 through March 31 season. Fly fishing only.

From 6420 Road (about one mile above the gate at the end of the county road) to Kalama Falls: Closed waters.

Lewis River, East Fork (south), the following are closed waters: (1) From the posted markers below to one hundred feet above Lucia Falls; (2) from four hundred feet below to four hundred feet above Molton Falls; and (3) from four hundred feet below Horseshoe Falls to one hundred feet above Sunset Falls.

From mouth to four hundred feet below Horseshoe Falls: June 1 through March 15 season. Trout, minimum length fourteen inches. Wild steelhead release.

From one hundred feet above Sunset Falls to source: June 1 through December 31 season. Trout, minimum length fourteen inches. Wild Steelhead release.

Mouth to posted markers at top boat ramp at Lewisville Park: Additional April 16 through May 31 season. Wild steelhead release. Open only for steelhead.

Toutle River, mouth to forks, and North Fork from the mouth to the posted deadline below the fish collection facility: June 1 through November 30 season. Trout, minimum length twenty inches. Open only to fishing for steelhead.

From the posted deadline below the fish collection facility upstream to the headwaters, including all tributaries: Closed waters. (Note: Castle Lake, and Coldwater Lake open waters.)

Washougal River, from mouth to bridge at Salmon Falls: June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Mouth to Mt. Norway Bridge: Additional April 15 through May 31 season. Wild steelhead release. Open only for steelhead.

From bridge at Salmon Falls to its source: Closed waters.

Washougal River, West (North Fork), from mouth to the water intake at the department hatchery: Closed waters.

From intake at department hatchery to source: June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Wind River, mouth to four hundred feet below Shipherd Falls: June 1 through March 15 season. Trout, minimum length fourteen inches. Wild steelhead release.

From four hundred feet below to one hundred feet above Shipherd Falls fish ladder: Closed waters.

From one hundred feet above Shipherd Falls to source: June 1 through November 30 except closed from an upper boundary sign along Carson national Fish Hatchery grounds to a lower boundary marker 800 yards downstream June 1 through August 31. Wild steelhead release.

Tyee Springs: Closed waters.

From one hundred feet above Shipherd Falls fish ladder to source, including all tributaries: June 1 through November 30 season. trout, minimum length fourteen inches.

Dungeness River, from mouth to junction of Gray Wolf and Dungeness River: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release closed to taking of steelhead August 1 to October 15.

From junction of Gray Wolf River upstream to headwaters: Trout, minimum length fourteen inches.

Skookumchuck River, from Skookumchuck Reservoir upstream and all tributaries: Trout, minimum length twelve inches. Selective fishery regulations.

From mouth to four hundred feet below the outlet of the PP&L/WDFW steelhead rearing pond located at the base of the Skookumchuck Dam: June 1 through April 30 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Willapa River (includes all forks) upstream from department boat launch in South Bend: Trout, minimum length fourteen inches.

From department boat launch in South Bend to Forks Creek: Additional November 1 through March 31 season. Trout, minimum length fourteen inches. Fishing from any floating device prohibited from the bridge on Willapa Road (Camp One Bridge) to Forks Creek.

MARINE WATERS RULES

CATCH AND MINIMUM SIZE LIMITS:

GAME FISH SPECIES	DAILY CATCH LIMITS	MINIMUM SIZE LIMITS
Trout (Including steelhead)	Two, wild cutthroat release in Marine areas 12-(Hood Canal) and 13-(South Puget Sound). Wild steelhead release in Marine Areas 1 through 13.	Fourteen inches
Dolly Varden	Closed year around to fishing for or retaining Dolly Varden/Bull Trout.	

Marine waters: Gear restrictions Area 10: Those waters downstream of the First Avenue South Bridge to an east-west line through southwest Hanford Street on Harbor Island and parallel to southwest Spokane Street where it crosses Harbor Island - Nonbuoyant lure restriction July 1 through November 30. Closed waters.

Area 10 - Those waters west of the Lake Washington Ship Canal to a north-south line 175 feet west of the Burlington-Northern Railroad Bridge are closed to fishing at all times.

Marine waters: Area codes and boundaries.

COLUMBIA RIVER REGULATIONS

Daily, size, and possession limits: Unless specified otherwise by special regulations, for waters or categories of waters listed individually, the daily limits and minimum size limits for game fish are as follows:

GAME FISH SPECIES	DAILY LIMIT	MINIMUM SIZE LIMITS
Trout	Two	Twelve Inches

Columbia River from a true north-south line through Buoy 10 to the Megler-Astoria Bridge: August 1 through March 31 season for steelhead.

All other provision of WAC 232-12-619 and 232-28-619 continue to remain in effect.

Reviser's note: The spelling 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.

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 sections of the Washington Administrative Code are repealed:

WAC 232-28-61940 1992-94 and 1994-95 Washington game fish seasons and catch limits—Columbia River.

EMERGENCY

**WSR 95-09-051
EMERGENCY RULES
FISH AND WILDLIFE
COMMISSION
(Wildlife)**

[Order 95-33—Filed April 17, 1995, 3:17 p.m., effective May 1, 1995]

Date of Adoption: April 8, 1995.

Purpose: The closures or modifications to rules for sport fishing for steelhead and other game fish species on the Columbia River and selected Columbia River and Puget Sound tributaries will reduce impacts on depressed salmon stocks by eliminating hooking mortality, reducing poaching, and increasing escapement of depressed wild and hatchery salmon stocks. The rule changes will also assist with enforcement during critical salmon migration and spawning periods. These rules will be adopted as permanent rules for the 1995-1996 season. In order to have them effective on May 1, 1995, this filing needs to be made. It is anticipated that permanent adoption of these rules will occur on April 22, 1995. This filing will cover the period between the adoption of the permanent rules and the effective date of those rules.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.040.

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: See Purpose above.

Effective Date of Rule: May 1, 1995.

April 8, 1995
John McGlenn
Chairman

NEW SECTION

WAC 232-28-61900D 1995-96 Washington game fish seasons and daily limits—Regional regulation exceptions. Notwithstanding the provisions of WAC 232-28-619, effective May 1, 1995, until further notice:

- Item 1: Skagit River Waters within 200 feet radius of the mouth of the Baker River: Closed to fishing for steelhead and Dolly Varden/bull trout June 1, 1995 through August 15, 1995.
- Mouth to mouth of Corkindale Creek: Tackle limited to the use of one single point barbless hook August 16, 1995 through September 30, 1995.
- Upstream from the mouth of the Sauk River: Unlawful to fish with bait August

- WAC 232-28-61941 1994-1995 Washington game fish seasons and catch limits - Lake Roosevelt.
- WAC 232-28-61942 1992-94 and 1994-95 Washington game fish seasons and catch limits—Lakes Washington and Sammamish.
- WAC 232-28-61947 1994-1995 Washington game fish seasons and catch limits - Baker Lake and Shannon Lake (Region 4).
- WAC 232-28-61946 1994-1995 Washington game fish seasons and catch limits - Grande Ronde River (Region 1), Tucannon River (Region 1) and Sauk River (Region 4).
- WAC 232-28-61945 1994-1995 Washington game fish seasons and catch limits — Columbia River.
- WAC 232-28-61950 1994-1995 Washington game fish seasons and catch limits — Nooksack River, Skagit River, Lake Washington and Cedar River.
- WAC 232-28-61951 1994-1995 Washington game fish seasons and catch limits — Hampton (Upper and Lower) lakes, Hen, Dabblers, and Maries lakes; Katey Lake; Homestead and Magpie lakes and creeks, Lower Caliche Lake, and Caliche Lake West, Wannacut Lake and Ellen Lake.
- WAC 232-28-61954 1994-1995 Washington game fish seasons and catch limits — Sauk River, Suiattle River, Cascade River, Grays River, Skamokawa Creek, Elochoman River, Coweeman River, Toutle River (North Fork), Green River (Cowlitz County), Cowlitz River, Kalama River, Lewis River (North Fork), Salmon Creek (Clark County), Washougal River, Skokomish River, Quilcene River, Dungeness River, and Gray Wolf River.
- WAC 232-28-61953 1994-1995 Washington game fish seasons and catch limits — Big Twin Lake (Okanogan Co.).
- WAC 232-28-61957 1994-1995 Washington game fish seasons and catch limits — Horsethief Lake (Klickitat Co.).

EMERGENCY

EMERGENCY

- 16, 1995 through September 30, 1995.
 From the Dalles Bridge upstream to the mouth of the Baker River: Closed to fishing for steelhead and Dolly Varden/bull trout October 1, 1995 through October 31, 1995.
- Item 2: Sauk River: Mouth to headwaters, including North and South Forks: Closed to fishing for steelhead September 1, 1995 through October 31, 1995.
 - Item 3: Suiattle River: Mouth to headwaters: Closed to fishing for steelhead September 1, 1995 through October 31, 1995.
 - Item 4: Cascade River: Mouth to headwaters: Closed to fishing for steelhead September 1, 1995 through October 31, 1995.
 - Item 5: Nooksack River: Mouth to Forks, Middle Fork to Dam, North Fork to Nooksack Falls: Closed to fishing for steelhead June 1, 1995 through August 31, 1995.
 South Fork, from its mouth to Skookum Creek: Closed to fishing for all game fish June 1, 1995 through September 30, 1995.
 - Item 6: Lake Washington Ship Canal (including Lake Union, Portage Bay and Salmon Bay) Waters east of north-south line 400 feet west of the Chittenden Locks to a north-south line at the eastern ends of the concrete abutments east of the Montlake Bridge: Closed to fishing for all game fish EXCEPT BASS May 1, 1995 through October 31, 1995.
 - Item 7: Skokomish River: Mouth to Forks: Closed to fishing for steelhead September 1, 1995 through October 31, 1995.
 - Item 8: Quilcene River: Mouth to upper boundary of Falls View Campground: Closed to fishing for steelhead August 16, 1995 through October 31, 1995.
 - Item 9: Dungeness River Mouth to mouth of Gray Wolf River: Closed to fishing for steelhead, night closure and unlawful to fish with non-buoyant lures having more than one single pointed hook July 1, 1995 through July 31, 1995.
 Upstream of the mouth of the Gray Wolf River: Night closure and unlawful to fish with non-buoyant lures having more than one single pointed hook July 1, 1995 through July 31, 1995.
 - Item 10: Gray Wolf River: Night closure and unlawful to fish with non-buoyant lures having more than one single pointed hook July 1, 1995 through July 31, 1995.
 - Item 11: Coweeman River: Mouth to Mulholland Creek: Closed to fishing for steelhead August 16, 1995 through October 15, 1995.
 - Item 12: Toutle River (NF): From the mouth of the Green River downstream approximately 200 yards to the power line crossing: Closed to fishing for steelhead September 16, 1995 through October 15, 1995.
 - Item 13: Green River: (Cowlitz County) Mouth to salmon hatchery rack: Closed to fishing for steelhead September 16, 1995 through October 15, 1995.
 - Item 14: Cowlitz River: From Mill Creek upstream to barrier dam: Closed to fishing for steelhead from the south side of the river September 16, 1995 through October 15, 1995.
 - Item 15: Kalama River: Mouth upstream to 200 feet upstream of temporary rack: Closed to fishing for steelhead August 16, 1995 through October 15, 1995.
 - Item 16: Columbia River From a true north and south line (magnetic 338°N) projected through Buoy 10 upstream to Megler-Astoria Bridge: Unlawful to fish for steelhead with barbed hooks August 1, 1995 through September 4, 1995.
- All other provisions of WAC 232-28-619 for these waters remain in effect and unchanged.

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.

(3) "Administrative costs fee" means a fixed amount per assistance recipient, as set forth in the contract between the protective payee and the department.

WSR 95-09-055
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 3846—Filed April 18, 1995, 8:12 a.m., effective May 1, 1995, 12:01 a.m.]

Date of Adoption: April 18, 1995.

Purpose: Removes obsolete language that is creating additional impediment to contracting out protective payments for payees and to fully implement federal rules and statutory requirements in the protective payments program. Also, implements E2SHB 2798 welfare reform, paragraph [section] 33(2), Laws of 1994, which require selected pregnant parenting teens to receive grants through a protective payee.

Citation of Existing Rules Affected by this Order: Amending WAC 388-265-1750 Protective payee fees.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: E2SHB 2798, paragraph [section] 33, Laws of 1994, and RCW 74.08.280, 74.50.060(2).

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: Change allows for implementation of federal regulations and state laws enacted in 1994 (E2SHB 2798) which requires services to be provided so that AFDC recipients become "self-sufficient."

Effective Date of Rule: May 1, 1995, 12:01 a.m.

April 18, 1995

Jeanette Sevedge-App

Acting Chief

Office of Vendor Services

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-265-1750 Protective payee fees. (1) The department may authorize ~~((an additional))~~ a fee ~~((, not to exceed the five percent of the monthly one person payment standard,))~~ to cover approved administrative costs of the protective payee under the following conditions:

(a) The person serving as protective payee is not a friend, relative, or department employee; and

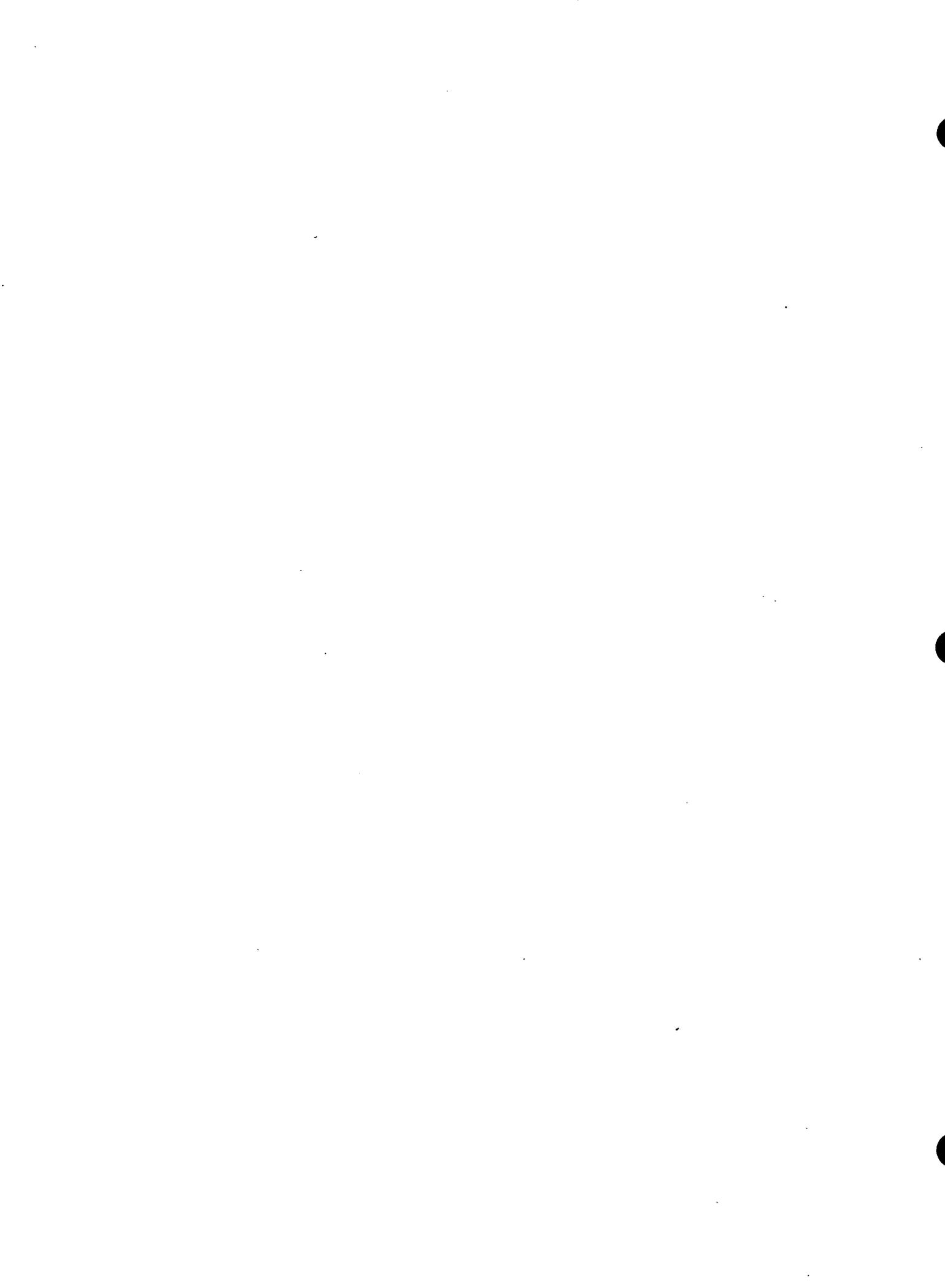
(b) The ~~((person))~~ client is eligible for:

(i) ~~((A))~~ GA-U ~~((client)); ((or))~~

(ii) ~~((An))~~ AFDC ~~((recipient))~~ when the department has determined a client is unable to manage the client's assistance funds ~~((as specified in WAC 388-265-1250.)); or~~

(iii) GA or AFDC and is a pregnant or parenting minor, and protective payment established under RCW 74.04.0052 or RCW 71.12.255.

(2) The department shall not allow the protective payee to withhold money from the client's grant for payment of the protective payee's costs or services.



WSR 95-09-005
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
 [Memorandum—April 5, 1995]

Following is the schedule(s) for regular meetings to be held by the University of Washington's Geological Sciences; Scandinavian Languages and Literature; Department of Pediatrics.

**Scandinavian Language and Literature
 Faculty Meeting**

Meeting Dates	Location	Time
April 11, 1995	Raitt 314	3:30
April 25, 1995	Raitt 314	3:30
May 2, 1995	Raitt 314	3:30
May 16, 1995	Raitt 314	3:30
May 30, 1995	Raitt 314	3:30

Pediatrics Department Meeting

Meeting Dates	Location	Time
Tuesday, February 14, 1995	Wright Auditorium, CHMC	4:30 p.m.
Tuesday, April 11, 1995	Wright Auditorium, CHMC	4:30 p.m.
Tuesday, May 9, 1995	Wright Auditorium, CHMC	4:30 p.m.
Tuesday, June 13, 1995	Wright Auditorium, CHMC	4:30 p.m.
Tuesday, July 11, 1995	Wright Auditorium, CHMC	4:30 p.m.
Tuesday, August 8, 1995	Wright Auditorium, CHMC	4:30 p.m.
Tuesday, September 12, 1995	Wright Auditorium, CHMC	4:30 p.m.
Tuesday, October 10, 1995	Wright Auditorium, CHMC	4:30 p.m.
Tuesday, November 14, 1995	Wright Auditorium, CHMC	4:30 p.m.
Tuesday, December 12, 1995	Wright Auditorium, CHMC	4:30 p.m.

**Geological Sciences
 Faculty Meetings**

Meeting Dates	Location	Time
Generally:	Generally:	2:30-
First Friday of each month	154 QRC or other facilities in or near Johnson Hall	4:30

Note: The agenda is usually established a day or two before each meeting. A notice is posted in the faculty lounge in Johnson Hall giving the date of the next faculty meeting.

WSR 95-09-006
NOTICE OF PUBLIC MEETINGS
PUBLIC EMPLOYEES BENEFITS BOARD
 [Memorandum—April 3, 1995]

The Public Employees Benefits Board (PEBB) will be holding a board meeting on April 11, 1995, and will accept public comment on eligibility rules for school district employee participation in the PEBB health plans. The meeting is scheduled to begin at 1:00 p.m. in the state Department of Labor and Industries large auditorium.

Interested parties are invited to testify to the PEBB on the recommendations for eligibility rules that staff presented to the PEBB at the March 21, 1995, meeting. In general, the recommendations suggested school district employee eligibility should continue to be determined by the district

collective bargaining agreements, including defining which employees are eligible, the number of hours of work required, and any employer and employee contributions.

If you choose to testify, the board requests that a written copy of your comments be submitted for public record. Written testimony will also be accepted in lieu of public testimony, although it would be helpful for the board to receive written testimony prior to the meeting so comments may be considered before board decisions are made.

If you have questions or concerns about the recommendations for eligibility rules please call our K-12 Project Coordinator, Mich'l Prentice Needham at (360) 923-2735.

**Special Public Employees Benefits Board Meeting
 and Public Hearing**
 Department of Labor and Industries
 Tumwater, Washington
 1:00 p.m., April 11, 1995

If you are a person with a disability and need a special accommodation, please contact Judy Lamm at (360) 923-2828.

WSR 95-09-015
ATTORNEY GENERAL OPINION
Cite as: AGO 1995 No. 4
 [March 31, 1995]

MUNICIPAL JUDGES - CITIES - ELECTIONS - OFFICES AND OFFICERS - STATUTORY INTERPRETATION - EFFECTIVE DATE OF AMENDMENT MAKING CERTAIN MUNICIPAL COURT JUDGESHIPS ELECTIVE

1. RCW 3.50.055, enacted in 1993 but effective January 1, 1995, requires certain municipal court judgeships to be filled by election as vacancies occur after January 1, 1995: that is, any new positions created or vacancies occurring in existing positions (if they are covered by RCW 3.50.055) must be filled by election for the remainder of the current term, while duly appointed judges serving terms scheduled to end on January 1, 1998 may complete their current terms, but their successors will be chosen by election.
2. RCW 3.50.055 was not intended to change the term for which municipal court judges serve; pursuant to RCW 3.50.040 and 3.50.050, all municipal court judges serve four-year terms beginning on January 1, 1986, and every four years thereafter.

Requested by:
 The Honorable Betti L. Sheldon
 State Senator
 405 John A. Cherberg Building, MS: 40423
 Olympia, WA 98504-0423

MISCELLANEOUS

WSR 95-09-016
NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE
[Memorandum—April 10, 1995]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, April 20, 1995, 9-11 a.m., in the College Services Building Board Room on the Bellingham Technical College campus. Call 738-3105 extension 334 for information.

WSR 95-09-021
NOTICE OF PUBLIC MEETINGS
TRANSPORTATION IMPROVEMENT BOARD
[Memorandum—April 7, 1995]

MEETING NOTICE FOR APRIL 1995
TRANSPORTATION IMPROVEMENT BOARD
OLYMPIA, WASHINGTON

Sidewalk Subcommittee, 11:00 a.m. - 12:00 p.m., Thursday, April 27, 1995, at the Tyee Hotel.

Increase Subcommittee, 1:00 p.m. - 5:00 p.m., Thursday, April 27, 1995, in Olympia, at the Tyee Hotel, 500 Tyee Drive, Olympia.

Legislative Subcommittee, 1:00 p.m. - 2:00 p.m., Thursday, April 27, 1995, at the Transportation Building, Conference Room 2F22.

Mitigation Subcommittee, 2:00 p.m. - 3:00 p.m., Thursday, April 27, 1995, at the Transportation Building, 2F22.

Workshop, 3:00 p.m. - 5:00 p.m., Thursday, April 27, 1995, at the Transportation Building, 2F22.

Work Session, 6:00 p.m., Thursday, April 27, 1995, at the Tyee Hotel.

Board Meeting, 9:00 a.m., Friday, April 28, 1995, in Olympia, at the Transportation Building, Commission Board Room.

SPECIAL NEEDS: For special accommodations or to request an auxiliary aid, please contact the TIB office at (360) 705-7300 by April 20, 1995.

The next scheduled meeting is May 26, 1995, in Walla Walla. A notice with further detail of the May meeting will be mailed May 5, 1995.

WSR 95-09-022
NOTICE OF PUBLIC MEETINGS
HEALTH SERVICES COMMISSION
[Memorandum—April 10, 1995]

The following Health Services Commission staff meetings scheduled for the Health Care Authority conference room have been relocated to the Health Services Commission, 1st Floor Conference Room, 605 Woodland Square Loop S.E., Lacey, WA:

- May 9
- June 13
- July 11
- August 8

- September 12
- October 10
- November 14
- December 12, 1995

If you have any questions please contact Terry Taylor at 407-0152.

WSR 95-09-030
NOTICE OF PUBLIC MEETINGS
COMMISSION ON
JUDICIAL CONDUCT
[Memorandum—April 12, 1995]

The following is a revised business meeting schedule for the remainder of 1995. This supersedes any previously published schedules.

June 2, 1995	Sea-Tac Holiday Inn 17338 Pacific Highway South Seattle, WA 98188	11:00 a.m.
August 4, 1995	Sea-Tac Holiday Inn 17338 Pacific Highway South Seattle, WA 98188	11:00 a.m.
October 6, 1995	Sea-Tac Holiday Inn 17338 Pacific Highway South Seattle, WA 98188	11:00 a.m.
December 1, 1995	Sea-Tac Holiday Inn 17338 Pacific Highway South Seattle, WA 98188	11:00 a.m.

WSR 95-09-040
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE
CENTER
[Memorandum—April 12, 1995]

A regular meeting of the board of directors of the Washington State Convention and Trade Center will be held on Wednesday, April 19, 1995, at 1:30 p.m. in Room 207 of the Convention Center, 800 Convention Place, Seattle.

If you have any questions regarding this meeting, please call 447-5000.

WSR 95-09-043
NOTICE OF PUBLIC MEETINGS
TRANSPORTATION COMMISSION
[Memorandum—April 12, 1995]

The May 1994 Washington State Transportation Commission meeting will be held at 9:00 a.m. on Wednesday, May 17, in the Transportation Commission Room (1D2), Transportation Building, Olympia, Washington.

The June 1994 Washington State Transportation Commission meetings will be held at 9:00 a.m. on Wednesday, June 14, and 9:00 a.m. on Thursday, June 15, 1995, in the Juan de Fuca Room at Haugewood's Restaurant, 221 North Lincoln, Port Angeles, WA.

MISCELLANEOUS

WSR 95-09-045
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
NATURAL RESOURCES
 (Natural Heritage Advisory Council)
 [Memorandum—April 17, 1995]

NOTICE OF MEETING
FOR THE
NATURAL HERITAGE ADVISORY COUNCIL
 1995

The Natural Heritage Advisory Council will meet on June 15, 1995, 9:30 a.m. to 5:00 p.m., Trout Lake, Washington, Mt. Adams Ranger District Office (Conference Room), Gifford Pinchot National Forest.

Regular council business will include consideration of natural area preserve recommendations, site recommendations for the registry program and NAP management activities.

For further information contact the Department of Natural Resources, Washington Natural Heritage Program, Division of Land and Water Conservation, 1111 Washington Street S.E., P.O. Box 47016, Olympia, WA 98504-7016, (206) 902-1688.

WSR 95-09-046
NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE
 [Memorandum—April 17, 1995]

Board of Trustees Meeting
 April 18, 1995
 Sno-King Building
 Room 103
 (4:30 - 6:40)

The facilities for this meeting are free of mobility barriers and interpreters for deaf individuals and braille or taped information for blind individuals will be provided upon request when adequate notice is given.

WSR 95-09-063
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE LIBRARY
 (Library Commission)
 [Memorandum—April 17, 1995]

The Washington State Library Commission will hold the following meetings as listed below:

WSL COMMISSION WORKSHOP

Date: May 18, 1995
 Time: 9:00 a.m.
 Location: Seattle, Washington
 WestCoast Sea-Tac Hotel

WSL COMMISSION BRIEFING MEETING

Date: June 8, 1995
 Time: 6:30 p.m.
 Location: Spokane, Washington
 Cavanaugh's Inn

WSL COMMISSION QUARTERLY BUSINESS MEETING

Date: June 9, 1995
 Time: 10:00 a.m.
 Location: Spokane, Washington
 Gonzaga University
 Teleconferencing Room

WSL COMMISSION WORKSHOP MEETING

Date: August 4, 1995
 Time: 9:00 a.m.
 Location: Seattle, Washington
 WestCoast Sea-Tac Hotel

WSR 95-09-067
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF ECOLOGY
 [Memorandum—April 18, 1995]

NOTICE OF PUBLIC MEETING
COASTAL PROTECTION FUND STEERING COMMITTEE

The Washington State Coastal Protection Fund Steering Committee will hold its first meeting on Thursday, May 4, 1995, at 1:30 p.m. This meeting is open to the public, and will be held in the 5th Floor Director's Conference Room at the Washington Natural Resources Building, located at 1111 Washington Street S.E. in Olympia, Washington. The Coastal Protection Fund Steering Committee authorizes the expenditure of moneys received from oil spill natural resource damage assessments in order to fund restoration activities. The committee consists of representatives from the Departments of Ecology, Fish and Wildlife, Natural Resources, and the state Parks and Recreation Commission. The meeting agenda includes adoption of bylaws and development of criteria for restoration activities associated with the 1993 *Nosac Forest* oil spill. For more information, contact Paul Heimowitz at (206) 407-6972.

WSR 95-09-071
NOTICE OF PUBLIC MEETINGS
NOXIOUS WEED CONTROL BOARD
 [Memorandum—April 19, 1995]

Meeting Change: The Washington State Noxious Weed Control Board May 1995 meeting day and time has been changed. The board will meet on Thursday, May 25, 1995, from 10:00 a.m. to 5:00 p.m. and on Friday, May 26, 1995, from 8:00 a.m. to 2:00 p.m. The meetings will be held in the PUD Auditorium, 312 West 3rd Avenue, Moses Lake, WA. The public is welcome at all meetings.

WSR 95-09-074
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF LICENSING
[Memorandum—April 18, 1995]

Following is a public meeting notice for the Title and Registration Advisory Committee (TRAC):

Date: May 31, 1995

Time: 1:30 p.m. to 4:00 p.m.

Place: Highways-Licenses Building, Room 413
1125 Washington Street S.E.
Olympia, WA

MISCELLANEOUS

Table of WAC Sections Affected

KEY TO TABLE

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.

Symbols:

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an 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
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of 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

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 identify the document within the issue.

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
4-25-710	AMD-P	95-09-066	50-60-08003	NEW-P	95-05-084	51-20-0702	REP-P	95-04-106
16-101-700	AMD-W	95-04-036	50-60-08004	NEW-P	95-05-084	51-20-0800	REP-P	95-04-106
16-158	PREP	95-07-015	50-60-08005	NEW-P	95-05-084	51-20-0801	REP-P	95-04-106
16-164	PREP	95-07-017	50-60-08006	NEW-P	95-05-084	51-20-0802	REP-P	95-04-106
16-166	PREP	95-07-016	50-60-08007	NEW-P	95-05-084	51-20-0900	REP-P	95-04-106
16-414-010	AMD-P	95-09-038	50-60-08008	NEW-P	95-05-084	51-20-0901	REP-P	95-04-106
16-414-015	NEW-P	95-09-038	50-60-09001	NEW-P	95-05-084	51-20-0902	REP-P	95-04-106
16-414-020	AMD-P	95-09-038	50-60-09002	NEW-P	95-05-084	51-20-1000	REP-P	95-04-106
16-414-030	AMD-P	95-09-038	50-60-09003	NEW-P	95-05-084	51-20-1011	REP-P	95-04-106
16-414-085	NEW-P	95-09-038	50-60-09004	NEW-P	95-05-084	51-20-1200	REP-P	95-04-106
16-414-090	AMD-P	95-09-038	50-60-100	AMD-P	95-05-084	51-20-1201	REP-P	95-04-106
16-414-095	NEW-P	95-09-038	50-60-110	AMD-P	95-05-084	51-20-1210	REP-P	95-04-106
16-461-010	AMD-P	95-09-038	50-60-120	AMD-P	95-05-084	51-20-1215	REP-P	95-04-106
16-532-035	PREP	95-09-079	50-60-125	NEW-P	95-05-084	51-20-1223	REP-P	95-04-106
16-532-040	PREP	95-09-079	50-60-130	AMD-P	95-05-084	51-20-1224	REP-P	95-04-106
16-532-101	PREP	95-09-079	50-60-140	AMD-P	95-05-084	51-20-1225	REP-P	95-04-106
16-532-120	PREP	95-09-079	50-60-150	AMD-P	95-05-084	51-20-1226	REP-P	95-04-106
16-536-020	PREP	95-08-005	50-60-160	AMD-P	95-05-084	51-20-1227	REP-P	95-04-106
16-557-010	PREP	95-08-003	50-60-165	AMD-P	95-05-084	51-20-1228	REP-P	95-04-106
16-580	PREP	95-08-004	50-60-180	REP-P	95-05-084	51-20-1229	REP-P	95-04-106
16-585-010	NEW-P	95-05-071	50-60-190	NEW-P	95-05-084	51-20-1230	REP-P	95-04-106
16-585-020	NEW-P	95-05-071	50-60-200	NEW-P	95-05-084	51-20-1231	REP-P	95-04-106
16-585-030	NEW-P	95-05-071	50-60-210	NEW-P	95-05-084	51-20-1232	REP-P	95-04-106
16-585-040	NEW-P	95-05-071	51-20	PREP	95-03-086	51-20-1233	REP-P	95-04-106
16-585-050	NEW-P	95-05-071	51-20-001	REP-P	95-04-106	51-20-1234	REP-P	95-04-106
16-585-060	NEW-P	95-05-071	51-20-002	REP-P	95-04-106	51-20-1800	REP-P	95-04-106
16-585-070	NEW-P	95-05-071	51-20-003	REP-P	95-04-106	51-20-1807	REP-P	95-04-106
16-585-080	NEW-P	95-05-071	51-20-004	REP-P	95-04-106	51-20-2300	REP-P	95-04-106
16-585-090	NEW-P	95-05-071	51-20-005	REP-P	95-04-106	51-20-2312	REP-P	95-04-106
16-674-059	NEW-P	95-09-090	51-20-007	REP-P	95-04-106	51-20-2700	REP-P	95-04-106
16-674-060	AMD-P	95-09-090	51-20-008	REP-P	95-04-106	51-20-2710	REP-P	95-04-106
16-674-080	AMD-P	95-09-090	51-20-009	REP-P	95-04-106	51-20-3000	REP-P	95-04-106
16-675-029	REP-P	95-09-089	51-20-0100	REP-P	95-04-106	51-20-3007	REP-P	95-04-106
16-675-030	AMD-P	95-09-089	51-20-0104	REP-P	95-04-106	51-20-3100	REP-P	95-04-106
16-675-039	REP-P	95-09-089	51-20-0300	REP-P	95-04-106	51-20-3101	REP-P	95-04-106
16-675-040	AMD-P	95-09-089	51-20-0307	REP-P	95-04-106	51-20-3102	REP-P	95-04-106
16-750-011	AMD	95-06-002	51-20-0400	REP-P	95-04-106	51-20-3103	REP-P	95-04-106
16-750-015	AMD	95-06-002	51-20-0404	REP-P	95-04-106	51-20-3104	REP-P	95-04-106
50-60-010	AMD-P	95-05-084	51-20-0407	REP-P	95-04-106	51-20-3105	REP-P	95-04-106
50-60-020	AMD-P	95-05-084	51-20-0409	REP-P	95-04-106	51-20-3106	REP-P	95-04-106
50-60-030	AMD-P	95-05-084	51-20-0414	REP-P	95-04-106	51-20-3107	REP-P	95-04-106
50-60-035	NEW-P	95-05-084	51-20-0417	REP-P	95-04-106	51-20-3108	REP-P	95-04-106
50-60-040	AMD-P	95-05-084	51-20-0420	REP-P	95-04-106	51-20-3109	REP-P	95-04-106
50-60-042	NEW-P	95-05-084	51-20-0500	REP-P	95-04-106	51-20-3110	REP-P	95-04-106
50-60-045	AMD-P	95-05-084	51-20-0503	REP-P	95-04-106	51-20-3111	REP-P	95-04-106
50-60-050	AMD-P	95-05-084	51-20-0514	REP-P	95-04-106	51-20-3112	REP-P	95-04-106
50-60-060	AMD-P	95-05-084	51-20-0515	REP-P	95-04-106	51-20-3113	REP-P	95-04-106
50-60-070	AMD-P	95-05-084	51-20-0551	REP-P	95-04-106	51-20-3114	REP-P	95-04-106
50-60-080	AMD-P	95-05-084	51-20-0600	REP-P	95-04-106	51-20-3151	REP-P	95-04-106
50-60-08001	NEW-P	95-05-084	51-20-0605	REP-P	95-04-106	51-20-3152	REP-P	95-04-106
50-60-08002	NEW-P	95-05-084	51-20-0700	REP-P	95-04-106	51-20-3153	REP-P	95-04-106

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
51-20-3154	REP-P	95-04-106	51-24-10507	REP-P	95-04-106	67-25-070	AMD	95-06-057
51-20-3155	REP-P	95-04-106	51-24-25000	REP-P	95-04-106	67-25-075	AMD	95-06-057
51-20-3156	REP-P	95-04-106	51-24-25107	REP-P	95-04-106	67-25-077	AMD	95-06-057
51-20-3300	REP-P	95-04-106	51-24-45000	REP-P	95-04-106	67-25-080	AMD	95-06-057
51-20-3304	REP-P	95-04-106	51-24-45211	REP-P	95-04-106	67-25-085	AMD	95-06-057
51-20-3306	REP-P	95-04-106	51-24-78000	REP-P	95-04-106	67-25-090	AMD	95-06-057
51-20-3315	REP-P	95-04-106	51-24-78201	REP-P	95-04-106	67-25-095	AMD	95-06-057
51-20-3350	REP-P	95-04-106	51-24-79000	REP-P	95-04-106	67-25-100	AMD	95-06-057
51-20-3800	REP-P	95-04-106	51-24-79601	REP-P	95-04-106	67-25-105	REP	95-06-057
51-20-3801	REP-P	95-04-106	51-24-79603	REP-P	95-04-106	67-25-110	AMD	95-06-057
51-20-3802	REP-P	95-04-106	51-24-79809	REP-P	95-04-106	67-25-120	REP	95-06-057
51-20-3900	REP-P	95-04-106	51-24-79901	REP-P	95-04-106	67-25-255	AMD	95-06-057
51-20-3901	REP-P	95-04-106	51-24-80000	REP-P	95-04-106	67-25-257	AMD	95-06-057
51-20-3903	REP-P	95-04-106	51-24-80101	REP-P	95-04-106	67-25-260	AMD	95-06-057
51-20-5100	REP-P	95-04-106	51-24-80103	REP-P	95-04-106	67-25-270	AMD	95-06-057
51-20-5103	REP-P	95-04-106	51-24-80108	REP-P	95-04-106	67-25-275	AMD	95-06-057
51-20-5105	REP-P	95-04-106	51-24-80109	REP-P	95-04-106	67-25-280	AMD	95-06-057
51-20-5400	REP-P	95-04-106	51-24-80110	REP-P	95-04-106	67-25-281	REP	95-06-057
51-20-5401	REP-P	95-04-106	51-24-80111	REP-P	95-04-106	67-25-284	NEW	95-06-057
51-20-93100	REP-P	95-04-106	51-24-80113	REP-P	95-04-106	67-25-288	NEW	95-06-057
51-20-93115	REP-P	95-04-106	51-24-80114	REP-P	95-04-106	67-25-300	AMD	95-06-057
51-20-93116	REP-P	95-04-106	51-24-80120	REP-P	95-04-106	67-25-325	AMD	95-06-057
51-20-93117	REP-P	95-04-106	51-24-80202	REP-P	95-04-106	67-25-326	AMD	95-06-057
51-20-93118	REP-P	95-04-106	51-24-80301	REP-P	95-04-106	67-25-350	AMD	95-06-057
51-20-93119	REP-P	95-04-106	51-24-80303	REP-P	95-04-106	67-25-360	AMD	95-06-057
51-20-93120	REP-P	95-04-106	51-24-80305	REP-P	95-04-106	67-25-380	AMD	95-06-057
51-21	PREP	95-03-086	51-24-80315	REP-P	95-04-106	67-25-384	AMD	95-06-057
51-21-001	REP-P	95-04-106	51-24-80401	REP-P	95-04-106	67-25-385	REP	95-06-057
51-21-002	REP-P	95-04-106	51-24-80402	REP-P	95-04-106	67-25-388	AMD	95-06-057
51-21-003	REP-P	95-04-106	51-24-99500	REP-P	95-04-106	67-25-390	AMD	95-06-057
51-21-007	REP-P	95-04-106	51-24-99510	REP-P	95-04-106	67-25-392	REP	95-06-057
51-21-008	REP-P	95-04-106	51-25	PREP	95-03-086	67-25-394	AMD	95-06-057
51-21-31010	REP-P	95-04-106	51-25-001	REP-P	95-04-106	67-25-396	AMD	95-06-057
51-21-38030	REP-P	95-04-106	51-25-002	REP-P	95-04-106	67-25-398	NEW	95-06-057
51-21-38038	REP-P	95-04-106	51-25-003	REP-P	95-04-106	67-25-399	NEW	95-06-057
51-21-38039	REP-P	95-04-106	51-25-007	REP-P	95-04-106	67-25-400	AMD	95-06-057
51-22	PREP	95-03-086	51-25-008	REP-P	95-04-106	67-25-404	AMD	95-06-057
51-22-001	REP-P	95-04-106	51-30-0311	NEW-W	95-05-055	67-25-408	AMD	95-06-057
51-22-002	REP-P	95-04-106	51-30-0417	NEW-W	95-05-055	67-25-412	AMD	95-06-057
51-22-003	REP-P	95-04-106	51-30-0502	NEW-W	95-05-055	67-25-416	AMD	95-06-057
51-22-004	REP-P	95-04-106	51-34-7901	NEW-W	95-05-054	67-25-418	NEW	95-06-057
51-22-005	REP-P	95-04-106	51-35-09000	NEW-W	95-05-054	67-25-420	REP	95-06-057
51-22-007	REP-P	95-04-106	51-35-52404	NEW-W	95-05-054	67-25-428	REP	95-06-057
51-22-008	REP-P	95-04-106	51-35-52411	NEW-W	95-05-054	67-25-432	AMD	95-06-057
51-22-0400	REP-P	95-04-106	51-35-52417	NEW-W	95-05-054	67-25-436	NEW	95-06-057
51-22-0423	REP-P	95-04-106	51-35-52501	NEW-W	95-05-054	67-25-440	AMD	95-06-057
51-22-0500	REP-P	95-04-106	51-35-52502	NEW-W	95-05-054	67-25-444	AMD	95-06-057
51-22-0504	REP-P	95-04-106	51-35-52503	NEW-W	95-05-054	67-25-446	AMD	95-06-057
51-22-0800	REP-P	95-04-106	51-35-52504	NEW-W	95-05-054	67-25-448	AMD	95-06-057
51-22-0807	REP-P	95-04-106	51-35-52505	NEW-W	95-05-054	67-25-452	AMD	95-06-057
51-22-1000	REP-P	95-04-106	51-35-52506	NEW-W	95-05-054	67-25-500	REP	95-06-057
51-22-1002	REP-P	95-04-106	51-35-52507	NEW-W	95-05-054	67-25-505	REP	95-06-057
51-22-1100	REP-P	95-04-106	51-35-52508	NEW-W	95-05-054	67-25-510	REP	95-06-057
51-22-1104	REP-P	95-04-106	51-35-52509	NEW-W	95-05-054	67-25-525	REP	95-06-057
51-22-1500	REP-P	95-04-106	55-01	PREP	95-04-058	67-25-530	REP	95-06-057
51-22-1508	REP-P	95-04-106	55-01-010	AMD-E	95-04-075	67-25-540	AMD	95-06-057
51-22-1900	REP-P	95-04-106	55-01-020	AMD-E	95-04-075	67-25-545	AMD	95-06-057
51-22-1903	REP-P	95-04-106	55-01-030	AMD-E	95-04-075	67-25-550	AMD	95-06-057
51-24	PREP	95-03-086	55-01-040	AMD-E	95-04-075	67-25-560	AMD	95-06-057
51-24-001	REP-P	95-04-106	55-01-050	AMD-E	95-04-075	67-25-570	AMD	95-06-057
51-24-002	REP-P	95-04-106	55-01-060	AMD-E	95-04-075	67-25-590	AMD	95-06-057
51-24-003	REP-P	95-04-106	55-01-070	AMD-E	95-04-075	67-35-030	PREP	95-04-012
51-24-007	REP-P	95-04-106	60-12-010	PREP	95-04-090	67-35-030	AMD-P	95-05-040
51-24-008	REP-P	95-04-106	60-12-010	AMD-P	95-06-085	67-35-210	PREP	95-04-012
51-24-04000	REP-P	95-04-106	67-25-005	AMD	95-06-057	67-35-210	AMD-P	95-05-040
51-24-04123	REP-P	95-04-106	67-25-010	AMD	95-06-057	67-35-215	PREP	95-04-012
51-24-09000	REP-P	95-04-106	67-25-015	AMD	95-06-057	67-35-215	NEW-P	95-05-040
51-24-09105	REP-P	95-04-106	67-25-020	AMD	95-06-057	67-35-220	PREP	95-04-012
51-24-09107	REP-P	95-04-106	67-25-025	AMD	95-06-057	67-35-220	AMD-P	95-05-040
51-24-09110	REP-P	95-04-106	67-25-030	AMD	95-06-057	67-35-230	PREP	95-04-012
51-24-09117	REP-P	95-04-106	67-25-050	AMD	95-06-057	67-35-230	AMD-P	95-05-040
51-24-10000	REP-P	95-04-106	67-25-055	AMD	95-06-057	67-35-350	PREP	95-04-012
51-24-10201	REP-P	95-04-106	67-25-056	NEW	95-06-057	67-35-350	REP-P	95-05-040

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67-35-360	AMD-P	95-05-040	132G-126-380	REP	95-07-103	173-360-350	AMD	95-04-102
67-35-430	PREP	95-04-012	132G-126-390	REP-P	95-04-008	173-360-370	AMD	95-04-102
67-35-430	AMD-P	95-05-040	132G-126-390	REP	95-07-103	173-360-380	AMD	95-04-102
130-10	PREP	95-06-051A	132G-126-400	REP-P	95-04-008	173-360-385	AMD	95-04-102
131-16-005	PREP	95-05-026	132G-126-400	REP	95-07-103	173-360-600	AMD	95-04-102
131-16-005	REP-P	95-06-064	1321-130	PREP	95-06-004	173-360-610	AMD	95-04-102
131-28-010	AMD-E	95-07-004	1321-130-030	NEW-P	95-06-083	173-360-620	NEW	95-04-102
131-28-015	AMD-E	95-07-004	1321-130-030	NEW	95-09-072	173-360-630	AMD	95-04-102
131-28-021	AMD-E	95-07-004	132M-108-090	NEW-P	95-06-052	173-360-640	REP	95-04-102
131-28-025	AMD-E	95-07-004	132Q-04-097	NEW	95-03-060	173-360-650	REP	95-04-102
131-28-02501	NEW-E	95-07-004	139-10-210	AMD-P	95-04-068	173-360-655	REP	95-04-102
131-28-026	AMD-E	95-07-004	139-10-210	AMD	95-08-036	173-360-660	REP	95-04-102
131-28-028	REP-E	95-07-004	139-10-210	AMD	95-09-070	173-360-680	REP	95-04-102
131-28-030	AMD-E	95-07-004	173-06-010	REP-P	95-03-081	173-360-690	REP	95-04-102
131-28-040	AMD-E	95-07-004	173-06-010	REP	95-07-058	173-360-695	REP	95-04-102
131-28-045	AMD-E	95-07-004	173-06-020	REP-P	95-03-081	173-400	PREP	95-06-067
131-28-080	AMD-E	95-07-004	173-06-020	REP	95-07-058	173-400-030	AMD	95-07-126
131-28-085	AMD-E	95-07-004	173-06-030	REP-P	95-03-081	173-400-099	NEW	95-07-126
131-28-090	AMD-E	95-07-004	173-06-030	REP	95-07-058	173-400-100	AMD	95-07-126
131-46-135	NEW-P	95-06-054	173-06-040	REP-P	95-03-081	173-400-101	AMD	95-07-126
132G-126-010	REP-P	95-04-008	173-06-040	REP	95-07-058	173-400-102	NEW	95-07-126
132G-126-010	REP	95-07-103	173-06-100	NEW-P	95-03-081	173-400-103	NEW	95-07-126
132G-126-020	REP-P	95-04-008	173-06-100	NEW	95-07-058	173-400-104	NEW	95-07-126
132G-126-020	REP	95-07-103	173-06-110	NEW-P	95-03-081	173-400-171	AMD	95-07-126
132G-126-030	REP-P	95-04-008	173-06-110	NEW	95-07-058	173-422-020	AMD	95-06-068
132G-126-030	REP	95-07-103	173-06-120	NEW-P	95-03-081	173-422-030	AMD	95-06-068
132G-126-040	REP-P	95-04-008	173-06-120	NEW	95-07-058	173-422-035	AMD	95-06-068
132G-126-040	REP	95-07-103	173-06-130	NEW-P	95-03-081	173-422-050	AMD	95-06-068
132G-126-050	REP-P	95-04-008	173-06-130	NEW	95-07-058	173-422-060	AMD	95-06-068
132G-126-050	REP	95-07-103	173-12	PREP	95-03-080	173-422-065	AMD	95-06-068
132G-126-060	REP-P	95-04-008	173-12-010	REP-P	95-05-065	173-422-070	AMD	95-06-068
132G-126-060	REP	95-07-103	173-12-010	REP	95-09-036	173-422-090	AMD	95-06-068
132G-126-070	REP-P	95-04-008	173-12-020	REP-P	95-05-065	173-422-100	AMD	95-06-068
132G-126-070	REP	95-07-103	173-12-020	REP	95-09-036	173-422-120	AMD	95-06-068
132G-126-080	REP-P	95-04-008	173-12-030	REP-P	95-05-065	173-422-160	AMD	95-06-068
132G-126-080	REP	95-07-103	173-12-030	REP	95-09-036	173-422-170	AMD	95-06-068
132G-126-200	REP-P	95-04-008	173-12-040	REP-P	95-05-065	173-422-190	AMD	95-06-068
132G-126-200	REP	95-07-103	173-12-040	REP	95-09-036	173-422-195	AMD	95-06-068
132G-126-210	REP-P	95-04-008	173-12-050	REP-P	95-05-065	173-430-010	AMD	95-03-083
132G-126-210	REP	95-07-103	173-12-050	REP	95-09-036	173-430-020	AMD	95-03-083
132G-126-220	REP-P	95-04-008	173-12-060	REP-P	95-05-065	173-430-030	AMD	95-03-083
132G-126-220	REP	95-07-103	173-12-060	REP	95-09-036	173-430-040	AMD	95-03-083
132G-126-230	REP-P	95-04-008	173-19-250	PREP	95-04-101	173-430-050	AMD	95-03-083
132G-126-230	REP	95-07-103	173-19-250	AMD-P	95-07-144	173-430-060	AMD	95-03-083
132G-126-240	REP-P	95-04-008	173-19-2513	PREP	95-05-063	173-430-070	AMD	95-03-083
132G-126-240	REP	95-07-103	173-19-2515	PREP	95-07-020	173-430-080	AMD	95-03-083
132G-126-250	REP-P	95-04-008	173-19-2519	PREP	95-07-022	173-430-090	NEW	95-03-083
132G-126-250	REP	95-07-103	173-19-2521	PREP	95-07-021	173-430-100	NEW	95-03-083
132G-126-260	REP-P	95-04-008	173-19-260	PREP	95-04-076	173-548	AMD-C	95-06-055
132G-126-260	REP	95-07-103	173-19-260	AMD-P	95-05-064	173-548-010	AMD-E	95-07-009
132G-126-270	REP-P	95-04-008	173-19-3507	AMD-S	95-03-082	173-548-015	NEW-E	95-07-009
132G-126-270	REP	95-07-103	173-19-3507	AMD	95-08-042	173-548-030	AMD-E	95-07-009
132G-126-280	REP-P	95-04-008	173-19-3514	AMD-P	95-03-078	173-563-015	AMD	95-02-066
132G-126-280	REP	95-07-103	173-19-360	PREP	95-07-019	173-564-040	AMD	95-02-066
132G-126-290	REP-P	95-04-008	173-19-360	AMD	95-07-125	174-116-010	PREP	95-05-010
132G-126-290	REP	95-07-103	173-19-360	AMD-P	95-09-052	174-116-011	PREP	95-05-010
132G-126-300	REP-P	95-04-008	173-221A	PREP	95-07-057	174-116-020	PREP	95-05-010
132G-126-300	REP	95-07-103	173-303	PREP	95-05-062	174-116-020	AMD-P	95-07-132
132G-126-310	REP-P	95-04-008	173-360-100	AMD	95-04-102	174-116-030	PREP	95-05-010
132G-126-310	REP	95-07-103	173-360-110	AMD	95-04-102	174-116-030	AMD-P	95-07-132
132G-126-320	REP-P	95-04-008	173-360-120	AMD	95-04-102	174-116-040	PREP	95-05-010
132G-126-320	REP	95-07-103	173-360-130	AMD	95-04-102	174-116-040	AMD-P	95-07-132
132G-126-330	REP-P	95-04-008	173-360-190	AMD	95-04-102	174-116-041	PREP	95-05-010
132G-126-330	REP	95-07-103	173-360-200	AMD	95-04-102	174-116-041	AMD-P	95-07-132
132G-126-340	REP-P	95-04-008	173-360-210	AMD	95-04-102	174-116-042	PREP	95-05-010
132G-126-340	REP	95-07-103	173-360-305	AMD	95-04-102	174-116-042	AMD-P	95-07-132
132G-126-350	REP-P	95-04-008	173-360-310	AMD	95-04-102	174-116-043	PREP	95-05-010
132G-126-350	REP	95-07-103	173-360-320	AMD	95-04-102	174-116-043	AMD-P	95-07-132
132G-126-360	REP-P	95-04-008	173-360-325	AMD	95-04-102	174-116-044	PREP	95-05-010
132G-126-360	REP	95-07-103	173-360-330	AMD	95-04-102	174-116-044	AMD-P	95-07-132
132G-126-370	REP-P	95-04-008	173-360-335	AMD	95-04-102	174-116-046	PREP	95-05-010
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174-116-060	PREP	95-05-010	180-77-100	REP-P	95-08-058	192-16-007	REP	95-09-085
174-116-060	AMD-P	95-07-132	180-77-105	REP-P	95-08-058	192-16-017	AMD-P	95-06-081
174-116-071	PREP	95-05-010	180-77-106	NEW-P	95-08-058	192-16-017	AMD	95-09-085
174-116-071	AMD-P	95-07-132	180-77-110	AMD-P	95-08-058	192-16-019	AMD-P	95-06-081
174-116-072	PREP	95-05-010	180-77-120	NEW-P	95-08-058	192-16-019	AMD	95-09-085
174-116-072	AMD-P	95-07-132	180-77-122	NEW-P	95-08-058	192-16-021	AMD-P	95-06-081
174-116-080	PREP	95-05-010	180-78-145	PREP	95-06-024	192-16-021	AMD	95-09-085
174-116-080	AMD-P	95-07-132	180-78-145	AMD-P	95-08-057	192-16-025	AMD-P	95-06-081
174-116-091	PREP	95-05-010	180-85	PREP	95-05-042	192-16-025	AMD	95-09-085
174-116-091	AMD-P	95-07-132	180-95	AMD-P	95-05-076	192-16-050	AMD-P	95-06-081
174-116-092	PREP	95-05-010	180-95	AMD	95-08-029	192-16-050	AMD	95-09-085
174-116-092	AMD-P	95-07-132	180-95-005	AMD-P	95-05-076	192-16-065	REP-P	95-06-081
174-116-119	PREP	95-05-010	180-95-005	AMD	95-08-029	192-16-065	REP	95-09-085
174-116-119	AMD-P	95-07-132	180-95-050	AMD-P	95-05-076	192-23-018	PREP	95-07-075
174-116-121	PREP	95-05-010	180-95-050	AMD	95-08-029	192-23-019	NEW-P	95-08-077
174-116-121	AMD-P	95-07-132	180-95-070	NEW-P	95-05-076	192-28-100	REP-P	98-06-081
174-116-122	PREP	95-05-010	180-95-070	NEW	95-08-029	192-28-100	REP	95-09-085
174-116-122	AMD-P	95-07-132	182-04	PREP	95-04-057	192-28-110	AMD-P	98-06-081
174-116-122	PREP	95-05-010	182-08	PREP	95-04-057	192-28-110	AMD	95-09-085
174-116-123	AMD-P	95-07-132	182-12	PREP	95-04-057	192-28-120	AMD-P	98-06-081
174-116-124	PREP	95-05-010	182-12-110	AMD-E	95-08-002	192-28-120	AMD	95-09-085
174-116-124	AMD-P	95-07-132	182-12-111	AMD-E	95-08-002	192-32-001	AMD-P	95-06-081
174-116-125	PREP	95-05-010	182-12-115	AMD-E	95-08-002	192-32-001	AMD	95-09-085
174-116-126	PREP	95-05-010	182-12-122	AMD-E	95-08-002	192-32-010	AMD-P	95-06-081
174-116-127	PREP	95-05-010	182-13-010	NEW-P	95-03-063	192-32-010	AMD	95-09-085
174-116-127	AMD-P	95-07-132	182-13-010	NEW-W	95-03-074	192-32-015	AMD-P	95-06-081
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178-01-010	REP-P	95-04-017	182-13-010	NEW	95-07-011	192-32-025	AMD-P	95-06-081
178-01-010	REP	95-08-008	182-13-020	NEW-P	95-03-063	192-32-025	AMD	95-09-085
180-27	PREP	95-05-038	182-13-020	NEW-W	95-03-074	192-32-045	AMD-P	95-06-081
180-27-019	AMD-P	95-05-083	182-13-020	NEW-P	95-03-075	192-32-045	AMD	95-09-085
180-27-019	AMD	95-08-032	182-13-020	NEW	95-07-011	192-32-045	REP	95-05-048
180-29-015	PREP	95-05-036	182-13-030	NEW-P	95-03-063	192-42-010	REP	95-05-048
180-29-015	AMD-P	95-05-081	182-13-030	NEW-W	95-03-074	192-42-021	REP	95-05-048
180-29-015	AMD	95-08-033	182-13-030	NEW-P	95-03-075	192-42-030	REP	95-05-048
180-29-095	PREP	95-05-037	182-13-030	NEW	95-07-011	192-42-056	REP	95-05-048
180-29-095	AMD-P	95-05-082	182-13-040	NEW-P	95-03-063	192-42-057	REP	95-05-048
180-29-095	AMD	95-08-031	182-13-040	NEW-W	95-03-074	192-42-058	REP	95-05-048
180-29-125	PREP	95-05-035	182-13-040	NEW-P	95-03-075	192-42-081	REP	95-05-048
180-29-125	AMD-P	95-05-080	182-13-040	NEW	95-07-011	197-11-200	NEW-W	95-08-061
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180-43-010	AMD-P	95-05-077	182-14-020	NEW-E	95-08-001	197-11-220	NEW	95-07-023
180-43-010	AMD	95-08-028	182-14-030	NEW-E	95-08-001	197-11-225	NEW-E	95-03-059
180-43-015	AMD-P	95-05-077	182-14-040	NEW-E	95-08-001	197-11-228	NEW-E	95-03-059
180-43-015	AMD	95-08-028	182-14-050	NEW-E	95-08-001	197-11-228	NEW	95-07-023
180-75-070	PREP	95-05-043	182-14-060	NEW-E	95-08-001	197-11-230	NEW-E	95-03-059
180-77-001	NEW-P	95-08-058	182-14-070	NEW-E	95-08-001	197-11-230	NEW	95-07-023
180-77-002	NEW-P	95-08-058	182-14-080	NEW-E	95-08-001	197-11-232	NEW-E	95-03-059
180-77-003	AMD-P	95-08-058	182-14-090	NEW-E	95-08-001	197-11-232	NEW	95-07-023
180-77-004	NEW-P	95-08-058	182-14-100	NEW-E	95-08-001	197-11-235	NEW-E	95-03-059
180-77-005	AMD-P	95-08-058	182-16	PREP	95-04-057	197-11-235	NEW	95-07-023
180-77-010	REP-P	95-08-058	182-18	PREP	95-04-057	197-11-250	NEW	95-08-041
180-77-012	NEW-P	95-08-058	182-20-001	NEW-P	95-08-060	197-11-253	NEW	95-08-041
180-77-014	NEW-P	95-08-058	182-20-010	NEW-P	95-08-060	197-11-256	NEW	95-08-041
180-77-015	AMD-P	95-08-058	182-20-100	NEW-P	95-08-060	197-11-259	NEW	95-08-041
180-77-020	AMD-P	95-08-058	182-20-130	NEW-P	95-08-060	197-11-262	NEW	95-08-041
180-77-030	REP-P	95-08-058	182-20-160	NEW-P	95-08-060	197-11-265	NEW	95-08-041
180-77-031	NEW-P	95-08-058	182-20-200	NEW-P	95-08-060	197-11-268	NEW	95-08-041
180-77-035	REP-P	95-08-058	182-20-300	NEW-P	95-08-060	197-11-305	AMD	95-07-023
180-77-040	REP-P	95-08-058	182-20-320	NEW-P	95-08-060	197-11-340	AMD	95-07-023
180-77-041	NEW-P	95-08-058	182-20-400	NEW-P	95-08-060	197-11-680	AMD	95-07-023
180-77-045	REP-P	95-08-058	192-12-130	PREP	95-04-104	197-11-748	REP	95-07-023
180-77-050	REP-P	95-08-058	192-12-141	PREP	95-04-104	197-11-890	AMD	95-07-023
180-77-055	REP-P	95-08-058	192-12-141	PREP	95-07-075	197-11-904	AMD	95-07-023
180-77-060	REP-P	95-08-058	192-12-184	AMD-P	95-06-081	197-11-908	AMD	95-07-023
180-77-065	REP-P	95-08-058	192-12-184	AMD	95-09-085	197-11-938	AMD	95-07-023
180-77-068	NEW-P	95-08-058	192-12-190	AMD-P	95-06-081	204-24-050	AMD-S	95-03-089
180-77-070	AMD-P	95-08-058	192-12-190	AMD	95-09-085	204-24-050	AMD	95-07-137
180-77-075	AMD-P	95-08-058	192-12-320	AMD-P	95-06-081	204-41-030	AMD-E	95-04-060
180-77-080	AMD-P	95-08-058	192-12-320	AMD	95-09-085	204-41-030	PREP	95-05-001
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204-41-030	AMD	95-09-091	220-57-16000Z	REP-E	95-08-037	230-02-380	AMD-P	95-04-038
220-12-020	AMD	95-04-066	220-57-17500B	NEW-E	95-05-049	230-02-380	AMD	95-07-094
220-22-030	AMD-P	95-09-081	220-57-29000R	NEW-E	95-08-037	230-02-418	AMD-P	95-04-037
220-32-05100M	NEW-E	95-04-087	220-57-31000N	NEW-E	95-05-049	230-02-418	AMD-C	95-07-099
220-32-05100M	REP-E	95-07-010	220-57-31500A	NEW-E	95-08-037	230-02-418	AMD	95-09-062
220-32-05100N	NEW-E	95-07-010	220-57-31900I	NEW-E	95-05-049	230-04-075	AMD-P	95-07-111
220-32-05500K	NEW-E	95-09-031	220-57-49700J	NEW-E	95-08-037	230-04-080	AMD-P	95-04-038
220-32-05700Q	NEW-E	95-03-002	220-57-50500X	NEW-E	95-08-037	230-04-080	AMD	95-07-094
220-33-04000A	NEW-E	95-03-013	220-57A	AMD-C	95-04-064	230-04-110	AMD-E	95-07-064
220-44-050	AMD-P	95-06-094	220-95-011	REP-P	95-03-088	230-04-110	AMD-P	95-07-098
220-44-050	AMD	95-08-069	220-95-011	REP	95-07-012	230-04-115	NEW-E	95-07-064
220-44-05000M	REP-E	95-05-007	220-95-013	NEW-P	95-03-088	230-04-115	NEW-P	95-07-098
220-44-05000N	NEW-E	95-05-007	220-95-013	NEW	95-07-012	230-04-145	AMD-P	95-04-037
220-44-05000N	REP-E	95-05-021	220-95-016	REP-P	95-03-088	230-04-145	AMD-C	95-07-099
220-44-05000P	NEW-E	95-05-021	220-95-016	REP	95-07-012	230-04-145	AMD	95-09-062
220-44-05000P	REP-E	95-08-034	220-95-018	NEW-P	95-03-088	230-04-147	AMD-P	95-04-037
220-44-05000Q	NEW-E	95-08-034	220-95-018	NEW	95-07-012	230-04-147	AMD-C	95-07-099
220-47-262	AMD-P	95-09-081	220-95-021	REP-P	95-03-088	230-04-147	AMD	95-09-062
220-47-304	AMD-P	95-09-081	220-95-021	REP	95-07-012	230-04-203	AMD-E	95-07-064
220-47-307	AMD-P	95-09-081	220-95-022	NEW-P	95-03-088	230-04-203	AMD-P	95-07-098
220-47-311	AMD-P	95-09-081	220-95-022	NEW	95-07-012	230-04-280	AMD-C	95-04-040
220-47-401	AMD-P	95-09-081	220-95-026	REP-P	95-03-088	230-04-280	AMD-C	95-06-013
220-47-411	AMD-P	95-09-081	220-95-026	REP	95-07-012	230-04-280	AMD-C	95-07-097
220-47-412	AMD-P	95-09-081	220-95-027	NEW-P	95-03-088	230-04-400	AMD-C	95-04-040
220-49-02000H	NEW-E	95-04-088	220-95-027	NEW	95-07-012	230-04-400	AMD-C	95-06-013
220-52-04600A	NEW-E	95-06-001	220-95-031	REP-P	95-03-088	230-04-400	AMD-C	95-07-097
220-52-04600A	REP-E	95-06-016	220-95-031	REP	95-07-012	230-04-405	NEW-P	95-07-110
220-52-04600B	NEW-E	95-06-016	220-95-032	NEW-P	95-03-088	230-08-070	AMD-P	95-04-039
220-52-04600B	REP-E	95-07-027	220-95-032	NEW	95-07-012	230-08-070	AMD	95-07-093
220-52-04600C	NEW-E	95-09-027	222-10-030	NEW-C	95-04-073	230-08-130	AMD-P	95-04-038
220-52-04600Z	NEW-E	95-05-056	222-10-040	NEW-C	95-04-073	230-08-130	AMD	95-07-094
220-52-04600Z	REP-E	95-06-001	222-16-010	AMD-C	95-04-073	230-08-160	AMD-P	95-04-038
220-52-07300V	REP-E	95-03-064	222-16-010	AMD-E	95-04-074	230-08-160	AMD	95-07-094
220-52-07300W	NEW-E	95-03-067	222-16-075	NEW-C	95-04-073	230-12-040	AMD-P	95-04-039
220-52-07300W	REP-E	95-07-080	222-16-080	AMD-C	95-04-073	230-12-040	AMD	95-07-093
220-52-07300X	NEW-E	95-07-080	222-16-080	AMD-E	95-04-074	230-12-075	REP-P	95-06-012
220-52-07300X	REP-E	95-07-119	222-21-010	NEW-C	95-04-073	230-12-075	REP	95-09-061
220-52-07300Y	NEW-E	95-07-119	222-21-020	NEW-C	95-04-073	230-12-079	NEW-P	95-04-037
220-56	AMD-C	95-04-064	222-21-030	NEW-C	95-04-073	230-12-079	NEW-C	95-07-099
220-56-100	AMD	95-04-066	222-21-040	NEW-C	95-04-073	230-12-079	NEW	95-09-062
220-56-105	AMD	95-04-066	222-24-030	AMD-C	95-04-073	230-20-070	AMD-P	95-04-037
220-56-115	AMD	95-04-066	222-24-030	AMD-E	95-04-074	230-20-070	AMD-C	95-07-099
220-56-116	AMD	95-04-066	222-30-050	AMD-C	95-04-073	230-20-070	AMD	95-09-062
220-56-125	REP	95-04-066	222-30-050	AMD-E	95-04-074	230-20-090	AMD-P	95-07-111
220-56-127	REP	95-04-066	222-30-060	AMD-C	95-04-073	230-20-130	AMD-P	95-06-010
220-56-130	AMD	95-04-066	222-30-060	AMD-E	95-04-074	230-20-130	AMD	95-09-064
220-56-180	AMD	95-04-066	222-30-065	NEW-C	95-04-073	230-20-170	AMD-P	95-07-111
220-56-185	AMD	95-04-066	222-30-065	NEW-E	95-04-074	230-20-190	AMD-P	95-07-111
220-56-19100H	REP-E	95-02-069	222-30-070	AMD-C	95-04-073	230-20-220	AMD-P	95-07-111
220-56-19100I	NEW-E	95-02-069	222-30-070	AMD-E	95-04-074	230-20-300	AMD-P	95-04-039
220-56-205	AMD	95-04-066	222-30-075	NEW-C	95-04-073	230-20-300	AMD	95-07-093
220-56-210	AMD	95-04-066	222-30-075	NEW-E	95-04-074	230-20-325	AMD-P	95-04-039
220-56-225	AMD	95-04-066	222-30-100	AMD-C	95-04-073	230-20-325	AMD	95-07-093
220-56-235	AMD	95-04-066	222-30-100	AMD-E	95-04-074	230-20-335	NEW-P	95-04-039
220-56-240	AMD	95-04-066	222-38-020	AMD-C	95-04-073	230-20-335	NEW	95-07-093
220-56-265	AMD	95-04-066	222-38-020	AMD-E	95-04-074	230-20-620	AMD-P	95-06-010
220-56-282	AMD	95-04-066	222-38-030	AMD-C	95-04-073	230-20-620	AMD	95-09-064
220-56-28500D	NEW-E	95-05-049	222-38-030	AMD-E	95-04-074	230-20-630	AMD-P	95-07-111
220-56-310	AMD	95-04-066	230-02-010	AMD-P	95-04-043	230-25-055	AMD-P	95-07-111
220-56-312	AMD	95-04-066	230-02-010	AMD	95-07-095	230-25-070	AMD-P	95-07-111
220-56-335	AMD	95-04-066	230-02-125	REP-P	95-06-012	230-25-330	AMD-P	95-07-111
220-56-340	AMD	95-04-066	230-02-125	REP	95-09-061	230-40-400	AMD-E	95-05-070
220-56-35000C	REP-E	95-04-086	230-02-183	AMD-P	95-04-039	230-40-400	AMD-P	95-06-011
220-56-35000D	NEW-E	95-04-086	230-02-183	AMD	95-07-093	230-40-400	AMD-C	95-09-060
220-56-36000M	NEW-E	95-07-028	230-02-240	AMD-P	95-04-037	230-46-010	AMD-P	95-07-111
220-56-365	AMD	95-04-066	230-02-240	AMD-C	95-07-099	230-48-010	NEW-E	95-07-065
220-56-370	AMD	95-04-066	230-02-240	AMD	95-09-062	230-48-010	NEW-P	95-07-096
220-56-38000W	REP-E	95-04-086	230-02-350	AMD-P	95-04-038	230-50-010	AMD-C	95-04-040
220-56-38000X	NEW-E	95-04-086	230-02-350	AMD	95-07-094	230-50-010	AMD-C	95-06-013
220-56-390	AMD	95-04-066	230-02-360	AMD-P	95-04-038	230-50-010	AMD-C	95-07-097
220-57	AMD-C	95-04-064	230-02-360	AMD	95-07-094	232-12-001	AMD	95-05-008
220-57-16000A	NEW-E	95-08-037	230-02-370	AMD-P	95-04-038	232-12-131	AMD	95-03-034
220-57-16000Z	NEW-E	95-05-049	230-02-370	AMD	95-07-094	232-12-151	AMD	95-05-008

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232-12-287	AMD-P	95-06-095	245-02-110	NEW	95-04-112	245-03-840	NEW-P	95-06-074
232-12-619	AMD	95-05-008	245-02-115	NEW	95-04-112	245-03-840	NEW-W	95-07-034
232-12-61900A	NEW-E	95-04-065	245-02-120	NEW	95-04-112	245-03-860	NEW-P	95-06-074
232-28-02202	AMD	95-03-024	245-02-125	NEW	95-04-112	245-03-860	NEW-W	95-07-034
232-28-02203	AMD	95-03-025	245-02-130	NEW	95-04-112	245-03-880	NEW-P	95-06-074
232-28-02204	AMD	95-03-026	245-02-131	NEW	95-04-112	245-03-880	NEW-W	95-07-034
232-28-02205	AMD	95-03-027	245-02-135	NEW	95-04-112	245-04-010	NEW-P	95-06-077
232-28-02206	AMD	95-03-028	245-02-140	NEW	95-04-112	245-04-010	NEW-W	95-07-033
232-28-02210	AMD	95-03-029	245-02-145	NEW	95-04-112	245-04-020	NEW-P	95-06-077
232-28-02220	AMD	95-03-040	245-02-150	NEW	95-04-112	245-04-020	NEW-W	95-07-033
232-28-02220	AMD-P	95-06-100	245-02-155	NEW	95-04-112	245-04-025	NEW-P	95-06-077
232-28-02280	AMD	95-03-030	245-02-160	NEW	95-04-112	245-04-025	NEW-W	95-07-033
232-28-239	REP-P	95-06-099	245-02-165	NEW	95-04-112	245-04-030	NEW-P	95-06-077
232-28-240	AMD	95-03-031	245-02-170	NEW	95-04-112	245-04-030	NEW-W	95-07-033
232-28-241	AMD	95-03-032	245-02-175	NEW	95-04-112	245-04-040	NEW-P	95-06-077
232-28-24102	NEW	95-03-035	245-02-180	NEW	95-04-112	245-04-040	NEW-W	95-07-033
232-28-242	AMD	95-03-033	245-03-010	NEW-P	95-06-075	245-04-050	NEW-P	95-06-077
232-28-243	REP-P	95-06-099	245-03-010	NEW-W	95-07-037	245-04-050	NEW-W	95-07-033
232-28-244	REP-P	95-06-099	245-03-020	NEW-P	95-06-075	245-04-060	NEW-P	95-06-077
232-28-245	REP-P	95-06-099	245-03-020	NEW-W	95-07-037	245-04-060	NEW-W	95-07-033
232-28-246	NEW	95-03-036	245-03-040	NEW-P	95-06-075	245-04-070	NEW-P	95-06-077
232-28-246	AMD-P	95-06-107	245-03-040	NEW-W	95-07-037	245-04-070	NEW-W	95-07-033
232-28-24601	NEW-E	95-03-068	245-03-050	NEW-P	95-06-075	245-04-080	NEW-P	95-06-077
232-28-247	NEW	95-03-037	245-03-050	NEW-W	95-07-037	245-04-080	NEW-W	95-07-033
232-28-248	NEW	95-03-038	245-03-080	NEW-P	95-06-075	245-04-090	AMD-P	95-03-101
232-28-248	AMD-P	95-06-106	245-03-080	NEW-W	95-07-037	245-04-090	AMD	95-06-048
232-28-249	NEW	95-03-039	245-03-120	NEW-P	95-06-075	245-04-100	AMD-P	95-03-101
232-28-250	NEW-P	95-06-097	245-03-120	NEW-W	95-07-037	245-04-100	AMD	95-06-048
232-28-251	NEW-P	95-06-098	245-03-140	NEW-P	95-06-075	245-04-110	AMD-P	95-03-101
232-28-252	NEW-P	95-06-102	245-03-140	NEW-W	95-07-037	245-04-110	AMD	95-06-048
232-28-253	NEW-P	95-06-101	245-03-160	NEW-P	95-06-075	245-04-115	AMD-P	95-03-101
232-28-254	NEW-P	95-06-103	245-03-160	NEW-W	95-07-037	245-04-115	AMD	95-06-048
232-28-255	NEW-P	95-06-105	245-03-180	NEW-P	95-06-075	245-04-125	NEW-P	95-04-113
232-28-256	NEW-P	95-06-104	245-03-180	NEW-W	95-07-037	245-04-130	NEW-P	95-04-113
232-28-257	NEW-P	95-06-096	245-03-200	NEW-P	95-06-075	245-04-135	NEW-P	95-04-113
232-28-619	AMD	95-05-008	245-03-200	NEW-W	95-07-037	245-04-140	NEW-P	95-04-113
232-28-619	AMD-P	95-06-093	245-03-220	NEW-P	95-06-075	245-04-145	NEW-P	95-04-113
232-28-61900A	NEW-E	95-04-065	245-03-220	NEW-W	95-07-037	245-04-150	NEW-P	95-04-113
232-28-61900B	NEW-E	95-07-018	245-03-240	NEW-P	95-06-075	245-04-155	NEW-P	95-04-113
232-28-61900C	NEW-E	95-09-050	245-03-240	NEW-W	95-07-037	245-04-160	NEW-P	95-04-113
232-28-61900D	NEW-E	95-09-051	245-03-260	NEW-P	95-06-075	245-04-165	NEW-P	95-04-113
232-28-61940	REP-E	95-09-050	245-03-260	NEW-W	95-07-037	245-04-170	NEW-P	95-04-113
232-28-61941	REP-E	95-09-050	245-03-280	NEW-P	95-06-075	245-04-175	NEW-P	95-04-113
232-28-61942	REP-E	95-09-050	245-03-280	NEW-W	95-07-037	245-04-180	NEW-P	95-04-113
232-28-61945	REP-E	95-09-050	245-03-300	NEW-P	95-06-075	245-04-185	NEW-P	95-04-113
232-28-61946	REP-E	95-09-050	245-03-300	NEW-W	95-07-037	245-04-190	NEW-P	95-04-113
232-28-61947	REP-E	95-09-050	245-03-320	NEW-P	95-06-075	245-04-195	NEW-P	95-04-113
232-28-61950	REP-E	95-09-050	245-03-320	NEW-W	95-07-037	245-04-200	NEW-P	95-06-079
232-28-61951	REP-E	95-09-050	245-03-390	NEW-P	95-06-075	245-04-200	NEW-W	95-07-032
232-28-61952	NEW-W	95-03-066	245-03-390	NEW-W	95-07-037	245-04-210	NEW-P	95-06-079
232-28-61953	REP-E	95-09-050	245-03-520	NEW-W	95-07-035	245-04-210	NEW-W	95-07-032
232-28-61954	REP-E	95-09-050	245-03-540	NEW-W	95-07-035	245-04-220	NEW-P	95-06-079
232-28-61957	REP-E	95-09-050	245-03-560	NEW-W	95-07-035	245-04-220	NEW-W	95-07-032
236-15-010	NEW	95-05-044	245-03-580	NEW-W	95-07-035	245-04-230	NEW-P	95-06-079
236-15-015	NEW	95-05-044	245-03-610	NEW-P	95-06-076	245-04-230	NEW-W	95-07-032
236-15-050	NEW	95-05-044	245-03-620	NEW-P	95-06-076	245-04-240	NEW-P	95-06-079
236-15-100	NEW	95-05-044	245-03-620	NEW-W	95-07-036	245-04-240	NEW-W	95-07-032
236-15-200	NEW	95-05-044	245-03-630	NEW-P	95-06-076	245-04-300	NEW-P	95-06-078
236-15-300	NEW	95-05-044	245-03-640	NEW-P	95-06-076	245-04-300	NEW-W	95-07-031
236-15-700	NEW	95-05-044	245-03-640	NEW-W	95-07-036	245-04-310	NEW-P	95-06-078
236-15-800	NEW	95-05-044	245-03-650	NEW-P	95-06-076	245-04-310	NEW-W	95-07-031
236-15-900	NEW	95-05-044	245-03-650	NEW-W	95-07-036	245-04-320	NEW-P	95-06-078
240-10-030	AMD	95-09-025	245-03-660	NEW-P	95-06-076	245-04-320	NEW-W	95-07-031
240-10-040	AMD	95-09-025	245-03-660	NEW-W	95-07-036	245-04-330	NEW-P	95-06-078
245-02-010	NEW	95-04-115	245-03-670	NEW-P	95-06-076	245-04-330	NEW-W	95-07-031
245-02-020	NEW	95-04-115	245-03-680	NEW-P	95-06-076	245-04-340	NEW-P	95-06-078
245-02-025	NEW	95-04-115	245-03-680	NEW-W	95-07-036	245-04-340	NEW-W	95-07-031
245-02-030	NEW	95-04-115	245-03-810	NEW-P	95-06-074	245-04-350	NEW-P	95-06-078
245-02-035	NEW	95-04-115	245-03-810	NEW-W	95-07-034	245-04-350	NEW-W	95-07-031
245-02-040	NEW	95-04-115	245-03-820	NEW-P	95-06-074	245-08-010	NEW-P	95-04-114
245-02-045	NEW	95-04-115	245-03-820	NEW-W	95-07-034	245-08-010	NEW-W	95-07-030
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245-08-030	NEW-P	95-04-114	246-560-020	PREP	95-06-073	246-843-205	AMD	95-07-128
245-08-030	NEW-W	95-07-030	246-560-030	PREP	95-06-073	246-843-240	REP	95-07-128
245-08-040	NEW-P	95-04-114	246-560-040	PREP	95-06-073	246-843-320	AMD	95-07-128
245-08-040	NEW-W	95-07-030	246-560-050	PREP	95-06-073	246-851-560	NEW	95-04-084
245-08-050	NEW-P	95-04-114	246-560-060	PREP	95-06-073	246-851-990	PREP	95-09-056
245-08-050	NEW-W	95-07-030	246-560-070	PREP	95-06-073	246-858-020	PREP	95-06-036
246-01-040	AMD-P	95-07-054	246-560-080	PREP	95-06-073	246-861	AMD-C	95-03-070
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246-100-166	PREP	95-05-012	246-560-100	PREP	95-06-073	246-861-020	AMD	95-08-019
246-100-236	AMD-S	95-08-026	246-780	PREP	95-07-055	246-861-030	REP-W	95-08-062
246-170	AMD	95-04-035	246-812	PREP	95-06-017	246-861-040	AMD	95-08-019
246-170-001	REP	95-04-035	246-812-001	NEW-E	95-09-029	246-861-050	AMD	95-08-019
246-170-002	NEW	95-04-035	246-812-010	NEW-E	95-09-029	246-861-055	NEW	95-08-019
246-170-010	REP	95-04-035	246-812-015	NEW-E	95-09-029	246-861-060	AMD	95-08-019
246-170-011	NEW	95-04-035	246-812-101	NEW-E	95-09-029	246-861-090	AMD-W	95-08-051
246-170-020	REP	95-04-035	246-812-120	NEW-E	95-09-029	246-887-160	PREP	95-07-086
246-170-021	NEW	95-04-035	246-812-125	NEW-E	95-09-029	246-891-020	AMD-P	95-04-099
246-170-030	REP	95-04-035	246-812-130	NEW-E	95-09-029	246-891-020	AMD	95-08-020
246-170-031	NEW	95-04-035	246-812-140	NEW-E	95-09-029	246-891-030	AMD-P	95-04-099
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246-170-051	NEW	95-04-035	246-812-170	NEW-E	95-09-029	246-924-470	PREP	95-09-028
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308-96A-490	PREP	95-02-071	358-20-020	AMD-P	95-03-054	374-50-070	AMD-E	95-08-039
308-96A-490	REP-P	95-05-066	358-20-020	AMD	95-07-074	374-50-070	AMD-P	95-08-040
308-96A-490	REP	95-08-038	358-20-030	AMD-P	95-03-054	374-50-080	AMD-E	95-08-039
308-96A-550	AMD-P	95-07-136	358-20-030	AMD	95-07-074	374-50-080	AMD-P	95-08-040
308-96A-560	AMD-P	95-07-136	358-20-032	NEW-P	95-03-054	374-50-090	AMD-E	95-08-039
308-124-005	AMD	95-03-012	358-20-032	NEW	95-07-074	374-50-090	AMD-P	95-08-040
308-124A-025	AMD	95-03-012	358-20-040	AMD-P	95-03-054	381-70-400	AMD	95-06-008
308-124A-110	AMD	95-03-012	358-20-040	AMD	95-07-074	388-15	PREP	95-09-053
308-124A-420	AMD	95-03-012	358-30-005	NEW-P	95-03-054	388-18	PREP	95-06-034
308-124A-422	AMD	95-03-012	358-30-005	NEW	95-07-074	388-43-010	AMD	95-03-049
308-124A-425	AMD	95-03-012	358-30-010	AMD-P	95-03-054	388-43-020	AMD	95-03-049
308-124A-590	NEW	95-03-012	358-30-010	AMD	95-07-074	388-43-130	NEW	95-03-049
308-124A-595	NEW	95-03-012	358-30-020	AMD-P	95-03-054	388-49-020	AMD	95-06-028
308-124A-600	AMD	95-03-012	358-30-020	AMD	95-07-074	388-49-080	PREP	95-08-006
308-124H-011	AMD	95-03-012	358-30-022	NEW-P	95-03-054	388-49-080	AMD-P	95-09-026
308-124H-025	AMD	95-03-012	358-30-022	NEW	95-07-074	388-49-110	PREP	95-08-007
308-124H-035	REP	95-03-012	358-30-024	NEW-P	95-03-054	388-49-110	AMD-P	95-09-034
308-124H-036	REP	95-03-012	358-30-024	NEW	95-07-074	388-49-160	AMD	95-06-030
308-124H-037	REP	95-03-012	358-30-026	NEW-P	95-03-054	388-49-190	AMD	95-06-027
308-124H-041	AMD	95-03-012	358-30-026	NEW	95-07-074	388-49-190	PREP	95-06-025
308-124H-061	AMD	95-03-012	358-30-028	NEW-P	95-03-054	388-49-190	AMD-P	95-09-033
308-124H-080	REP	95-03-012	358-30-028	NEW	95-07-074	388-49-250	AMD	95-06-026
308-124H-310	AMD	95-03-012	358-30-030	AMD-P	95-03-054	388-49-260	AMD	95-06-029
308-124H-540	AMD	95-03-012	358-30-030	AMD	95-07-074	388-49-380	PREP	95-09-032
308-124H-570	AMD	95-03-012	358-30-042	NEW-P	95-03-054	388-49-410	AMD-P	95-03-044
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388-49-430	AMD	95-06-031	388-165-005	NEW-P	95-08-044	388-513-1330	PREP	95-07-072
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388-49-480	AMD	95-07-122	388-165-030	NEW-P	95-08-044	388-513-1380	PREP	95-06-071
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388-51-250	AMD	95-03-047	388-165-100	NEW-P	95-08-044	388-517-1740	AMD-P	95-08-045
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388-73-076	AMD-S	95-07-024	388-218-1350	AMD-P	95-09-035	391-45-560	NEW-E	95-07-026
388-73-118	AMD-S	95-07-024	388-218-1400	AMD	95-04-048	392-121-106	AMD-E	95-04-055
388-73-144	AMD-S	95-07-024	388-218-1450	PREP	95-08-023	392-121-106	AMD-P	95-06-059
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388-73-212	AMD-S	95-07-024	388-218-1520	AMD	95-04-048	392-122-214	REP-P	95-05-020
388-73-213	REP-S	95-07-024	388-218-1605	PREP	95-08-023	392-122-214	REP	95-08-025
388-73-214	REP-S	95-07-024	388-218-1605	AMD-P	95-09-035	392-122-221	AMD-P	95-05-020
388-73-216	REP-S	95-07-024	388-218-1610	PREP	95-08-023	392-122-221	AMD	95-08-025
388-73-250	NEW-S	95-07-024	388-218-1610	AMD-P	95-09-035	392-122-230	AMD-P	95-05-020
388-73-252	NEW-S	95-07-024	388-218-1630	PREP	95-08-023	392-122-230	AMD	95-08-025
388-73-254	NEW-S	95-07-024	388-218-1630	AMD-P	95-09-035	392-122-260	REP-P	95-05-020
388-73-256	NEW-S	95-07-024	388-218-1680	PREP	95-08-023	392-122-260	REP	95-08-025
388-73-258	NEW-S	95-07-024	388-218-1680	AMD-P	95-09-035	392-122-275	AMD-P	95-05-020
388-73-260	NEW-S	95-07-024	388-218-1730	PREP	95-08-023	392-122-275	AMD	95-08-025
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388-73-266	NEW-S	95-07-024	388-225-0020	PREP	95-05-039	392-169-015	AMD-P	95-06-084
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388-73-270	NEW-S	95-07-024	388-225-0300	REP-P	95-08-010	392-169-020	AMD-P	95-06-084
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388-73-274	NEW-S	95-07-024	388-250-1200	AMD-P	95-05-014	392-169-022	AMD-P	95-06-084
388-73-276	NEW-S	95-07-024	388-250-1200	AMD	95-07-123	392-169-022	AMD	95-09-042
388-73-278	NEW-S	95-07-024	388-250-1700	AMD	95-03-046	392-169-023	AMD-P	95-06-084
388-73-304	AMD-S	95-07-024	388-265-1750	PREP	95-09-044	392-169-023	AMD	95-09-042
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388-73-404	REP-S	95-07-024	388-505-0590	AMD	95-04-047	392-169-033	NEW	95-09-042
388-73-406	REP-S	95-07-024	388-505-0590	PREP	95-07-090	392-169-035	REP-P	95-06-084
388-73-408	REP-S	95-07-024	388-506-0610	AMD-P	95-07-049	392-169-035	REP	95-09-042
388-73-409	REP-S	95-07-024	388-507-0710	AMD	95-05-022	392-169-045	AMD-P	95-06-084
388-73-410	REP-S	95-07-024	388-507-0710	PREP	95-08-009	392-169-045	AMD	95-09-042
388-73-412	REP-S	95-07-024	388-508-0805	PREP	95-06-071	392-169-050	AMD-P	95-06-084
388-73-414	REP-S	95-07-024	388-508-0805	AMD-P	95-08-045	392-169-050	AMD	95-09-042
388-73-430	REP-S	95-07-024	388-508-0805	AMD-E	95-08-046	392-169-055	AMD-P	95-06-084
388-73-432	REP-S	95-07-024	388-509-0920	PREP	95-06-071	392-169-055	AMD	95-09-042
388-73-434	REP-S	95-07-024	388-509-0920	AMD-P	95-08-045	392-169-057	AMD-P	95-06-084
388-73-436	REP-S	95-07-024	388-509-0920	AMD-E	95-08-046	392-169-057	AMD	95-09-042
388-73-438	REP-S	95-07-024	388-509-0960	AMD	95-05-023	392-169-060	AMD-P	95-06-084
388-73-440	REP-S	95-07-024	388-509-0960	PREP	95-06-071	392-169-060	AMD	95-09-042
388-73-510	REP-S	95-07-024	388-509-0960	AMD-P	95-08-045	392-169-065	AMD-P	95-06-084
388-73-511	NEW-S	95-07-024	388-509-0960	AMD-E	95-08-046	392-169-065	AMD	95-09-042
388-73-512	REP-S	95-07-024	388-511-1105	AMD-P	95-06-072	392-169-075	AMD-P	95-06-084
388-73-513	NEW-S	95-07-024	388-511-1105	AMD	95-08-070	392-169-075	AMD	95-09-042
388-73-516	NEW-S	95-07-024	388-511-1130	AMD-P	95-06-072	392-169-080	AMD-P	95-06-084
388-73-522	NEW-S	95-07-024	388-511-1130	AMD-W	95-08-071	392-169-080	AMD	95-09-042
388-73-524	NEW-S	95-07-024	388-511-1140	AMD-P	95-06-072	392-169-085	AMD-P	95-06-084
388-73-606	AMD-S	95-07-024	388-511-1140	AMD	95-08-070	392-169-085	AMD	95-09-042
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392-169-100	AMD	95-09-042	415-112-155	NEW-P	95-09-069	419-72-060	AMD	95-09-049
392-169-105	AMD-P	95-06-084	415-112-409	NEW-W	95-02-058	419-72-065	AMD	95-09-049
392-169-105	AMD	95-09-042	415-113-005	NEW	95-03-001	419-72-068	NEW-W	95-02-059
392-169-110	AMD-P	95-06-084	415-113-010	REP	95-03-001	419-72-070	AMD	95-09-049
392-169-110	AMD	95-09-042	415-113-020	REP	95-03-001	419-72-075	AMD	95-09-049
392-169-115	AMD-P	95-06-084	415-113-030	AMD	95-03-001	419-72-080	AMD	95-09-049
392-169-115	AMD	95-09-042	415-113-0301	NEW	95-03-001	419-72-090	REP	95-09-049
392-169-120	AMD-P	95-06-084	415-113-0302	NEW	95-03-001	419-72-095	REP	95-09-049
392-169-120	AMD	95-09-042	415-113-0303	NEW	95-03-001	434-09-020	AMD-E	95-05-050
392-169-125	AMD-P	95-06-084	415-113-0304	NEW	95-03-001	434-09-030	AMD-E	95-05-050
392-169-125	AMD	95-09-042	415-113-0305	NEW	95-03-001	434-09-040	AMD-E	95-05-050
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399-10-010	AMD-P	95-07-107	415-113-0307	NEW	95-03-001	434-09-060	AMD-E	95-05-050
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399-30-040	AMD-P	95-07-109	415-113-0309	NEW	95-03-001	434-09-080	AMD-E	95-05-050
415-104-011	AMD-P	95-09-069	415-113-0310	NEW	95-03-001	434-09-090	AMD-E	95-05-050
415-104-0111	NEW-P	95-09-069	415-113-040	REP	95-03-001	434-120-025	PREP	95-06-049
415-104-0112	NEW-P	95-09-069	415-113-041	NEW	95-03-001	434-120-025	AMD-P	95-08-073
415-104-0113	NEW-P	95-09-069	415-113-042	NEW	95-03-001	434-120-103	NEW-P	95-08-073
415-104-0114	NEW-P	95-09-069	415-113-045	NEW	95-03-001	434-120-105	PREP	95-06-049
415-104-0115	NEW-P	95-09-069	415-113-050	REP	95-03-001	434-120-105	AMD-P	95-08-073
415-104-0117	NEW-P	95-09-069	415-113-055	NEW	95-03-001	434-120-125	PREP	95-06-049
415-104-0118	NEW-P	95-09-069	415-113-057	NEW	95-03-001	434-120-125	AMD-P	95-08-073
415-104-0120	NEW-P	95-09-069	415-113-059	NEW	95-03-001	434-120-130	PREP	95-06-049
415-104-0121	NEW-P	95-09-069	415-113-060	REP	95-03-001	434-120-130	AMD-P	95-08-073
415-104-0122	NEW-P	95-09-069	415-113-065	NEW	95-03-001	434-120-140	PREP	95-06-049
415-104-224	NEW-P	95-09-069	415-113-070	NEW	95-03-001	434-120-140	AMD-P	95-08-073
415-104-225	NEW-P	95-09-069	415-113-080	NEW	95-03-001	434-120-145	PREP	95-06-049
415-104-235	NEW-P	95-09-069	415-113-082	NEW	95-03-001	434-120-145	AMD-P	95-08-073
415-104-245	NEW-P	95-09-069	415-113-084	NEW	95-03-001	434-120-200	NEW-P	95-08-073
415-108-010	AMD-P	95-09-069	415-113-090	NEW	95-03-001	434-120-210	PREP	95-06-049
415-108-0101	NEW-P	95-09-069	415-113-100	NEW	95-03-001	434-120-215	PREP	95-06-049
415-108-0102	NEW-P	95-09-069	415-115-030	AMD-P	95-09-068	434-120-215	AMD-P	95-08-073
415-108-0103	NEW-P	95-09-069	415-115-050	AMD-P	95-09-068	434-120-218	NEW-P	95-08-073
415-108-0104	NEW-P	95-09-069	415-115-060	AMD-P	95-09-068	434-120-240	PREP	95-06-049
415-108-0105	NEW-P	95-09-069	415-115-070	AMD-P	95-09-068	434-120-255	PREP	95-06-049
415-108-0106	NEW-P	95-09-069	415-115-080	AMD-P	95-09-068	434-120-255	AMD-P	95-08-073
415-108-0107	NEW-P	95-09-069	415-115-120	AMD-P	95-09-068	434-120-260	PREP	95-06-049
415-108-0108	NEW-P	95-09-069	419-18	AMD-P	95-03-091	434-120-260	AMD-P	95-08-073
415-108-0109	NEW-P	95-09-069	419-18	AMD	95-06-066	434-120-265	PREP	95-06-049
415-108-679	NEW-P	95-09-069	419-18-020	AMD-P	95-03-091	434-120-265	AMD-P	95-08-073
415-108-680	NEW-P	95-09-069	419-18-020	AMD	95-06-066	434-120-300	PREP	95-06-050
415-108-690	NEW-P	95-09-069	419-18-030	AMD-P	95-03-091	434-120-300	AMD-P	95-08-072
415-108-700	NEW-P	95-09-069	419-18-030	AMD	95-06-066	434-120-305	PREP	95-06-050
415-108-710	NEW-P	95-09-069	419-18-040	AMD-P	95-03-091	434-120-305	AMD-P	95-08-072
415-108-720	NEW-P	95-09-069	419-18-040	AMD	95-06-066	434-120-310	PREP	95-06-050
415-108-725	NEW-P	95-09-069	419-18-045	NEW-P	95-03-091	434-120-310	AMD-P	95-08-072
415-108-726	NEW-P	95-09-069	419-18-045	NEW	95-06-066	434-120-315	PREP	95-06-050
415-108-728	NEW-P	95-09-069	419-18-050	AMD-P	95-03-091	434-120-315	NEW-P	95-08-072
415-112-015	AMD-P	95-09-069	419-18-050	AMD	95-06-066	434-120-317	PREP	95-06-050
415-112-0151	NEW-P	95-09-069	419-18-060	AMD-P	95-03-091	434-120-317	NEW-P	95-08-072
415-112-0152	NEW-P	95-09-069	419-18-060	AMD	95-06-066	434-120-330	PREP	95-06-050
415-112-0153	NEW-P	95-09-069	419-18-070	AMD-P	95-03-091	434-120-330	AMD-P	95-08-072
415-112-0154	NEW-P	95-09-069	419-18-070	AMD	95-06-066	434-120-335	PREP	95-06-050
415-112-0155	NEW-P	95-09-069	419-18-080	NEW-P	95-03-091	434-120-335	AMD-P	95-08-072
415-112-0156	NEW-P	95-09-069	419-18-080	NEW	95-06-066	446-65-010	AMD-E	95-08-048
415-112-0157	NEW-P	95-09-069	419-70-010	REP	95-09-049	446-65-010	PREP	95-09-075
415-112-0158	NEW-P	95-09-069	419-70-020	REP	95-09-049	446-65-020	NEW-E	95-08-048
415-112-0159	NEW-P	95-09-069	419-70-030	REP	95-09-049	446-65-020	PREP	95-09-075
415-112-0161	NEW-P	95-09-069	419-70-040	REP	95-09-049	456-09-110	AMD	95-05-033
415-112-0162	NEW-P	95-09-069	419-70-050	REP	95-09-049	456-09-130	AMD	95-05-033
415-112-0163	NEW-P	95-09-069	419-72-010	AMD	95-09-049	456-09-230	AMD	95-05-033
415-112-0164	NEW-P	95-09-069	419-72-012	NEW	95-09-049	456-09-320	AMD	95-05-033
415-112-0165	NEW-P	95-09-069	419-72-015	AMD	95-09-049	456-09-325	AMD	95-05-033
415-112-0166	NEW-P	95-09-069	419-72-020	AMD	95-09-049	456-09-330	AMD	95-05-033
415-112-0167	NEW-P	95-09-069	419-72-025	AMD	95-09-049	456-09-340	AMD	95-05-033
415-112-119	NEW-P	95-09-069	419-72-030	REP	95-09-049	456-09-350	AMD	95-05-033
415-112-120	NEW-P	95-09-069	419-72-035	REP	95-09-049	456-09-365	AMD	95-05-033
415-112-125	NEW-P	95-09-069	419-72-040	REP	95-09-049	456-09-540	AMD	95-05-033
415-112-130	NEW-P	95-09-069	419-72-041	NEW	95-09-049	456-09-705	AMD	95-05-033
415-112-135	NEW-P	95-09-069	419-72-045	AMD	95-09-049	456-09-710	AMD	95-05-033

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456-09-730	AMD	95-05-033	458-14-015	PREP	95-07-139	468-32-010	PREP	95-04-070
456-09-930	AMD	95-05-033	458-14-056	PREP	95-07-139	468-32-010	NEW-P	95-04-071
456-09-935	AMD	95-05-033	458-14-066	PREP	95-07-139	468-32-010	NEW	95-07-106
456-09-945	AMD	95-05-033	458-14-116	PREP	95-07-139	468-95-100	AMD-E	95-07-051
456-09-955	AMD	95-05-033	458-14-127	PREP	95-07-139	468-95-100	AMD-P	95-07-081
456-10-110	AMD	95-05-032	458-14-146	PREP	95-07-139	478-168	PREP	95-07-101
456-10-140	AMD	95-05-032	458-14-160	PREP	95-07-139	478-168-010	AMD-P	95-08-053
456-10-320	AMD	95-05-032	458-14-170	PREP	95-07-139	478-168-020	AMD-P	95-08-053
456-10-325	AMD	95-05-032	458-14-171	PREP	95-07-139	478-168-030	REP-P	95-08-053
456-10-330	AMD	95-05-032	458-16-265	REP	95-06-042	478-168-035	NEW-P	95-08-053
456-10-340	AMD	95-05-032	458-16A-010	NEW	95-06-041	478-168-040	REP-P	95-08-053
456-10-360	AMD	95-05-032	458-16A-020	NEW	95-06-042	478-168-050	REP-P	95-08-053
456-10-505	AMD	95-05-032	458-18-220	AMD-P	95-02-064	478-168-060	REP-P	95-08-053
456-10-510	AMD	95-05-032	458-18-220	AMD	95-06-044	478-168-070	AMD-P	95-08-053
456-10-525	AMD	95-05-032	458-20-10001	NEW-P	95-04-054	478-168-080	AMD-P	95-08-053
456-10-530	AMD	95-05-032	458-20-10001	NEW	95-07-070	478-168-090	REP-P	95-08-053
456-10-730	AMD	95-05-032	458-20-10002	NEW-P	95-04-052	478-168-092	AMD-P	95-08-053
456-10-755	AMD	95-05-032	458-20-10002	NEW	95-07-069	478-168-094	AMD-P	95-08-053
458-08-010	REP-P	95-04-051	458-20-101	AMD-P	95-04-019	478-168-096	AMD-P	95-08-053
458-08-010	REP	95-07-067	458-20-101	AMD	95-07-089	478-168-100	REP-P	95-08-053
458-08-020	REP-P	95-04-051	458-20-104	AMD-P	95-04-018	478-168-110	REP-P	95-08-053
458-08-020	REP	95-07-067	458-20-104	AMD	95-07-088	478-168-120	REP-P	95-08-053
458-08-030	REP-P	95-04-051	458-20-183	PREP	95-03-092	478-168-130	REP-P	95-08-053
458-08-030	REP	95-07-067	458-20-18601	AMD-P	95-04-053	478-168-140	REP-P	95-08-053
458-08-040	REP-P	95-04-051	458-20-18601	AMD	95-07-068	478-168-150	REP-P	95-08-053
458-08-040	REP	95-07-067	458-20-189	PREP	95-04-079	478-168-160	AMD-P	95-08-053
458-08-050	REP-P	95-04-051	458-20-211	PREP	95-05-025	478-168-170	AMD-P	95-08-053
458-08-050	REP	95-07-067	458-20-258	AMD-P	95-03-050	478-168-180	AMD-P	95-08-053
458-08-060	REP-P	95-04-051	458-30-262	PREP	95-02-063	478-168-200	AMD-P	95-08-053
458-08-060	REP	95-07-067	458-30-262	AMD-P	95-06-040	478-168-270	AMD-P	95-08-053
458-08-070	REP-P	95-04-051	458-30-262	AMD	95-09-041	478-168-280	AMD-P	95-08-053
458-08-070	REP	95-07-067	458-30-590	AMD-P	95-02-062	478-168-290	AMD-P	95-08-053
458-08-080	REP-P	95-04-051	458-30-590	AMD	95-06-043	478-168-294	AMD-P	95-08-053
458-08-080	REP	95-07-067	458-40-610	PREP	95-04-094	478-168-300	AMD-P	95-08-053
458-08-090	REP-P	95-04-051	458-40-615	PREP	95-08-078	478-168-310	AMD-P	95-08-053
458-08-090	REP	95-07-067	458-40-640	PREP	95-08-078	478-168-320	AMD-P	95-08-053
458-08-100	REP-P	95-04-051	458-40-650	PREP	95-04-094	478-168-325	NEW-P	95-08-053
458-08-100	REP	95-07-067	458-40-660	PREP	95-08-078	478-168-330	AMD-P	95-08-053
458-08-110	REP-P	95-04-051	458-40-670	PREP	95-04-094	478-168-340	AMD-P	95-08-053
458-08-110	REP	95-07-067	458-40-670	PREP	95-08-078	478-168-345	NEW-P	95-08-053
458-08-120	REP-P	95-04-051	458-40-680	PREP	95-04-094	478-168-350	AMD-P	95-08-053
458-08-120	REP	95-07-067	458-40-684	PREP	95-08-078	478-168-360	AMD-P	95-08-053
458-08-130	REP-P	95-04-051	458-40-690	PREP	95-08-078	478-168-380	AMD-P	95-08-053
458-08-130	REP	95-07-067	458-53-010	PREP	95-09-083	478-168-390	AMD-P	95-08-053
458-08-140	REP-P	95-04-051	458-53-020	PREP	95-09-083	479-01-010	AMD	95-04-072
458-08-140	REP	95-07-067	458-53-030	PREP	95-09-083	479-01-020	AMD	95-04-072
458-08-150	REP-P	95-04-051	458-53-040	PREP	95-09-083	479-01-030	AMD	95-04-072
458-08-150	REP	95-07-067	458-53-050	PREP	95-09-083	479-01-040	AMD	95-04-072
458-08-160	REP-P	95-04-051	458-53-051	PREP	95-09-083	479-02-030	AMD	95-04-072
458-08-160	REP	95-07-067	458-53-070	PREP	95-09-083	479-02-070	AMD	95-04-072
458-08-170	REP-P	95-04-051	458-53-080	PREP	95-09-083	479-02-100	AMD	95-04-072
458-08-170	REP	95-07-067	458-53-090	PREP	95-09-083	479-02-110	AMD	95-04-072
458-08-180	REP-P	95-04-051	458-53-095	PREP	95-09-083	479-02-120	AMD	95-04-072
458-08-180	REP	95-07-067	458-53-100	PREP	95-09-083	479-02-130	AMD	95-04-072
458-08-190	REP-P	95-04-051	458-53-105	PREP	95-09-083	479-12-005	NEW	95-04-072
458-08-190	REP	95-07-067	458-53-110	PREP	95-09-083	479-12-008	NEW	95-04-072
458-08-200	REP-P	95-04-051	458-53-120	PREP	95-09-083	479-12-010	AMD	95-04-072
458-08-200	REP	95-07-067	458-53-130	PREP	95-09-083	479-12-020	AMD	95-04-072
458-08-210	REP-P	95-04-051	458-53-135	PREP	95-09-083	479-13-010	AMD	95-04-072
458-08-210	REP	95-07-067	458-53-140	PREP	95-09-083	479-13-011	NEW	95-04-072
458-08-220	REP-P	95-04-051	458-53-141	PREP	95-09-083	479-13-025	AMD	95-04-072
458-08-220	REP	95-07-067	458-53-142	PREP	95-09-083	479-13-035	AMD	95-04-072
458-08-230	REP-P	95-04-051	458-53-150	PREP	95-09-083	479-13-060	REP	95-04-072
458-08-230	REP	95-07-067	458-53-160	PREP	95-09-083	479-13-070	AMD	95-04-072
458-08-240	REP-P	95-04-051	458-53-163	PREP	95-09-083	479-16-010	AMD	95-04-072
458-08-240	REP	95-07-067	458-53-165	PREP	95-09-083	479-16-015	AMD	95-04-072
458-08-250	REP-P	95-04-051	458-53-180	PREP	95-09-083	479-16-016	AMD	95-04-072
458-08-250	REP	95-07-067	458-53-200	PREP	95-09-083	479-16-030	AMD	95-04-072
458-08-260	REP-P	95-04-051	458-53-210	PREP	95-09-083	479-16-035	AMD	95-04-072
458-08-260	REP	95-07-067	460-52A-010	AMD-P	95-08-016	479-16-040	AMD	95-04-072
458-08-270	REP-P	95-04-051	460-80-315	AMD-P	95-04-097	479-16-045	AMD	95-04-072
458-08-270	REP	95-07-067	460-80-315	AMD	95-08-015	479-16-060	AMD	95-04-072

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479-16-072	REP	95-04-072	479-412-150	NEW	95-04-072	490-500-077	REP	95-04-050
479-16-080	AMD	95-04-072	479-412-200	NEW	95-04-072	490-500-080	AMD	95-04-050
479-16-085	NEW	95-04-072	479-412-250	NEW	95-04-072	490-500-085	REP	95-04-050
479-16-090	REP	95-04-072	479-412-300	NEW	95-04-072	490-500-090	REP	95-04-050
479-16-091	REP	95-04-072	479-412-310	NEW	95-04-072	490-500-095	REP	95-04-050
479-16-092	REP	95-04-072	479-416-010	NEW	95-04-072	490-500-100	REP	95-04-050
479-16-094	REP	95-04-072	479-416-015	NEW	95-04-072	490-500-105	REP	95-04-050
479-16-096	REP	95-04-072	479-416-016	NEW	95-04-072	490-500-110	REP	95-04-050
479-16-098	AMD	95-04-072	479-416-018	NEW	95-04-072	490-500-120	REP	95-04-050
479-20-007	AMD	95-04-072	479-416-020	NEW	95-04-072	490-500-145	REP	95-04-050
479-20-010	AMD	95-04-072	479-416-030	NEW	95-04-072	490-500-170	NEW	95-04-050
479-20-011	AMD	95-04-072	479-416-035	NEW	95-04-072	490-500-180	AMD	95-04-050
479-20-013	AMD	95-04-072	479-416-040	NEW	95-04-072	490-500-185	AMD	95-04-050
479-20-016	AMD	95-04-072	479-416-045	NEW	95-04-072	490-500-190	AMD	95-04-050
479-20-020	AMD	95-04-072	479-416-050	NEW	95-04-072	490-500-200	AMD	95-04-050
479-20-025	AMD	95-04-072	479-420-010	NEW	95-04-072	490-500-205	NEW	95-04-050
479-20-027	AMD	95-04-072	479-420-011	NEW	95-04-072	490-500-255	REP	95-04-050
479-20-031	AMD	95-04-072	479-420-013	NEW	95-04-072	490-500-257	AMD	95-04-050
479-20-033	REP	95-04-072	479-420-016	NEW	95-04-072	490-500-260	AMD	95-04-050
479-20-036	REP	95-04-072	479-420-020	NEW	95-04-072	490-500-270	AMD	95-04-050
479-20-037	AMD	95-04-072	479-420-025	NEW	95-04-072	490-500-275	AMD	95-04-050
479-20-075	REP	95-04-072	479-420-027	NEW	95-04-072	490-500-280	REP	95-04-050
479-20-086	AMD	95-04-072	479-420-031	NEW	95-04-072	490-500-300	AMD	95-04-050
479-20-095	AMD	95-04-072	479-420-037	NEW	95-04-072	490-500-325	AMD	95-04-050
479-24-030	AMD	95-04-072	479-420-086	NEW	95-04-072	490-500-340	REP	95-04-050
479-112	AMD	95-04-072	479-420-089	NEW	95-04-072	490-500-350	AMD	95-04-050
479-112-001	NEW	95-04-072	479-420-095	NEW	95-04-072	490-500-380	AMD	95-04-050
479-112-003	NEW	95-04-072	480-09	PREP	95-06-089	490-500-385	AMD	95-04-050
479-112-005	REP	95-04-072	480-09-520	PREP	95-06-088	490-500-389	AMD	95-04-050
479-112-0055	NEW	95-04-072	480-93-005	AMD-E	95-05-047	490-500-390	AMD	95-04-050
479-112-008	AMD	95-04-072	480-93-005	AMD-P	95-08-067	490-500-395	REP	95-04-050
479-112-009	AMD	95-04-072	480-93-010	AMD-E	95-05-047	490-500-400	REP	95-04-050
479-112-017	AMD	95-04-072	480-93-010	AMD-P	95-08-067	490-500-405	REP	95-04-050
479-113-010	AMD	95-04-072	480-120-081	AMD	95-05-003	490-500-410	REP	95-04-050
479-113-011	AMD	95-04-072	480-120-141	PREP	95-05-046	490-500-415	REP	95-04-050
479-113-029	AMD	95-04-072	480-120-141	AMD-P	95-07-130	490-500-417	REP	95-04-050
479-113-031	AMD	95-04-072	480-120-530	AMD-P	95-04-111	490-500-418	AMD	95-04-050
479-113-032	REP	95-04-072	480-120-530	AMD	95-09-002	490-500-420	AMD	95-04-050
479-113-035	AMD	95-04-072	480-146-010	AMD-P	95-08-068	490-500-425	REP	95-04-050
479-113-070	NEW	95-04-072	480-146-020	AMD-P	95-08-068	490-500-430	AMD	95-04-050
479-116-010	NEW	95-04-072	480-146-030	AMD-P	95-08-068	490-500-435	AMD	95-04-050
479-116-016	AMD	95-04-072	480-146-050	AMD-P	95-08-068	490-500-437	NEW	95-04-050
479-116-035	AMD	95-04-072	480-146-060	AMD-P	95-08-068	490-500-440	REP	95-04-050
479-116-045	AMD	95-04-072	480-146-070	PREP	95-03-094	490-500-445	AMD	95-04-050
479-116-070	NEW	95-04-072	480-146-070	AMD-P	95-08-068	490-500-450	AMD	95-04-050
479-116-080	NEW	95-04-072	480-146-080	PREP	95-03-094	490-500-455	AMD	95-04-050
479-120-010	NEW	95-04-072	480-146-080	AMD-P	95-08-068	490-500-460	NEW	95-04-050
479-120-011	NEW	95-04-072	480-146-100	PREP	95-03-094	490-500-465	NEW	95-04-050
479-120-013	NEW	95-04-072	480-146-100	REP-P	95-08-068	490-500-470	NEW	95-04-050
479-120-016	NEW	95-04-072	480-146-200	PREP	95-03-094	490-500-475	NEW	95-04-050
479-120-025	NEW	95-04-072	480-146-200	AMD-P	95-08-068	490-500-477	NEW	95-04-050
479-120-027	NEW	95-04-072	480-146-210	PREP	95-03-094	490-500-480	NEW	95-04-050
479-120-031	NEW	95-04-072	480-146-210	AMD-P	95-08-068	490-500-485	NEW	95-04-050
479-120-033	REP	95-04-072	480-146-220	PREP	95-03-094	490-500-500	AMD	95-04-050
479-120-037	NEW	95-04-072	480-146-220	AMD-P	95-08-068	490-500-505	AMD	95-04-050
479-120-086	NEW	95-04-072	480-146-230	NEW-P	95-08-068	490-500-510	AMD	95-04-050
479-120-089	NEW	95-04-072	484-20-065	AMD-P	95-02-072	490-500-520	AMD	95-04-050
479-120-095	NEW	95-04-072	484-20-065	AMD	95-07-082	490-500-525	AMD	95-04-050
479-216	AMD	95-04-072	484-20-085	AMD	95-03-053	490-500-530	AMD	95-04-050
479-216-050	AMD	95-04-072	490-500	AMD	95-04-050	490-500-540	REP	95-04-050
479-310-050	AMD	95-04-072	490-500-005	AMD	95-04-050	490-500-542	NEW	95-04-050
479-310-200	AMD	95-04-072	490-500-010	AMD	95-04-050	490-500-545	AMD	95-04-050
479-312-100	AMD	95-04-072	490-500-015	AMD	95-04-050	490-500-550	REP	95-04-050
479-410-010	NEW	95-04-072	490-500-020	REP	95-04-050	490-500-555	NEW	95-04-050
479-410-020	NEW	95-04-072	490-500-022	NEW	95-04-050	490-500-560	AMD	95-04-050
479-410-100	NEW	95-04-072	490-500-025	AMD	95-04-050	490-500-570	REP	95-04-050
479-410-150	NEW	95-04-072	490-500-030	AMD	95-04-050	490-500-580	NEW	95-04-050
479-410-160	NEW	95-04-072	490-500-050	AMD	95-04-050	490-500-590	AMD	95-04-050
479-410-170	NEW	95-04-072	490-500-055	AMD	95-04-050	490-500-600	AMD	95-04-050
479-410-180	NEW	95-04-072	490-500-060	REP	95-04-050	490-500-605	AMD	95-04-050
479-410-200	NEW	95-04-072	490-500-065	NEW	95-04-050	490-500-610	PREP	95-08-047
479-412-020	NEW	95-04-072	490-500-070	AMD	95-04-050	490-500-610	REP-P	95-08-054

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490-500-620	AMD	95-04-050	504-25-360	NEW	95-07-001			
490-500-622	NEW	95-04-050	504-25-365	NEW	95-07-001			
490-500-625	AMD	95-04-050	504-25-370	NEW	95-07-001			
490-500-627	NEW	95-04-050	504-25-375	NEW	95-07-001			
490-500-630	NEW	95-04-050	504-28-010	AMD	95-07-046			
490-500-635	NEW	95-04-050	504-28-020	AMD	95-07-046			
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504-15-210	AMD-P	95-06-061	504-28-060	REP	95-07-046			
504-15-250	AMD-P	95-06-061	504-34-140	NEW	95-07-047			
504-15-350	AMD-P	95-06-061	504-40-010	AMD-P	95-04-028			
504-15-450	AMD-P	95-06-061	504-40-020	AMD-P	95-04-028			
504-15-460	AMD-P	95-06-061	504-40-030	AMD-P	95-04-028			
504-15-470	AMD-P	95-06-061	504-40-040	REP-P	95-04-028			
504-15-540	AMD-P	95-06-061	504-40-045	NEW-P	95-04-028			
504-15-560	AMD-P	95-06-061	504-40-050	REP-P	95-04-028			
504-15-580	AMD-P	95-06-061	504-40-055	NEW-P	95-04-028			
504-15-600	AMD-P	95-06-061	504-40-060	AMD-P	95-04-028			
504-15-650	AMD-P	95-06-061	516-12-400	AMD-P	95-05-073			
504-15-750	AMD-P	95-06-061	516-12-400	AMD	95-09-047			
504-15-810	AMD-P	95-06-061	516-12-470	AMD-P	95-05-073			
504-15-830	AMD-P	95-06-061	516-12-470	AMD	95-09-047			
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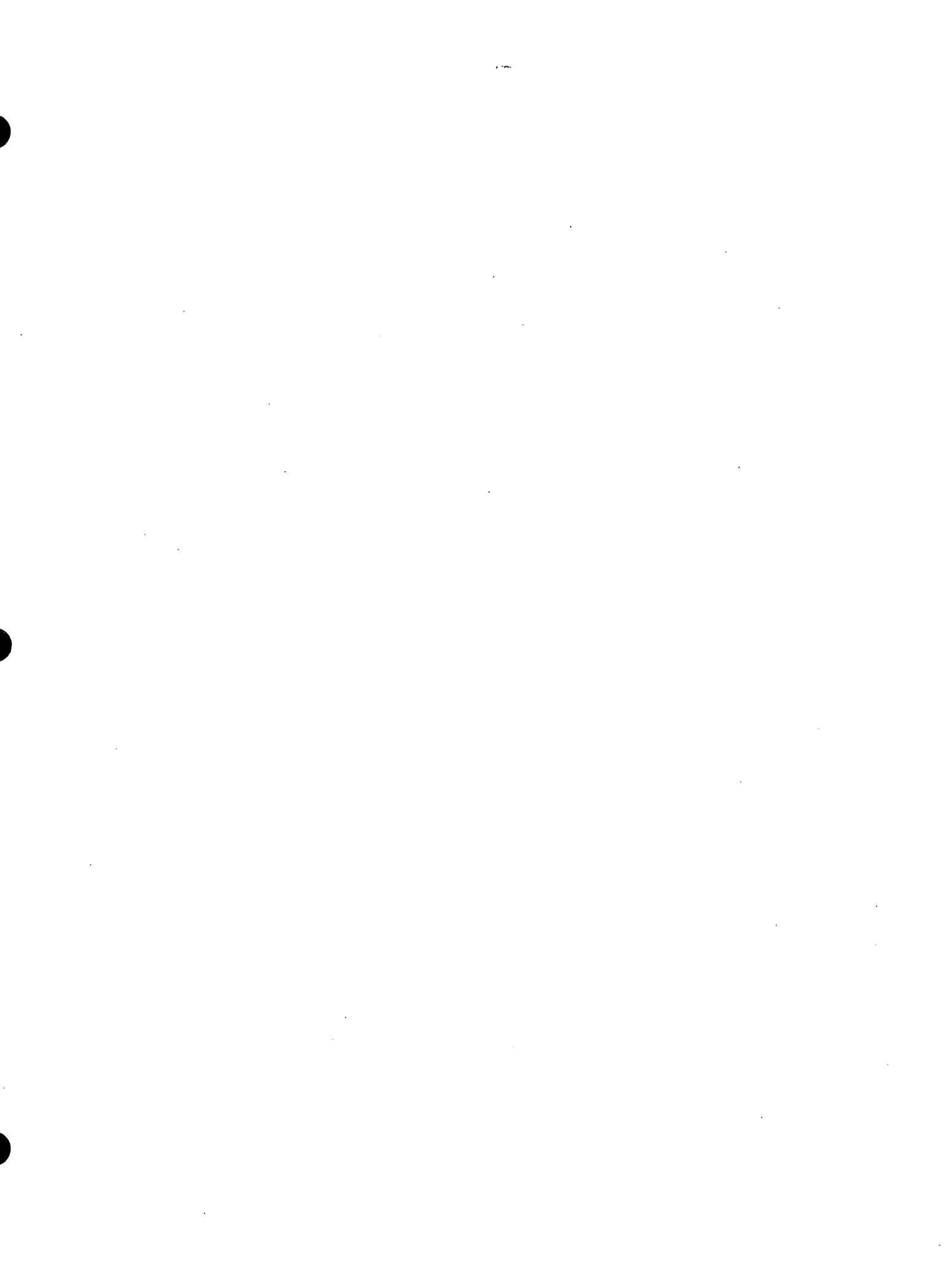
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