

Washington State Register

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filed not later than September 6, 1995

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 September 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.

Mary F. Gallagher Dilley
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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 Inquiry 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].

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.

1995 - 1996

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 12:00 NOON--</i>			<i>Count 20 days from--</i>	<i>For hearing on or after</i>
95-16	Jul 5	Jul 19	Aug 2	Aug 16	Sep 5
95-17	Jul 26	Aug 9	Aug 23	Sep 6	Sep 26
95-18	Aug 9	Aug 23	Sep 6	Sep 20	Oct 10
95-19	Aug 23	Sep 6	Sep 20	Oct 4	Oct 24
95-20	Sep 6	Sep 20	Oct 4	Oct 18	Nov 7
95-21	Sep 20	Oct 4	Oct 18	Nov 1	Nov 21
95-22	Oct 4	Oct 18	Nov 1	Nov 15	Dec 5
95-23	Oct 25	Nov 8	Nov 22	Dec 6	Dec 26
95-24	Nov 8	Nov 22	Dec 6	Dec 20	Jan 9, 1996
96-01	Nov 22	Dec 6	Dec 20, 1995	Jan 3, 1996	Jan 23
96-02	Dec 6	Dec 20, 1995	Jan 3, 1996	Jan 17	Feb 6
96-03	Dec 27, 1995	Jan 10, 1996	Jan 24	Feb 7	Feb 27
96-04	Jan 10	Jan 24	Feb 7	Feb 21	Mar 12
96-05	Jan 24	Feb 7	Feb 21	Mar 6	Mar 26
96-06	Feb 7	Feb 21	Mar 6	Mar 20	Apr 9
96-07	Feb 21	Mar 6	Mar 20	Apr 3	Apr 23
96-08	Mar 6	Mar 20	Apr 3	Apr 17	May 7
96-09	Mar 20	Apr 3	Apr 17	May 1	May 21
96-10	Apr 3	Apr 17	May 1	May 15	Jun 4
96-11	Apr 24	May 8	May 22	Jun 5	Jun 25
96-12	May 8	May 22	Jun 5	Jun 19	Jul 9
96-13	May 22	Jun 5	Jun 19	Jul 3	Jul 23
96-14	Jun 5	Jun 19	Jul 3	Jul 17	Aug 6
96-15	Jun 26	Jul 10	Jul 24	Aug 7	Aug 27
96-16	Jul 10	Jul 24	Aug 7	Aug 21	Sep 10
96-17	Jul 24	Aug 7	Aug 21	Sep 4	Sep 24
96-18	Aug 7	Aug 21	Sep 4	Sep 18	Oct 8
96-19	Aug 21	Sep 4	Sep 18	Oct 2	Oct 22
96-20	Sep 4	Sep 18	Oct 2	Oct 16	Nov 5
96-21	Sep 25	Oct 9	Oct 23	Nov 6	Nov 26
96-22	Oct 9	Oct 23	Nov 6	Nov 20	Dec 10
96-23	Oct 23	Nov 6	Nov 20	Dec 4	Dec 24
96-24	Nov 6	Nov 20	Dec 4	Dec 18	Jan 7, 1997

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.

WSR 95-18-010
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS
 [Filed August 23, 1995, 4:51 p.m.]

Subject of Possible Rule Making: Application of RCW 41.50.150, the excess compensation statute.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify and provide notice of the department's interpretation of RCW 41.50.150.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: The proposed WAC would codify existing DRS interpretation of RCW 41.50.150. Since the purpose is to provide notice of existing practice, consultation with third parties was not needed.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Paul Neal, Rules Coordinator, Legal/Legislative Affairs, Department of Retirement Systems, Mailstop 48380, P.O. Box 48380, Olympia, WA 98504-8380, phone (360) 586-3368, FAX (360) 753-3166.

August 23, 1995
 Paul Neal
 Rules Coordinator

WSR 95-18-011
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS
 [Filed August 23, 1995, 4:52 p.m.]

Subject of Possible Rule Making: Actuarial tables used to calculate optional retirement benefits.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050, 41.50.055.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To provide written notice to the public of the actuarial factors used to calculate optional benefits.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Over time, the assumptions used by the Office of the State Actuary in developing tables changes. This necessitates changing of the actuarial tables. There is no outside input into this process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Paul Neal, Rules Coordinator, Legal/Legislative Affairs, Department of Retirement Systems, Mailstop 48380, P.O. Box 48380, Olympia, WA 98504-8380, phone (360) 586-3368, FAX (360) 753-3166.

August 23, 1995
 Paul Neal
 Rules Coordinator

WSR 95-18-012
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS
 [Filed August 23, 1995, 4:52 p.m.]

Subject of Possible Rule Making: Repeal of WAC 415-108-461 and 415-108-462 regarding treatment of location pay.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: During the 1995 legislative session, the legislature amended RCW 41.40.010(8) by expanding the definition of compensation earnable to include all standby pay. This change in statute rendered the location pay WACs obsolete.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Repeal is necessary to bring the WACs into compliance with the legislature's amendment. Consultation with parties outside the agency is therefore not necessary.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Paul Neal, Rules Coordinator, Legal/Legislative Affairs, Department of Retirement Systems, Mailstop 48380, P.O. Box 48380, Olympia, WA 98504-8380, phone (360) 586-3368, FAX (360) 753-3166.

August 23, 1995
 Paul Neal
 Rules Coordinator

WSR 95-18-013
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS
 [Filed August 23, 1995, 4:52 p.m.]

Subject of Possible Rule Making: Retirement system survivor benefit options.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050, 2.10.146, 41.26.460, 41.32.570, 31.32.785, 41.40.188, 41.40.660.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules will implement the "pop-up" option for retirement survivor benefits. This will allow the retirement benefit for persons whose survivors predecease them to pop-up to a higher benefit amount.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Input from legislature and affected interest groups regarding the desirability of providing a pop-up option.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Paul Neal, Rules Coordinator,

Legal/Legislative Affairs, Department of Retirement Systems, Mailstop 48380, P.O. Box 48380, Olympia, WA 98504-8380, phone (360) 586-3368, FAX (360) 753-3166.

August 23, 1995

Paul Neal
Rules Coordinator

WSR 95-18-014
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS
[Filed August 23, 1995, 4:52 p.m.]

Subject of Possible Rule Making: Definition of uniformed firefighter.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050, 41.50.055.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: During the department's recent rule-making activity regarding firefighter eligibility, it was determined, with the help of outside parties, that it was appropriate to incorporate a definition of "uniformed firefighter" into those rules. The code reviser determined that adding a new section would necessitate a new rule-making procedure for that section.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: This proceeding incorporates a solution already worked out between the department of affected interest groups during the rule-making hearings for the LEOFF eligibility rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Paul Neal, Rules Coordinator, Legal/Legislative Affairs, Department of Retirement Systems, Mailstop 48380, P.O. Box 48380, Olympia, WA 98504-8380, phone (360) 586-3368, FAX (360) 753-3166.

August 23, 1995

Paul Neal
Rules Coordinator

WSR 95-18-021
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY
[Order 95-13—Filed August 25, 1995, 11:16 a.m.]

Subject of Possible Rule Making: Department of Ecology, via the new multi-agency permit assistance center, will adopt a single coordinated permit process rule. The single coordinated permit process rule will satisfy 1995 legislative requirements (per ESHB 1724) to adopt the following: (1) A rule describing how coordinating permit agencies will be designated; and (2) a rule describing how the timeliness of agency actions under the coordinated permit process can be appealed. The first rule (i.e., designation of a coordinating permit agency) will be adopted as Phase I by January 1, 1996. The second rule (i.e., appeal of agency timeliness) will be adopted as Phase II by January 1, 1997.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Sections 604 and 614 of ESHB 1724.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Phase I and Phase II are specifically required by ESHB 1724 and are necessary to set-up and operate the new coordinated permit process as created by the 1995 legislature.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: This is a nonregulatory rule. This rule describes (1) how agencies will be identified to be coordinating permit agencies for project proponents, and (2) how project proponents can appeal the timeliness of agency actions under the coordinated permit process. This rule will, however, require close coordination with the Washington Departments of Fish and Wildlife, Health, Natural Resources, and Washington's local air pollution control authorities, as these agencies are all eligible to be coordinating permit agencies.

Process for Developing New Rule: A stakeholder rule advisory team will be assembled to develop the coordinated permit process rule. Advisory team membership will consist of representatives from local, state and federal government, as well as Washington's business, environmental, and building communities. An interested parties mailing list will be assembled, as well as one-on-one meetings with stakeholder organizations and associations will be scheduled. Public hearings on the Phase I portion of the coordinated permit process rule will be held in November 1995.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. To be placed on an interested parties mailing list and to find out more about the coordinated permit process rule (Phase I and Phase II), and public input opportunities, please contact Scott Boettcher, Washington Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-7564, FAX (360) 407-6904, sboc461@ecy.wa.gov (e-mail).

August 24, 1995

D. J. Patin

Assistant Director

Central Programs and Enforcement

WSR 95-18-029
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION
[Filed August 25, 1995, 3:45 p.m.]

Subject of Possible Rule Making: Bingo operation restrictions and accounting procedures, amendments to WAC 230-20-170 and 230-08-080.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070 (1), (8), (9), (14).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To extend the hours of consecutive operation and clarify gambling manager's responsibilities regarding review of financial records.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michael Aoki-Kramer, P.O. Box 42400, 649 Woodland Square Loop, Olympia, 98504-2400, Lacey, WA 98503, (800) 345-2529, ext. 310.

Study Group Meetings, at 9:30 a.m., on September 14, 1995, Lakeway Inn/Best Western, 714 Lakeway Drive, Bellingham, WA 98226; and at the Ramada Inn, 435 Clover Island, Kennewick, WA 99336, on October 12, 1995.

Commission Meetings: On September 15, 1995, at the Lakeway Inn/Best Western, 714 Lakeway Drive, Bellingham, WA 98226; and on October 13, 1995, at the Ramada Inn, 435 Clover Island, Kennewick, WA 99336.

August 25, 1995
Michael Aoki-Kramer
Rules and Policy Coordinator

WSR 95-18-037

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF TRANSPORTATION

[Filed August 29, 1995, 10:30 a.m.]

Subject of Possible Rule Making: The proposed rule will place into rule current procedures for authorizing the emergent move of an overweight load by a tow truck on public highways.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.44.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 46.44.015 authorizes tow trucks to move disabled vehicles from the public streets without regard to size and weight restrictions, provided, in the case of overweight, an overweight permit is obtained. When the move is emergent, the availability of the permit may be nonexistent. To correct this the proposed rule allows the tow truck operator to contact the Washington State Department of Transportation or the Washington State Patrol for telephonic authorization.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: The rule is the result of a collaborative effort between the Washington State Department of Transportation, the Washington State Patrol and the Washington Tow Truck Association.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Barry Diseth, Motor Carrier Services, P.O. Box 47367, Olympia, WA 98504-7367, FAX (360) 664-9440.

August 28, 1995
S. A. Moon
Deputy Secretary
for Operations

WSR 95-18-038

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF TRANSPORTATION

[Filed August 29, 1995, 10:32 a.m.]

Subject of Possible Rule Making: The proposed rule will place into rule current procedures used to apply for a permit to move a "super load" (over two hundred thousand pounds GVW and/or sixteen feet wide, and/or sixteen feet high).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.44.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Due to the significant impacts that loads meeting the above description have on both the infrastructure and the motor public, there is a need for more than just a cursory review of the route and timing. The proposal establishes what information is required of a motor carrier making application, reducing the potential for unnecessary moves and unnecessary delays to authorized moves.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal Highway Administration. The proposal will have no impact on the regulatory aspects of this agency.

Process for Developing New Rule: The rule is the result of developing procedures based on the Washington State Department of Transportation staff needs for processing requests in a timely fashion.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Barry Diseth, Motor Carrier Services, P.O. Box 47367, Olympia, WA 98504-7367, FAX (360) 664-9440.

August 28, 1995
S. A. Moon
Deputy Secretary
for Operations

WSR 95-18-039

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF TRANSPORTATION

[Filed August 29, 1995, 10:35 a.m.]

Subject of Possible Rule Making: Proposal will modify width limitations placed on the eaves of manufactured housing in transport, changing from eight inches to twelve inches, WAC 468-38-120.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.44.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Market demands for manufactured housing in the northwest are calling for wider eaves. In an effort to help industry meet the demand and be consistent with neighboring state regulation, the change is necessary. There should be no significant impact to the public.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal Highway Administration, Department of Housing and Urban Development. The change will not affect the regulatory aspects of these agencies.

Process for Developing New Rule: The change is the result of discussions with the Washington Manufactured Housing Association and the Washington State Department of Transportation region staff to evaluate the potential impacts.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Barry Diseth, Motor Carrier Services, P.O. Box 47367, Olympia, WA 98504-7367, FAX (360) 664-9440.

August 28, 1995

S. A. Moon
Deputy Secretary
for Operations

WSR 95-18-040
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF TRANSPORTATION

[Filed August 29, 1995, 10:38 a.m.]

Subject of Possible Rule Making: The proposed rule modifies the criteria for certain controls used in the operation of lift-axles, WAC 468-38-280.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.44.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 1994 legislature passed legislation the [that] exempted cement mixer trucks from criteria restricting the use of controls used to raise and lower lift-axles. The proposed rule brings the other industry segments into a consistent application. This will also assist enforcement by eliminating the dual standard. Industry has also expressed willingness to support stronger penalties for abusing the lift-axle application.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal Highway Administration. The proposed rule will not impact the regulatory aspects of this agency.

Process for Developing New Rule: The proposed rule change is the result of the Washington State Department of Transportation and industry discussions.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Barry Diseth, Motor Carrier Services, P.O. Box 47367, Olympia, WA 98504-7367, FAX (360) 664-9440.

August 28, 1995

S. A. Moon
Deputy Secretary
for Operations

WSR 95-18-043
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Adult Services Administration)
(Public Assistance)

[Filed August 29, 1995, 3:15 p.m.]

Subject of Possible Rule Making: Nursing facility case management (new-proposed chapter 388-97 WAC); and medical eligibility for nursing facility care (currently WAC 388-97-235).

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18, Laws of 1995 1st sp. sess., RCW 74.42.620, 18.51.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Implement chapter 18, Laws of 1995 1st sp. sess., specifically the provisions in: Sections 8 and 9, providing case management services to nursing facility residents; and clarifying definition of medical eligibility for NF care to be more objective and consistent with the definition proposed for the COPES home and community based waiver program eligibility in WAC 388-15-610.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal Health Care Financing Administration, DSHS - Medical Assistance Administration.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kevin D. Krueger, Chief, Home and Community Programs, Aging and Adult Services, Department of Social and Health Services, P.O. 45600, Olympia, WA 98504-5600, (360) 493-2578; Evergreen Legal Services, Sean Bleck, 401 2nd Avenue, Suite 401, Seattle, WA 98104; Puget Sound Legal Assistance Foundation, 1006 5th Avenue S.W., Olympia, WA 98502-5412; Washington Health Care Association, Gerald Reilly, Executive Director, 2020 State Avenue N.E., Olympia, WA 98506; Washington Association of Homes for the Aging, Karen Tynes, Executive Director, 16000 Christensen Road, Suite 303, Seattle, WA 98188; and Washington State Long-Term Care Ombudsman, Kary Hyre, 1200 South 336th Street, Federal Way, WA 98003-7452.

August 29, 1995

Jeanette Sevedge-App
Acting Chief
Office of Vendor Services

WSR 95-18-044
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Adult Services Administration)
(Public Assistance)

[Filed August 29, 1995, 3:16 p.m.]

Subject of Possible Rule Making: WAC 388-97-240
Nursing facility placement, department assessment of

Medicaid applicant or recipient apply for admission to and payment for Medicaid nursing facility services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18, Laws of 1995 1st sp. sess., RCW 74.42.620, 18.51.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amend existing WAC 388-97-240(4) Nursing facility placement, to comply with new legislation E2SHB 1908, section 7, "An Act Relating to Long-Term Care Services." Amendment allows nursing facilities to receive Medicaid payment for eligible recipients retroactively to the date the nursing facility requested the department assessment or to the date the recipient was admitted to the facility, whichever is later. May decrease length of stay in hospitals and expedite admissions to nursing facilities.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Health Care Financing Administration, Administration on Aging, Region X, 2201 6th Avenue, Seattle, WA 98121; Medical Assistance Administration, Department of Social and Health Services; and Department of Health.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Allen D. Shanafelt, Social and Health Program Manager, Aging and Adult Services, Department of Social and Health Services, P.O. Box 45600, Olympia, WA 98504-5600, (360) 493-2544; Evergreen Legal Services, Sean Bleck, 401 2nd Avenue South, Suite 401, Seattle, WA 98104; Puget Sound Legal Assistance Foundation, 1006 5th Avenue S.W., Olympia, WA 98502-5412; Washington Health Care Association, Gerald Reilly, Executive Director, 2120 State Avenue N.E., Olympia, WA 98506; Washington Association of Homes for the Aging, Karen Tynes, Executive Director, 16000 Christensen Road, Suite 303, Seattle, WA 98188; and Washington State Long-Term Care Ombudsman, Kary W. Hyre, 1200 South 336th Street, Federal Way, WA 98003-7452.

August 29, 1995
Jeanette Sevedge-App
Acting Chief
Office of Vendor Services

WSR 95-18-045
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Adult Services Administration)
(Public Assistance)

[Filed August 29, 1995, 3:17 p.m.]

Subject of Possible Rule Making: New-proposed chapter 388-15 WAC, Social services for families, children and adults. Requirements for hospitals to refer individuals, who are in hospitals and are expected to become Medicaid eligible within 180 days of admission to a nursing facility, to the department for an assessment. An assessment shall be offered and information regarding appropriate in-home and community services shall be provided.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18, Laws of 1995 1st sp. sess., RCW 74.42.620, 18.51.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Comply with section 6, chapter 18, Laws of 1995. In partnerships with hospitals, the department shall provide an assessment, assist the client and family in understanding and locating appropriate, cost-effective long-term care options in order to make informed choices.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: HCFA, Department of Health, and Department of Social and Health Services, Division of Developmental Disabilities and Mental Health Division.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Marta Acedo, Social and Health Program Manager, Aging and Adult Services, Department of Social and Health Services, P.O. Box 45600, Olympia, WA 98504-5600, (360) 493-2558. Interested parties will be invited to participate in meetings to discuss and provide input to the proposed rule. Washington State Hospital Association, Social Work Directors in Health Care, Nursing Home Associations.

August 29, 1995
Jeanette Sevedge-App
Acting Chief
Office of Vendor Services

WSR 95-18-047
PREPROPOSAL STATEMENT OF INQUIRY
HUMAN RIGHTS COMMISSION

[Filed August 29, 1995, 3:20 p.m.]

Subject of Possible Rule Making: Chapter 162-12 WAC, Preemployment inquiry guide; chapter 162-22 WAC, Employment-handicapped persons; and chapter 162-30 WAC, Sex discrimination.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.60.120(3).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 162-12 WAC, Preemployment inquiry guide, to inform employers, employment agencies, and the public of the interpretation of those portions of the law against discrimination which declare certain preemployment inquiries to be unfair practices and to comply with judicial rulings. To provide clarification of the agency's interpretation of chapter 49.60 RCW with respect to preemployment inquiries. To streamline agency procedures.

Chapter 162-22 WAC, Employment-handicapped persons, to interpret and implement the disability coverage of RCW 49.60.180, 49.60.190, and 49.60.200. To provide clarification of the agency's interpretation of chapter 49.60 RCW with respect to disability discrimination in employment. To streamline agency procedures.

Chapter 162-30 WAC, Sex discrimination, to explain how the law against discrimination applies to practices which

disadvantages women because of pregnancy or childbirth and to comply with requirements of applicable state and federal statutes. To provide clarification of the agency's interpretation of chapter 49.60 RCW with respect to pregnancy and childbirth. To streamline agency procedures.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Equal Employment Opportunity Commission (EEOC), a federal agency, enforces Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act and the Pregnancy Discrimination Act. Due to the different statutes and jurisdiction covered by this federal agency, coordination of the rules will consist of taking into consideration the statutes and rules enforced by the EEOC.

Process for Developing New Rule: Amending existing rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Submit written comments to Idolina Reta, Director of Special Programs, 711 South Capitol Way, Evergreen Plaza Building, P.O. Box 42490, Olympia, WA 98504-2490, (360) 586-5765, (360) 586-2282.

August 28, 1995
Merritt D. Long
Executive Director

WSR 95-18-054

PREPROPOSAL STATEMENT OF INQUIRY POLLUTION LIABILITY INSURANCE AGENCY

[Filed August 31, 1995, 9:30 a.m.]

Subject of Possible Rule Making: Implementation of heating oil pollution liability insurance program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 20, Laws of 1995 (SSB 5660).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Establishes a temporary regulatory program to assist owners and operators of active heating oil tanks to obtain pollution liability insurance.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of Ecology. A memo of understanding will establish the process of coordination between the Department of Ecology and the Pollution Liability Insurance Agency. Heating oil tanks exempt from UST financial responsibility regulation. Cleanup standards regulated by MTCA.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting James Sims, Director; Gerry Geer, Deputy Director; Andrea Moss, Manager; or Ginny Ristine, Manager, at the Pollution Liability Insurance Agency, P.O. Box 40930, Olympia, WA 98504-0930, (360) 586-5997, FAX (360) 586-7187.

August 29, 1995
James M. Sims
Director

WSR 95-18-075

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Order 95-11—Filed September 1, 1995, 11:17 a.m.]

Subject of Possible Rule Making: Motor vehicle emission testing program, chapter 173-422 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.120 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Additional emission reductions may need to ensure attainment and maintenance of the national air quality standard for carbon monoxide (CO) in Spokane and to ensure maintenance of the CO and ozone federal air quality standards in the Puget Sound and Vancouver-Portland areas.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Improve the effectiveness of the motor vehicle emission check program in reducing carbon monoxide and ozone precursors.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. For information on meetings and hearings regarding the rule revision, please contact John Raymond, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6856, FAX (360) 407-6802.

August 30, 1995
D. J. Patin
Assistant Director

WSR 95-18-080

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FINANCIAL INSTITUTIONS

[Filed September 1, 1995, 3:40 p.m.]

Subject of Possible Rule Making: Analysis of capital and liquidity adequacy of credit unions whose deposit and share accounts are guaranteed by the Washington Credit Union Share Guaranty Association ("WCUSGA credit unions").

EXPLANATION OF RULE CONCEPT

Capital. During examinations, examiners will analyze each credit union to determine its capital adequacy. For WCUSGA credit unions, examiners will exclude the WCUSGA contingency and capital reserves in determining capital adequacy. These changes are for examination purposes only and will not affect a credit union's call report (form 5300) or its accounting practices.

Liquidity. During examinations, examiners will analyze each credit union to determine the adequacy of its liquidity. Examiners will analyze whether each WCUSGA credit union has sufficient liquidity to satisfy a potential one percent WCUSGA assessment, in addition to the other liquidity needs of the credit union.

The funds and investments which are identified by each WCUSGA credit union to satisfy the WCUSGA portion of the credit union's liquidity requirement should have a remaining maturity of 90 days or less. However, credit unions that have fully implemented SFAS No. 115 may identify investments classified as "available for sale" to satisfy the WCUSGA portion of their liquidity requirement.

Internal policies. Each credit union's policies should provide for a periodic review of its capital and liquidity levels, as affected by this rule, to determine if the credit union's capital and liquidity are at a safe and sound level. This rule will not affect the level of a credit union's regular reserves.

Transition periods. This rule will be implemented as follows: (1) For credit unions over \$90 million in total assets as of the date of this CR-101, the rule will apply beginning at the time the final rule becomes effective. (2) For credit unions with \$20 million to \$90 million in total assets as of the date of this CR-101, the rule will apply beginning six months after the final rule becomes effective. (3) For credit unions with under \$20 million in total assets as of the date of this CR-101, the rule will apply beginning two years after the final rule becomes effective.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 31.12.015, [31.12].465, [31.12].475, [31.12].516, [31.12].535, [31.12].545, 43.32.010, [43.32].040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are needed to ensure appropriate analysis of capital and liquidity adequacy of WCUSGA credit unions, in light of the potential for depletion of their WCUSGA reserves. The rule will in essence require additional capital and liquidity to cover the WCUSGA reserves, strengthening WCUSGA and its credit unions, and thereby affording greater protection to individual members of WCUSGA credit unions.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state or federal agencies have regulatory jurisdiction over this subject matter.

Process for Developing New Rule: The agency will seek comment from and consult with interested parties concerning the rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Comments on the rule concept (following) may be provided to J. Parker Cann or Linda K. Jekel, Division of Credit Unions, Department of Financial Institutions, P.O. Box 41204, Olympia, WA 98504-1204, phone (360) 902-8778, FAX (360) 753-6070.

September 1, 1995
John L. Bley
Director

WSR 95-18-084
PREPROPOSAL STATEMENT OF INQUIRY
UTILITIES AND TRANSPORTATION
COMMISSION

[Filed September 5, 1995, 4:10 p.m.]

Subject of Possible Rule Making: Proposed rules to establish minimum level of service provided by local exchange companies. WUTC Docket No. UT-950724.

The Washington Independent Telephone Association proposes a definition of "basic telecommunications service" which will set the minimum level of service provided customers by local exchange companies to meet the state's policy goal of universal service.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 80.36.300(1) provides that the policy of the state is to "preserve affordable universal telecommunications service;" neither the legislature nor the commission has defined the parameters of universal service. The local exchange services market now faces competition from new entrants, and a definition of "basic telecommunications service," establishing a level of service to be provided by all companies offering local exchange service, is necessary and appropriate.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: RCW 80.36.300(1) provides that the policy of the state is to "preserve affordable universal telecommunications service;" neither the legislature nor the commission has defined the parameters of universal service. The local exchange services market now faces competition from new entrants, and a definition of "basic telecommunications service," establishing a level of service to be provided by all companies offering local exchange service, may be necessary and appropriate.

Process for Developing New Rule: The commission will call for written comments, and may schedule additional round(s) of written comments and, if appropriate, schedule informal workshops with interested persons in a manner designed to develop consensus on a rule proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested persons may contact David Griffith or Wally Budsberg, Washington Utilities and Transportation Commission, Telecommunications Section, P.O. Box 47250, Olympia, WA 98504-7250, (360) 664-3603 or (360) 753-3682, respectively (FAX (360) 586-1150). Written comments from persons interested in the subject matter of this proposed rule making may be filed with the commission secretary, referencing Docket No. UT-950724, not later than October 16, 1995. All commenters are asked to file an original and ten copies of their written comments. The commission also requests comments be provided on a 3 1/2 inch, high density, "floppy" diskette for IBM-compatible systems, labeled with the commentor's name and type of software utilized. Interested persons also may file additional written comments and attend and participate in any workshops, to be announced by written notice to all commentors and to other persons specifically asking to receive such notice in this rule-making proceeding.

September 5, 1995
Steve McLellan
Secretary

publication by contacting Mark Gray, Department of Natural Resources, P.O. Box 47037, Olympia, WA 98504-7037, (360) 902-1754, FAX (360) 902-1757.

September 3, 1995
Kaleen Cottingham
Department Supervisor

WSR 95-18-087

**PREPROPOSAL STATEMENT OF INQUIRY
CENTRAL WASHINGTON UNIVERSITY**

[Filed September 6, 1995, 8:27 a.m.]

Subject of Possible Rule Making: Affirmative action language changes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12) and 28B.10.528.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 106-72-005, title will better reflect the content of the policy; and WAC 106-72-025, clearly define title to cite topic of the policy, include right to grieve in the policy statement.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Administrative review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jill M. Orcutt, Rules Coordinator, President's Office, Central Washington University, 400 East 8th Avenue, Ellensburg, WA 98926-7501.

September 5, 1995
Ivory V. Nelson
President

WSR 95-18-088

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
NATURAL RESOURCES**

[Filed September 6, 1995, 9:30 a.m.]

Subject of Possible Rule Making: Removal of forest land on Anderson Island from Pierce County forest protection zone which would transfer all fire prevention, fire detection and suppression, along with all authority to levy millage on all parcels to the local fire protection district.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 76.04.165.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 76.04.165 requires the Department of Natural Resources to establish the boundary of its forest protection zone by rule. The result will be more effective fire protection for the residents of Anderson Island.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other federal or state agencies regulate establishment of forest protection zones.

Process for Developing New Rule: Mutual agreement between the Department of Natural Resources and Pierce County Fire Protection District #27 as required under RCW 76.04.165.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before

WSR 95-18-089

**PREPROPOSAL STATEMENT OF INQUIRY
PUBLIC DISCLOSURE COMMISSION**

[Filed September 6, 1995, 9:40 a.m.]

Subject of Possible Rule Making: Time limit for soliciting or accepting contributions during the legislative session freeze period.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.370(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 42.17.710 prohibits, during legislative session and the thirty days before and after session as well as during any special session, a state official or a person employed by or acting on behalf of a state official from soliciting or accepting contributions to a public office fund, a candidate or candidate's authorized committee or to retire a campaign debt. In July of 1993, the Public Disclosure Commission adopted a rule implementing this statute, WAC 390-17-400. In January of 1995, the commission issued an interpretation of this statute determining that the session freeze prohibition also applies to contributions solicited or accepted by caucus political committees. The commission believes it may be advisable to amend WAC 390-17-400 to: (1) Include the interpretation regarding contributions to caucus committees; (2) define "public office fund" and "campaign debt"; (3) clarify the limited application of the prohibition to fund raising by political parties; (4) clarify that the prohibition now statutorily extends to state officials seeking local office; (5) clarify that the prohibition does not apply to an official's personal contribution to his or her own campaign, an official's solicitation of a contribution to a charitable organization, or a contribution to a caucus committee from a caucus member's surplus funds; and (6) address other implementation issues that have arisen since the rule was initially adopted.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Interested persons are invited to submit written comments by October 6, 1995. The commission is expected to discuss possible revisions to WAC 390-17-400 at its meeting on October 24, 1995, and public comments will be welcome at that time.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the Public Disclosure Commission Assistant Director Vicki Rippie at P.O. Box 40908, 711 Capitol Way, Room 403, Olympia, WA 98504, (360) 586-4838. Obtain agenda for commission meeting to be held on October 24, 1995, for time and location of discussion of this issue.

September 5, 1995
Melissa Warheit
Executive Director

Atlantic salmon in the daily limit; fishing contest rule modification liberalizes reporting requirements.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bruce Crawford, Assistant Director, Fish Management Program, Washington Department of Fish and Wildlife, 600 North Capitol Way, Olympia, WA 98501, phone (360) 902-2325. Contact by October 20, 1995. Proposal filing: November 1, 1995.

August 6, 1995
Evan Jacoby
Rules Coordinator

WSR 95-18-090

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

(Board of Pharmacy)

[Filed September 6, 1995, 9:54 a.m.]

Subject of Possible Rule Making: WAC 246-861-040 Applications for approval of continuing education program—Post-approval of continuing education program. Rule will allow the board to approve organizations to approve CE providers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.64.005.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To allow the board the ability to approve continuing education providers other than ACPE. Will allow greater selection of continuing education providers.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Request from continuing education approval service. The proposal has been publicized and discussed at board meetings. Public comments will be accepted at rules hearing as well.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Donald H. Williams, 1300 S.E. Quince, P.O. Box 47863, Olympia, WA 98504-7863, (360) 753-6834, FAX (360) 586-4359, board meetings.

August 31, 1995
Donald H. Williams
Executive Director

WSR 95-18-098

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed September 6, 1995, 11:15 a.m.]

Subject of Possible Rule Making: Food fish, gamefish and shellfish seasons (daily, monthly, yearly), size limits, and gear requirements; personal use definitions; fish release requirements; fishing contest requirements; seaweed possession; outboard motor and boat usage; food fish and gamefish classification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 75.08.080, 77.12.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Adjusting seasons and gear usage will create fishing opportunity while offering resource protection; definitions will assist anglers in taking and possessing food fish and gamefish; release requirements minimize injury to fish; seaweed possession clarification allows unintentional possession; boat/motor rules reduce interference with spawning fish; classification will include

WSR 95-18-099

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed September 6, 1995, 11:19 a.m.]

Subject of Possible Rule Making: Closure of commercial shellfish fisheries in the *United States v. Washington* case area.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 75.08.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On August 28, 1995, the federal court ordered an Order Re: Implementation of Shellfish Proviso was entered in Sub-proceeding 89-3 of *United States v. Washington*. This order requires that the state and tribes close all commercial shellfisheries and prohibit the landing of all shellfish on public lands or from public waters within thirty days of entry of this order, except where a signed interim agreement is in place regarding a specific commercial shellfishery. Notice is hereby given that, in the absence of such interim agreements or openings of fisheries without agreement pursuant to ¶4.6 of the order, the following commercial shellfisheries that are currently open could be closed by emergency rule on September 27, 1995, in all waters of the case area: Shrimp, scallop, squid; octopus; and crayfish.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Phil Anderson, Assistant to the Director, Fish Management Program, 600 North Capitol Way, Olympia, WA 98501, phone (360) 902-2720. Contact by September 27, 1995. Expected emergency rule filing: September 27, 1995.

August 5, 1995
Evan Jacoby
Rules Coordinator

WSR 95-18-100
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed September 6, 1995, 11:21 a.m.]

Subject of Possible Rule Making: Recreational hunting rules, including: Permits for special hunting and trapping seasons; game management units and species and gear areas and units; big game hunting seasons; official hunting hours; special closures; hunting by persons of disability; assistance to the visually disabled; establishing or modifying game reserves.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Later permit application provides hunting opportunity; adjustments in unit and area descriptions will reduce hunter confusion; adjustments in seasons and rules for big game will reflect hunter success in 1995-1996; there is an expressed interest in changing official hunting hours; revisions to assist hunters with disabilities will be proposed from the Department Disabled Hunter Advisory Task Force; game reserve boundaries need to be adjusted or established.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dave Brittell, Assistant Director, Wildlife Management Program, 600 North Capitol Way, Olympia, WA 98501, phone (360) 902-2504. Contact by October 20, 1995. Expected rule proposal filing: November 1, 1995.

August 5, 1995
Evan Jacoby
Rules Coordinator

WSR 95-18-005
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Filed August 23, 1995, 1:50 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-13-020.

Title of Rule: WAC 388-86-005 Services available to recipients of categorically needy medical assistance, 388-86-030 Vision care, 388-86-073 Occupational therapy, 388-86-075 Outpatient and emergency care, 388-86-090 Physical therapy, 388-86-098 Speech therapy services, 388-500-0005 Medical definitions, 388-503-0370 Medically indigent eligible persons, 388-519-1905 Base period, 388-518-1805 LCP-MI eligibility, 388-518-1810 LCP-MI emergency medical expense requirement (EMER), 388-518-1840 LCP-MI spenddown, 388-521-2140 Effective date for the medically indigent, and 388-529-2950 Scope of care—Medically indigent.

Purpose: Amendments implement legislative changes to the MI programs, correct a typographical error, and move the rules concerning cataracts from WAC 388-86-095 to WAC 388-86-030. Inform department staff of the legislated MI program changes. Restricts MI covered services. Increases the MI EMER to \$2000.00. Restricts MI certification to three months. State law - section 209.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Informs department staff of the legislated MI changes. This legislation (1) restricts MI covered services; (2) increases the MI EMER from \$1500 to \$2000; and (3) restricts MI certification to three months.

Reasons Supporting Proposal: Proposed amendments implement the legislative changes to the MI program, correct a typographical error, and move the rules concerning cataracts from WAC 388-86-095 to WAC 388-86-030.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joanie Scotson, Medical Assistance Administration, (360) 753-7462.

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: This proposed amendment is to implement legislative intent regarding the reduction of covered services and limitations of the MI program.

Proposal Changes the Following Existing Rules: See above and text below.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

Background: The Medical Assistance Administration (MAA) of the Department of Social and Health Services (DSHS) is proposing changes to rules related to the state-funded medically indigent (MI) program. The rule amendments are necessary to comply with the 1995-1997 State Budget Act, section 209(11) of ESHB 1410. The budget act reduces and eventually eliminates the state-funded MI

program. DSHS will implement this program reduction and elimination.

The rule amendments were filed on July 1 for emergency adoption to comply with the budget act. However, this statement has been prepared for consideration with the notice for permanent rule adoption under the Administrative Procedure Act, chapter 34.05 RCW, and is intended to comply with the Regulatory Fairness Act, chapter 19.85 RCW.

Summary of Rule Change: Under the proposed amendments to the MI program, DSHS will pay for the following services only: Emergency transportation and acute emergency hospital services, including emergency room physician services and related inpatient hospital physician services. The department will no longer pay for outpatient services under the MI program. Further, payment for MI services will be limited to a three month period per client until the program is eliminated June 30, 1996. Finally, the amount that a client must pay before being eligible for MI coverage will increase from \$1500 to \$2000.

Cost of Compliance: Potential costs to affected businesses will be in the form of reduced revenue resulting from fewer services covered by the MI program and its eventual elimination. The amendments do not impose additional reporting, record keeping or other compliance requirements.

Affected Businesses: The standard industrial codes for affected businesses are: 8069, Hospitals, specialty, except psychiatric; 8011, Physicians (M.D.) including specialists, office and clinics of; 8031, Physicians osteopathic, offices and clinics of; 8021, Dental, offices and clinics of; 5912, Pharmacies, retail; 8071, X-ray laboratories, including dental; 8032, Home health care services; 5995, Opticians, retail; 8042, Optometrists, offices and clinics of; 7352, Medical equipment retail and leasing; 7629, Medical equipment repair, electrical; 7699, Medical equipment repair, except electrical; 4119, Ambulance, road; 4522, Ambulance, air; 4731, transportation brokerage; 8011, Ophthalmologists, offices of.

Analysis: As stated above, the department assumes the economic impact proposed amendments on small business will be the reduction of revenue resulting from fewer covered services. This SBEIS evaluates the potential impact by looking at 1994 MI payments to department contracted health care providers, industry by industry, for services that will no longer be covered.

The statistics in this analysis were obtained from the MAA budget office. Figures are from November 1994 estimates and actual expenses for calendar year 1994. Statistics on the number of MAA providers are from the 1994 annual report prepared by the MAA. The numbers of licensed providers in the state were obtained from the Department of Health.

Hospitals: The state of Washington has ninety-four hospitals licensed through the Department of Health. MAA contracts with all of these hospitals and twenty out-of-state hospitals in cities on the state's border. All hospitals that MAA contracts with except one lists more than fifty employees. The one hospital lists forty-nine full-time employees. It actually has more than fifty employees due to part-time and shift employees. On the basis of number of employees, hospitals are not considered small businesses and would not be impacted as a small business.

PROPOSED

Physicians: Physicians are small businesses because each physician's office is assumed to employ less than fifty persons.

The state of Washington Department of Health lists 16,282 physicians licensed in this state. MAA has 6,254 physicians under contract. Of these contracted physicians, 4,741 provided MI services to clients in 1994. Two thousand six hundred nine physicians were reimbursed for MI outpatient services. Total reimbursement for outpatient services was \$2,841,692.56, which equals an average of \$1,089 per physician.

The cost to physicians by the proposed amendments result from the elimination of coverage under the MI program for outpatient services. Based on 1994 data, this amounts to an average reduction in reimbursement of \$1,089 per provider in 1994.

Dental: Dental offices are small businesses because each dental office is assumed to employ less than fifty persons.

The state of Washington Department of Health lists 4,500 dentists licensed in this state. MAA has 2,052 dentists under contract. Of these contracted dentists, 142 provided MI services to clients in 1994. Total reimbursement for outpatient services was \$92,507.69, which equals an average of \$651.15 per dentist.

The costs to dentists by the proposed amendments result from the elimination of coverage under the MI program for outpatient services. Based on 1994 data, this amounts to an average reduction in reimbursement of \$651.15 per provider in 1994.

Drugs: Pharmacists are small businesses because each pharmacist's office is assumed to employ less than fifty persons.

The state of Washington Department of Health lists 5,589 pharmacists licensed in this state. MAA has 1,305 pharmacists under contract. Of these contracted pharmacists, 925 provided MI services to clients in 1994. Total reimbursement for outpatient services was \$628,217.88, which equals an average of \$679.15 per pharmacist.

The cost to businesses in this industry is the reduction in revenue which may result from the reduced services covered under the MI program and by the program's eventual elimination.

The cost to pharmacists by the proposed amendments result from the elimination of coverage under the MI program for outpatient services. Based on 1994 data, this amounts to an average reduction in reimbursement of \$651.15 per provider in 1994.

Lab/X-ray: Labs/x-ray are small businesses because each lab/x-ray office is assumed to employ less than fifty persons.

The state of Washington Department of Health lists 2,364 labs/x-ray licensed in this state. MAA has one hundred four labs/x-ray under contract. Of these contracted labs/x-ray, sixty-two lab/x-ray providers provided MI outpatient services to clients in 1994. Total reimbursement for outpatient services was \$92,344.24, which equals an average of \$1,489.42 per provider.

The cost to businesses in this industry is the reduction in revenue which may result from the reduced services covered under the MI program and by the program's eventual elimination.

The cost to labs/x-ray by the proposed amendments result from the elimination of coverage under the MI program for outpatient services. Based on 1994 data, this amounts to an average reduction in reimbursement of \$1,489.42 per provider in 1994.

Home Health: Home health agencies are small businesses because each home health agency's office is assumed to employ less than fifty persons.

Occupational therapy, physical therapy, and speech therapy are included in the services that the home health agencies provide. MAA has sixty-six home health agencies under contract. Of these contracted home health agencies, thirty-six provided MI services to clients in 1994. Total reimbursement for outpatient services was \$40,649.83, which equals an average of \$1,129.16 per home health agency.

The cost to businesses in this industry is the reduction in revenue which may result from the reduced services covered under the MI program and by the program's eventual elimination. The cost to home health agencies by the proposed amendments result from the elimination of coverage under the MI program for outpatient services. Based on 1994 data, this amounts to an average reduction in reimbursement of \$1,129.16 per agency in 1994.

Optical: The standard industrial classification manual lists opticians and optometrists as different industries, however, both businesses provide the same service to MAA clients and use the same payment codes. For billing purposes, MAA combines the payment amounts for these services. Opticians and optometrists will be combined in the evaluation of optical services.

Providers of optical services are small businesses because each optometrist/optician's office is assumed to employ less than fifty persons.

The state of Washington Department of Health lists 791 opticians and 1,194 optometrists licensed in this state. MAA has 620 opticians/optometrists under contract. Of these contracted opticians/optometrists, seventy-six provided MI services to clients in 1994. Total reimbursement for outpatient services was \$4,391.45 which equals an average of \$57.78 per optician/optometrist.

The cost to opticians/optometrists by the proposed amendments result from the elimination of coverage under the MI program for outpatient services. Based on 1994 data, this amounts to an average reduction in reimbursement of \$57.78 per provider in 1994.

Ophthalmologists: The proposed amendments include a change for MAA to eliminate the need for prior authorization for cataract surgery in specific circumstances. This change will be a favorable impact for providers doing this type of service. No negative impact is anticipated based on this proposed change.

DME: Durable medical equipment providers are small businesses because each durable medical equipment office is assumed to employ less than fifty persons.

MAA has two hundred fifty durable medical equipment providers under contract. Of these contracted durable medical equipment providers, one hundred ninety-eight provided MI services to clients in 1994. Total reimbursement for outpatient services was \$165,121.17 which equals an average of \$833.95 per durable medical equipment provider.

The cost to businesses in this industry is the reduction in revenue which may result from the reduced services covered under the MI program and by the program's eventual elimination. The cost to durable medical equipment providers by the proposed amendments result from the elimination of coverage under the MI program for outpatient services. Based on 1994 data, this amounts to an average reduction in reimbursement of \$833.95 per provider in 1994.

Transportation: Transportation providers are small businesses because each transportation provider's office is assumed to employ less than fifty persons.

MAA has two hundred twenty-six ambulance providers and ten broker providers who contract with an approximate average of twenty transportation providers. Of these contracted transportation providers, all the contracted transportation providers provided MI services to clients in 1994. Total reimbursement for outpatient services was \$441,888. Of this total amount, \$402,118 was reimbursed to ambulance providers and \$39,770 to contract brokers. The ambulance transportation will continue under the MI program. For the contracted broker transportation provider, this equals an average of \$186.66 per broker.

The cost to businesses in this industry is the reduction in revenue which may result from the reduced services covered under the MI program and by the program's eventual elimination. The cost to transportation providers by the proposed amendments result from the elimination of coverage under the MI program for outpatient services. Based on 1994 data, this amounts to an average reduction in reimbursement of \$186.66 per provider in 1994.

Conclusion: To reduce the scope of the MI program is a legislative decision. The department will implement this reduction through these proposed amendments. However, these proposed amendments will have an economic impact of the above listed business. Any changes or alternatives to this implementation in an attempt to reduce the economic impact upon businesses would not be legal or feasible in meeting the stated objective of the statute which is the basis of the proposed rules.

A copy of the statement may be obtained by writing to Joanie Scotson, Program Manager, Medical Assistance Administration, Mailstop 45530, P.O. Box 45530, Olympia, WA 98504-5530, phone (360) 753-7462, or FAX (360) 753-7315.

Hearing Location: OB-2 Auditorium, 1115 South Washington Street, Olympia, WA 98504, on October 24, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jeanette Sevedge-App by October 10, 1995, TDD (360) 753-4542, or SCAN 753-4542.

Submit Written Comments to: Jeanette Sevedge-App, Acting Chief, Vendor Services, P.O. Box 45811, Olympia, WA 98504, Identify WAC Numbers, FAX (360) 586-8487, by October 17, 1995.

Date of Intended Adoption: October 25, 1995.

August 23, 1995

Jeanette Sevedge-App
Acting Chief

Office of Vendor Services

Reviser's note: The material contained in this filing will appear in the 95-19 issue of the Register as it was received after the applicable

closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-21-040.

WSR 95-18-007
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed August 23, 1995, 1:54 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-11-006.

Title of Rule: WAC 388-150-090 License denial, suspension, or revocation, 388-160-090 General qualifications, 388-73-030 General qualifications, 388-155-090 General qualifications, 388-330-010 Purpose and authority, 388-330-035 Appeal of disqualification, and 388-151-090 License suspension, denial, or revocation.

Purpose: Provides an appeal process for persons disqualified from employment in a child care facility because of a finding or allegation of child abuse or neglect.

Statutory Authority for Adoption: RCW 74.15.030.

Statute Being Implemented: RCW 74.15.030.

Summary: Would permit a person disqualified from employment in a child care facility because of alleged child abuse or neglect to have an adjudicative hearing.

Reasons Supporting Proposal: Such persons may have a constitutional right to a hearing.

Name of Agency Personnel Responsible for Drafting: Barry Fibel/Richard McCartan, Olympia, 753-0204; **Implementation:** Barry Fibel, Olympia, 753-0204; and **Enforcement:** Rosalyn Oreskovich, Olympia, 586-4031.

Name of Proponent: Attorney General's Office, governmental; and American Civil Liberties Union, private.

Rule is necessary because of federal law, the Bill of Rights, 14th Amendment to the U.S. Constitution.

Explanation of Rule, its Purpose, and Anticipated Effects: Protects the civil rights of persons who are disqualified from employment in child care facilities because of a child abuse allegation. The rule would give such persons the right to an adjudicative hearing and require that the file be amended if the hearing supports the person.

Proposal Changes the Following Existing Rules: See above. Changes WAC 388-330-010 so that it is clear that the chapter pertains to CPS information as well as criminal history information.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rules do not impose a cost on the child care industry, but only on small numbers of prospective employees who are disqualified because of a finding of abuse or neglect. Those persons may have to pay for legal representation if they request a hearing.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. DSHS is not among the departments listed in subsection (5)(a)(i) of that section which specifies to whom the section applies.

Hearing Location: OB-2 Auditorium, 1115 South Washington Street, Olympia, WA 98504, on October 24, 1995, at 10:00 a.m.

PROPOSED

Assistance for Persons with Disabilities: Contact Office of Vendor Services by October 12, 1995, TDD (360) 753-4542.

Submit Written Comments to: Jeanette Sevedge-App, Acting Chief, Vendor Services, P.O. Box 45811, Olympia, 98504, Identify WAC Numbers, FAX (360) 586-8487, by October 19, 1995.

Date of Intended Adoption: October 26, 1995.

August 23, 1995

Jeanette Sevedge-App
Acting Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3534, filed 7/13/93, effective 8/13/93)

WAC 388-330-010 Purpose and authority. This chapter establishes policy within the department of social and health services for conducting ~~((criminal history portions of))~~ background inquiries and checks of Washington state ~~((patrol's))~~ child abuse information files on those licensed or authorized by the department to care for children or developmentally disabled persons. Such inquiries are required under RCW 74.15.030.

NEW SECTION

WAC 388-330-035 Appeal of disqualification. (1) Whenever a person in good faith desires employment in an agency licensed under chapter 74.15 RCW, the person, prior to applying for employment, upon request, may receive from the department an informal meeting on whether the person is disqualified from employment for not meeting the minimum requirements pursuant to chapter 74.15 RCW or rules promulgated thereunder. If the department during employment or at the time of employment, determines that a person is disqualified from employment with a child care agency for not meeting minimum requirements under chapter 74.15 RCW or rules promulgated thereunder, the department shall give written notice of disqualification to the person. The notice shall state what the person is disqualified from doing, the reasons for the disqualification, and the applicable law under which the person is disqualified.

(2) The procedures in RCW 43.20A.205 shall apply whenever the department issues a notice of disqualification to a person. If the disqualified person requests an adjudicative proceeding, the department shall have the burden of proving disqualification by a preponderance of the evidence.

(3) A licensee under chapter 74.15 RCW may not allow a person disqualified under subsection (1) of this section to be employed by or associate with the licensee's agency. Disqualification of a person may not be contested by a licensee.

(4) The provisions of this section do not preclude the department from taking any action against a licensee in accordance with chapter 74.15 RCW or rules promulgated thereunder.

(5) If a notice of disqualification is based on a prior department finding of abuse or neglect, and after a fair hearing it is determined that the allegations are not supported by a preponderance of the evidence, the department's records shall be supplemented to so state.

(6) The department in accordance with WAC 388-330-030 may remove a disqualification based on conviction of a crime.

The department may remove a disqualification based on a reason other than conviction of a crime if the disqualified person demonstrates by clear, cogent, and convincing evidence that the person is sufficiently rehabilitated to warrant public trust and to comply with the requirements of chapter 74.15 RCW or the rules promulgated thereunder.

AMENDATORY SECTION (Amending Order 3541, filed 7/21/93, effective 8/21/93)

WAC 388-160-090 General qualifications of licensee, applicant, and persons on the premises. (1) The applicant, licensee, staff, and other person on the premises shall be a person of good character.

(2) The licensee or applicant shall demonstrate that the licensee or applicant, child care staff, volunteer, and other person having access to a person under care have the understanding, ability, physical health, emotional stability, and personality suited to meet the physical, mental, emotional, and social needs of the person under care.

(3) The licensee, applicant, staff, and other persons on the premises shall not ~~((have been))~~:

(a) ~~((Convicted of, found a perpetrator of, or have a charge pending of child abuse and/or any crime involving physical harm to another person; or~~

~~(b) Found to:~~

~~(i) Be a perpetrator of substantiated or founded child abuse; or~~

~~(ii) Have been an alleged perpetrator of an incident of child abuse where the department found the evidence supports the allegation))~~ Be ineligible to provide care because of a criminal history under chapter 388-330 WAC;
or

(b) Have committed child abuse, neglect, or exploitation as defined in RCW 26.44.020 and WAC 388-15-130.

(4) The department may, at any time, require the licensee or person on the premises to provide additional information so the department can determine whether the licensee, adoptive applicant, child care staff, volunteer, and other person having access to a child in care meet the qualifications under subsections (1), (2), and (3) of this section. The department may require the licensee or person on the premises to provide additional information including, but not limited to:

- (a) Sexual deviancy evaluations;
- (b) Substance and alcohol abuse evaluations;
- (c) Psychiatric evaluations;
- (d) Psychological evaluations; and
- (e) Medical evaluations.

AMENDATORY SECTION (Amending WSR 92-08-056, filed 3/26/92, effective 4/26/92)

WAC 388-73-030 General qualifications of licensee, adoptive applicant, and persons on the premises. (1) The adoptive applicant, licensee, staff, and other person on the premises shall be a person of good character.

(2) The licensee or adoptive applicant shall demonstrate that the licensee or adoptive applicant, child care staff, volunteer, and other person having access to a person under

care have the understanding, ability, physical health, emotional stability, and personality suited to meet the physical, mental, emotional, and social needs of the person under care.

(3) The licensee, adoptive applicant, staff, and other persons on the premises shall not ~~((have been))~~:

~~(a) ((Convicted of, found to be a perpetrator of, or have a charge pending of child abuse and/or any crime involving physical harm to another person; nor~~

~~(b) Found to:~~

~~(i) Be a perpetrator of substantiated or founded child abuse; nor~~

~~(ii) Have been an alleged perpetrator of an incident of child abuse where the department found the evidence supports the allegation)) Be ineligible to provide care because of a criminal history under chapter 388-330 WAC;~~
or

(b) Have committed child abuse, neglect, or exploitation as defined in RCW 26.44.020 and WAC 388-15-130.

(4) The department may, at any time, require the licensee or person on the premises to provide additional information so the department can determine whether the licensee, adoptive applicant, child care staff, volunteer, and other person having access to children in care meet the qualifications in subsections (1), (2), and (3) of this section. This information may include, but is not limited to:

(a) Sexual deviancy evaluations;

(b) Substance and alcohol abuse evaluations;

(c) Psychiatric evaluations;

(d) Psychological evaluations; and

(e) Medical evaluations.

AMENDATORY SECTION (Amending Order 3745, filed 6/22/94, effective 7/23/94)

WAC 388-150-090 License denial, suspension, or revocation. (1) Before granting a license and as a condition for continuance of a license, the department shall consider the ability of the applicant and licensee to meet the requirements of this chapter. If more than one person is the applicant or licensee, the department:

(a) Shall consider the persons' qualifications separately and jointly; and

(b) May deny, suspend, revoke, or not renew the license based on the failure of one of the persons to meet the requirements.

(2) The department shall deny, suspend, revoke, or not renew the license of a person who:

~~(a) ((Is a perpetrator of child abuse, or has been convicted of a crime involving child abuse or physical harm to another person))~~ Has committed child abuse, neglect, or exploitation as defined in RCW 26.44.020 and WAC 388-15-130, is ineligible to provide care because of a criminal history under chapter 388-330 WAC, or allows such a person on the premises;

(b) Commits or was convicted of a felony reasonably related to the competency of the person to meet the requirements of this chapter;

(c) Engages in illegal use of a drug or excessive use of alcohol;

(d) Commits, permits, aids, or abets the commission of an illegal act on the premises;

(e) Commits, permits, aids, or abets the abuse, neglect, exploitation, or cruel or indifferent care to a child in care;

(f) Refuses to permit an authorized representative of the department, state fire marshal, state auditor's office, or department of health to inspect the premises; or

(g) Refuses to permit an authorized representative of the department, the department of health, or state auditor's office access to records related to operation of the center or to interview staff or a child in care.

(3) The department may deny, suspend, revoke, or not renew a license of a person who:

(a) Seeks to obtain or retain a license by fraudulent means or misrepresentation, including, but not limited to:

(i) Making a materially false statement on the application; or

(ii) Omitting material information on the application.

(b) Provides insufficient staff in relation to the number, ages, or characteristics of children in care;

(c) Allows a person unqualified by training, experience, or temperament to care for or be in contact with a child in care;

(d) Violates any condition or limitation on licensure including, but not limited to:

(i) Permitting more children on the premises than the number for which the center is licensed; or

(ii) Permitting on the premises a child of an age different from the ages for which the center is licensed.

(e) Fails to provide adequate supervision to a child in care;

(f) Demonstrates an inability to exercise fiscal responsibility and accountability with respect to operation of the center;

(g) Misappropriates property of a child in care;

(h) Knowingly permits on the premises an employee or volunteer who has made a material misrepresentation on an application for employment or volunteer service;

(i) Refuses or fails to supply necessary, additional department-requested information; or

(j) Fails to comply with any provision of chapter 74.15 RCW or this chapter.

(4) The department shall not issue a license to a person who has had denied, suspended, revoked, or not renewed a license to operate a facility for the care of children or adults, in this state or elsewhere, unless the person demonstrates by clear, cogent, and convincing evidence the person has undertaken sufficient corrective action or rehabilitation to warrant public trust and to operate the center in accordance with the rules of this chapter.

(5) The department's notice of a denial, revocation, suspension, or modification of a license and the applicant's or licensee's right to a hearing is governed under RCW 43.20A.205.

AMENDATORY SECTION (Amending Order 3493, filed 12/30/92, effective 1/30/93)

WAC 388-151-090 License denial, suspension, or revocation. (1) Before granting a license and as a condition for continuance of a license, the department shall consider the ability of the applicant and licensee to meet the requirements of this chapter. If more than one person is the applicant or licensee, the department:

(a) Shall consider their qualifications separately and jointly; and

(b) May deny, suspend, revoke, or not renew the license based on the failure of one of the persons to meet the requirements.

(2) The department shall deny, suspend, revoke, or not renew the license of a person who:

(a) ~~((Is a perpetrator of child abuse, or has been convicted of a crime involving child abuse or physical harm to another person))~~ Has committed child abuse, neglect, or exploitation as defined in RCW 26.44.020 and WAC 388-15-130, is ineligible to provide care because of a criminal history under chapter 388-330 WAC, or allows such a person on the premises;

(b) Commits or was convicted of a felony reasonably related to the competency of the person to meet the requirements of this chapter;

(c) Engages in illegal use of a drug or excessive use of alcohol;

(d) Commits, permits, aids, or abets the commission of an illegal act on the premises;

(e) Commits, permits, aids, or abets the abuse, neglect, exploitation, or cruel or indifferent care to a child in care;

(f) Refuses to permit an authorized representative of the department, state fire marshal's office, or department of health to inspect the premises; or

(g) Refuses to permit an authorized representative of the department or the department of health access to records related to operation of the center or to interview staff or a child in care.

(3) The department may deny, suspend, revoke, or not renew a license of a person who:

(a) Seeks to obtain or retain a license by fraudulent means or misrepresentation including, but not limited to:

(i) Making a materially false statement on the application; or

(ii) Omitting material information on the application.

(b) Provides insufficient staff in relation to the number, ages, or characteristics of children in care;

(c) Allows a person unqualified by training, experience, or temperament to care for or be in contact with a child in care;

(d) Violates any condition or limitation on licensure including, but not limited to:

(i) Permitting more children on the premises than the number for which the center is licensed; or

(ii) Permitting on the premises a child of an age different from the ages for which the center is licensed.

(e) Fails to provide adequate supervision to a child in care;

(f) Demonstrates an inability to exercise fiscal responsibility and accountability with respect to operation of the center;

(g) Misappropriates property of a child in care;

(h) Knowingly permits on the premises an employee or volunteer who has made a material misrepresentation on an application for employment or volunteer service;

(i) Refuses or fails to supply necessary, additional department requested information; or

(j) Fails to comply with any provision of chapter 74.15 RCW or this chapter.

(4) The department shall not issue a license to a person who has been denied, suspended, revoked, or not renewed a license to operate a facility for the care of the children or adults, in this state or elsewhere, unless the person demonstrates by clear, cogent, and convincing evidence the person has undertaken sufficient corrective action or rehabilitation to warrant public trust and to operate the center in accordance with the rules of this chapter.

(5) The department's notice of a denial, revocation, suspension, or modification of a license and the applicant's or licensee's right to a hearing, shall be governed under RCW 43.20.205.

AMENDATORY SECTION (Amending Order 3745, filed 6/22/94, effective 7/23/94)

WAC 388-155-090 License denial, suspension, or revocation. (1) Before granting a license and as a condition for continuance of a license, the department shall consider the ability of the applicant and licensee to meet the requirements of this chapter. If more than one person is the applicant or licensee, the department:

(a) Shall consider the persons' qualifications separately and jointly; and

(b) May deny, suspend, revoke, or not renew the license based on the failure of one of the persons to meet the requirements.

(2) The department shall deny, suspend, revoke, or not renew the license of a person who:

(a) ~~((Is a perpetrator of child abuse, or has been convicted of a crime involving child abuse or physical harm to another person))~~ Has committed child abuse, neglect, or exploitation as defined in RCW 26.44.020 and WAC 388-15-130, is ineligible to provide care because of a criminal history under chapter 388-330 WAC, or allows such a person on the premises;

(b) Commits or was convicted of a felony reasonably related to the competency of the person to meet the requirements of this chapter;

(c) Engages in illegal use of a drug or excessive use of alcohol;

(d) Commits, permits, aids, or abets the commission of an illegal act on the premises;

(e) Commits, permits, aids, or abets the abuse, neglect, exploitation, or cruel or indifferent care to a child in care;

(f) Refuses to permit an authorized representative of the department, state fire marshal, department of health, or state auditor's office to inspect the premises; or

(g) Refuses to permit an authorized representative of the department, the department of health, or the state auditor's office access to records related to operation of the home or to interview an assistant or a child in care.

(3) The department may deny, suspend, revoke, or not renew a license of a person who:

(a) Seeks to obtain or retain a license by fraudulent means or misrepresentation, including, but not limited to:

(i) Making a materially false statement on the application; or

(ii) Omitting material information on the application.

(b) Provides insufficient staff in relation to the number, ages, or characteristics of children in care;

(c) Allows a person unqualified by training, experience, or temperament to care for or be in contact with a child in care;

(d) Violates any condition or limitation on licensure including, but not limited to:

(i) Permitting more children on the premises than the number for which the home is licensed; or

(ii) Permitting on the premises a child of an age different from the ages for which the home is licensed.

(e) Fails to provide adequate supervision to a child in care;

(f) Demonstrates an inability to exercise fiscal responsibility and accountability with respect to operation of the home;

(g) Misappropriates property of a child in care;

(h) Knowingly permits on the premises an employee or volunteer who has made a material misrepresentation on an application for employment or volunteer service;

(i) Refuses or fails to supply necessary, additional department-requested information; or

(j) Fails to comply with any provision of chapter 74.15 RCW or this chapter.

(4) The department shall not issue a license to a person who has had denied, suspended, revoked, or not renewed a license to operate a facility for the care of children or adults, in this state or elsewhere, unless the person demonstrates by clear, cogent, and convincing evidence the person has undertaken sufficient corrective action or rehabilitation to warrant public trust and to operate the home in accordance with the rules of this chapter.

(5) The department's notice of a denial, revocation, suspension, or modification of a license and the applicant's or licensee's right to a hearing shall be governed under RCW 43.20A.205.

WSR 95-18-009
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS
[Filed August 23, 1995, 4:45 p.m.]

Original Notice.

Proposal is exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: Reporting of vehicle allowances and nonmoney maintenance.

Purpose: To rewrite existing rules regarding vehicle allowances and nonmoney maintenance to make the rules more understandable without changing their substantive effect.

Statutory Authority for Adoption: RCW 41.50.050.

Statute Being Implemented: RCW 41.40.010(8), 41.32.010(10).

Summary: The rules clearly established department procedures for determining whether vehicle allowances or nonmoney maintenance compensation should be reported as qualifying compensation.

Reasons Supporting Proposal: The current rules are turgid and difficult to fathom. The revised version does not change the effect, but makes it more likely that members will understand the standards.

Name of Agency Personnel Responsible for Drafting: Paul Neal, 1025 East Union, Olympia, (360) 586-3368; Implementation and Enforcement: Jack Bryant, 1025 East Union, Olympia, (360) 753-3109.

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 rule restates existing WACs regarding treatment of vehicle allowances and nonmoney maintenance compensation under the public employee's retirement system (PERS) and the teacher's retirement system (TRS). The purpose is to make those rules more understandable. The anticipated effect is greater understanding and compliance in the employer and member community.

Proposal Changes the Following Existing Rules: Replaces the text of WAC 415-112-412, 415-112-413, 415-108-470, and 415-108-480 with more readable language.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Rules effect only governmental entities and government employees. No impact on small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Retirement Systems is not one of the agencies listed in section 201 (5)(a), chapter 403, Laws of 1995.

Hearing Location: 2nd Floor, Boardroom, Capital Plaza Building, 1025 East Union, Olympia, WA 98504-8380, on October 13, 1995, at 4:00.

Assistance for Persons with Disabilities: Contact Paul Neal by October 10, 1995.

Submit Written Comments to: Paul Neal, P.O. Box 48380, Olympia, WA 98504-8380, FAX (360) 753-3166.

Date of Intended Adoption: October 17, 1995.

August 23, 1995

Paul Neal

Rules Coordinator

AMENDATORY SECTION (Amending Order DRS 87-08, filed 8/19/87)

WAC 415-108-470 Nonmoney maintenance (~~compensation—Determination and reporting—Form and weight of evidence~~). (~~((1) Except for compensation described in WAC 415-108-450(2) or except as otherwise provided in this section, "nonmoney maintenance compensation" means the fair market value of living quarters, shelter, lodging, food, board, clothing, laundry, transportation, fuel, utilities, or other personal advantages of a similar nature legally furnished in a medium other than cash to a member (or the member and the member's dependents) by the member's employer in partial payment for the member's rendering of personal services to the employer.~~

(2) ~~"Nonmoney maintenance compensation" does not include:~~

(a) ~~Clothing, materials, vehicles, fuel, or equipment furnished by the member's employer or purchased, rented, or leased by the employee with an allowance provided by the employer, if such clothing, materials, vehicles, fuel, or equipment are used by the member in rendering personal services to the employer;~~

~~(b) Any form of compensation in a medium other than cash: (i) That is associated with an available corresponding deduction for ordinary and necessary employee business expenses, under any provision of the United States Internal Revenue Code in the tax year the compensation was earned by the member; or (ii) that is excludable from taxation, under any provision of the United States Internal Revenue Code in the tax year the compensation was earned by the member, regardless of whether the employer and/or member reported the nonmonetary compensation to the Internal Revenue Service as taxable.~~

~~(3) Every employer furnishing one or more items of "nonmoney maintenance compensation," to a Plan I PERS member shall contemporaneously establish and regularly update a written schedule reflecting the monthly fair market value of each such item of nonmoney maintenance compensation. The fair market value of an item of nonmoney maintenance compensation is determined on the basis of all objective facts and circumstances. It is usually what the cost of the item would be if acquired in an arm's length purchase or lease.~~

~~(4) For each month during which an employer furnishes to a Plan I PERS member "nonmoney maintenance compensation," the employer shall report to the department as "compensation earnable" the amount by which the fair market value of the "nonmoney maintenance compensation" exceeds the amount, if any, paid by the member for the "nonmoney maintenance compensation."~~

~~(5)(a) No item reported to the department as "nonmoney maintenance compensation" shall be included in the calculation of a Plan I PERS member's retirement benefits unless the employer or the member substantiates, by adequate records or by other sufficient corroborating evidence, the employer's report under subsection (4) of this section and the member's own statement: (i) That the net amount of the item, as reported in accordance with subsection (4) of this section is accurate; (ii) that the item was furnished for the personal use of the member in partial payment for the member's rendering of personal services to the employer; and (iii) that for federal income tax purposes the item was neither associated with an available corresponding deduction for ordinary and necessary employee business expenses nor excludable from taxation, as reflected in subsection (2)(b) of this section. Absent such evidence corroborating each of these elements, the department shall presume that the item neither qualifies as "nonmoney maintenance compensation" nor as "compensation earnable."~~

~~(b) Except as provided in WAC 415-108-480 (containing special substantiation rules for employer-provided vehicles and vehicle allowances), corroborating records or other evidence may take any form, but different types of evidence have different degrees of probative value. Usually, oral evidence alone has considerably less probative value than written evidence. In addition, the probative value of written evidence is greater the closer in time it relates to the furnishing of the item. Thus, written evidence prepared at or near the time the item was furnished, absent unusual circumstances, generally has much more probative value than evidence created years later. Except as provided in WAC 415-108-480, the department will carefully weigh the probative value of all forms of evidence submitted or obtained to determine whether it is sufficient, when taken as~~

~~a whole, to corroborate the employer's report and the member's own statement.) Are payments from my employer in any form other than money considered compensation earnable?~~

~~(1) PERS Plan I members.~~

~~(a) If your employer provides you with materials in lieu of reimbursement for your business expenses, the value of the materials is not compensation earnable.~~

~~(i) The value of employer-provided materials is not compensation earnable if you use the materials solely in connection with your employer's business.~~

~~(ii) "Materials" includes, but is not limited to, living quarters, food, board, equipment, clothing, laundry, transportation, fuel, and utilities.~~

~~Example: An employer provides an employee with uniforms which the employee must wear in performing services for his employer. Because the uniforms are to be used solely in connection with the employer's business, they do not qualify as nonmoney maintenance compensation. Therefore, the value of the uniforms is not compensation earnable.~~

~~(b) The department presumes that your employer provides you materials solely in lieu of reimbursement for business expenses. Unless you or your employer can show by corroborating evidence that your employer provided you materials in whole or in part as payment for your personal expenses, as opposed to business expenses, the value of the materials is not compensation earnable.~~

~~(c) If your employer provides you with materials for your personal use, the value of that use is nonmoney maintenance compensation and is included in your earnable compensation.~~

~~(i) "Nonmoney maintenance compensation" means the fair market value of any form of materials other than cash legally furnished by your employer to you or your dependents for personal use.~~

~~(ii) Nonmoney maintenance does not include any form of payment other than cash that is excludable from taxation under provisions of the Internal Revenue Code. This applies regardless of whether you or your employer reported the compensation to the Internal Revenue Service as taxable income.~~

~~(d) Your use of employer-provided materials will qualify as nonmoney maintenance compensation if your employer substantiates that they were provided to you as payment for personal services. In order for employer-provided materials to qualify as nonmoney maintenance compensation, your employer must:~~

~~(i) Establish and regularly update a written schedule reflecting the monthly fair market value of each item of employer-provided materials claimed as nonmoney maintenance compensation. Typically, the fair market value would be the cost of the item if it were acquired in a purchase or lease transaction;~~

~~(ii) Report the fair market value of employer-provided materials as nonmoney maintenance compensation to the department as compensation earnable. If you pay any amount to your employer in order to own or use the materials, your employer must report as compensation earnable the amount by which the fair market value of the materials exceeds the amount of your payment;~~

~~(iii) Substantiate by adequate records or by other sufficient corroborating evidence the following:~~

(A) That the fair market value of each item of nonmoney maintenance compensation as reported to the department is accurate;

(B) That each item of nonmoney maintenance compensation is provided to you for your personal use as payment for your services to the employer; and

(C) That each item of nonmoney maintenance compensation is includable in your taxable income for federal income tax purposes.

Example: An employer leases an apartment for \$700.00 per month. The employer charges an employee \$300.00 per month to use the apartment for temporary living quarters. Because the employee uses the apartment for personal, rather than business, purposes, the amount by which the lease value exceeds the employee's payment is nonmoney maintenance compensation. The employer must report \$400.00 per month to the department as compensation earnable for the employee.

(e) How to corroborate that your use of employer-provided materials qualifies as nonmoney maintenance compensation. In addition to the records required under (d) of this subsection, you may provide the department with any oral or written evidence which you or your employer believe corroborates that your use of employer-provided materials qualifies as compensation earnable. However, oral evidence alone has considerably less value than written evidence. Written evidence prepared at or near the time your employer provides you with the item of compensation is generally much stronger than oral evidence or written evidence created years later.

(2) PERS Plan II members. If you are a PERS Plan II member, you are not entitled to count the value of any nonmoney maintenance compensation you receive from your employer as compensation earnable.

AMENDATORY SECTION (Amending Order DRS 87-08, filed 8/19/87)

WAC 415-108-480 ((Special recordkeeping rules for)) ~~Vehicles ((and vehicle allowances provided by employers to PERS members—Exemption—Presumption in absence of records.))—Does the value of my use of an employer vehicle qualify as compensation earnable?~~ ((1)(a) For fiscal years beginning after the effective date of this regulation, and except as provided in (b) of this subsection, each employer shall maintain monthly contemporaneous records for each vehicle provided to a Plan I PERS member reflecting: (i) Whether the vehicle was authorized and available for personal use, including commuting; (ii) whether the vehicle was used for commuting and, if so, the distance the member normally commuted on a daily basis during the month; (iii) the dates, if any, on which the member used the vehicle for other personal purposes, the miles driven on each such trip, and the itinerary of each such trip; (iv) the total number of miles the vehicle was driven during the month; and (v) the percentages of the total miles driven during the month which were driven by the member for personal use of the vehicle (including commuting) during the month. If the employer maintains such records, the employer shall report to the department as "compensation earnable" for each month the lesser of: (A) The product of the monthly fair market lease value of the vehicle times the percentage of personal use of the vehicle during the month, or (B) one-twelfth of the amount reported by the employer to the

Internal Revenue Service as the member's taxable income attributable to the personal use of the vehicle during the year under any alternative valuation method authorized by Internal Revenue Service regulations.

(b) The monthly records required under (a) of this subsection need not be maintained if: (i) The employer has an established policy that the vehicle shall not be used for personal purposes; (ii) any commuting or other personal use of the vehicle by the member during the month is excludable from the member's taxable income under any provision of the United States Internal Revenue Code; or (iii) any commuting or other personal use of the vehicle by the member is otherwise excluded from the definition of "compensation earnable" under WAC 415-108-450(2).

(c) Unless the employer maintains the records required under (a) of this subsection, the department shall presume that any vehicle provided by an employer to a member is authorized for use solely in connection with the employer's business, and therefore the use of the vehicle neither qualifies as "nonmoney maintenance compensation" nor as "compensation earnable."

(2)(a) For fiscal years beginning after the effective date of this regulation and except as provided in (b) of this subsection, each employer that provides a vehicle allowance to one or more PERS members shall maintain monthly contemporaneous records for each such member reflecting: (i) The dates, if any, on which each such member used a privately owned vehicle in performing services for the employer, (ii) the miles driven on each such trip, and (iii) the itinerary of each such trip. If the employer maintains such records, the employer shall report to the department as "compensation earnable" for each member the difference between: (A) The vehicle allowance; and (B) the number of miles such employee drove a privately owned vehicle in performing services for the employer during the reporting period times the mileage reimbursement rate used by the employer to reimburse its other employees for expenses incurred in performing service to the employer; or (C) if the employer has established no such rate, the rate established by the United States Internal Revenue Service for use by taxpayers in computing deductions for employees business expenses.

(b) The monthly records required under (a) of this subsection need not be maintained if: (i) The contract of employment provides that such allowance is solely in lieu of reimbursement for expenses incurred or expected to be incurred in performing services for the employer; or (ii) the member receiving such allowance also receives separate reimbursement for automobile expenses for each use of a privately owned vehicle in performing services for the employer on the same basis as the other employees of the employer.

(c) For purposes of (a) and (b) of this subsection, a "privately owned vehicle" means any vehicle not owned by or leased to the employer.

(d) Unless the employer maintains the records required under (a) of this subsection or is excused from maintaining the records under (b) of this subsection, the department shall presume that any vehicle allowance provided by an employer to a PERS member is solely in lieu of reimbursement for expenses incurred or expected to be incurred in performing

services for the employer and therefore does not constitute "compensation earnable.") (1) **PERS Plan I members:**

(a) If you use an employer vehicle solely in connection with your employer's business, your use of the vehicle does not qualify as compensation earnable. Use of an employer-provided vehicle only qualifies as compensation earnable to the extent that you use it for personal, rather than business, purposes. Your use of an employer vehicle does not qualify as compensation earnable if:

(i) You use the vehicle solely in connection with your employer's business; or

(ii) Your employer has an established policy prohibiting you from using the vehicle for any purpose other than in connection with your employer's business.

(b) The department presumes that any employer-provided vehicle is used solely in connection with your employer's business and does not qualify as compensation earnable.

(c) A portion of your use of an employer-provided vehicle may qualify as compensation earnable. In order for any portion of your use of an employer vehicle to qualify as compensation earnable, your employer must either:

(i) Report your personal use of the vehicle to the Internal Revenue Service (IRS) as income; or

(ii) Maintain monthly records reflecting your personal use of the vehicle.

(d) Your personal use of an employer vehicle qualifies as compensation earnable if your employer reports your use to the IRS as taxable income. Your employer may report your personal use of an employer vehicle to the Internal Revenue Service (IRS) as taxable income as provided under the Internal Revenue Code (I.R.C.). See I.R.C. Section 61 and Treas. Reg. Section 1.61-21. If so, the department will consider the amount reported to the IRS as compensation earnable.

(e) Your personal use of an employer vehicle qualifies as compensation earnable to the extent your employer documents your personal use of the vehicle. If your employer does not report your use of an employer vehicle to the IRS as income, your use of the vehicle may qualify as compensation earnable if your employer maintains monthly contemporaneous records detailing your personal use of the vehicle. Your employer records must reflect all of the following:

(i) Whether your employer authorized you to have the vehicle for personal use, including commuting;

(ii) Whether you used the vehicle for commuting and, if so, the distance you normally commuted on a daily basis during the month;

(iii) The dates, if any, on which you used the vehicle for other personal purposes, including the miles you drove the vehicle on each personal trip and your itinerary for each trip;

(iv) The total number of miles you drove the vehicle during the month; and

(v) The percentage of the total miles you drove the car during the month for personal use, including commuting.

(f) Your employer must report as compensation earnable an amount based on your personal use of the vehicle. If your employer maintains records documenting your personal use of the vehicle as provided in (e) of this subsection, your employer must report to the department as

monthly compensation earnable the lesser of the following amounts:

(i) Monthly Fair Market Lease Value of the Vehicle

$$\frac{\text{Percentage of Personal Use of the Vehicle During the Month}}{\text{or}}$$

(ii) Miles of Personal Use

$$\frac{\text{IRS Mileage Rate}}{\text{or}}$$

"IRS mileage rate" means the mileage rate adopted by the Internal Revenue Service for use by taxpayers in computing the value of the use of a vehicle.

(2) PERS Plan II members. If you are a PERS Plan II member, you are not entitled to count any of the value of an employer-provided vehicle as compensation earnable.

NEW SECTION

WAC 415-108-485 Vehicle allowances—Are vehicle allowances earnable compensation? (1) If your employer provides you any payment or allowance in lieu of a reimbursement for expenses you incur or expect to incur in performing services for your employer, the payment or allowance is not compensation earnable. Your vehicle allowance does not qualify as compensation earnable if you receive the allowance in lieu of reimbursement for expenses that you incur or expect to incur in using your own vehicle for business purposes. See WAC 415-108-450 (3)(e) and 415-108-460 (3)(g).

(2) **The department presumes that any vehicle allowance provided to you by your employer is a payment in lieu of reimbursement for expenses and is not compensation earnable.** If the contract authorizing your vehicle allowance states that it is provided solely in lieu of reimbursement for expenses that you incur or expect to incur in using your own vehicle for business purposes, the department's presumption is not rebuttable.

(3) **Your vehicle allowance may qualify as compensation earnable to the extent that it exceeds your actual expenses.** If your employer documents that your vehicle allowance exceeds the actual expenses you incur in driving your own vehicle for business purposes, the excess amount is compensation earnable. Your employer must maintain monthly contemporaneous records documenting the following:

(a) The dates, if any, on which you used a privately owned vehicle in performing services for your employer;

(b) The miles you drove the vehicle on each of these trips; and

(c) Your itinerary for each of these trips.

(4) **How to determine what amount of your vehicle allowance, if any, is reportable as compensation earnable.** If your employer documents that your vehicle allowance exceeds the actual expenses you incur in using your own vehicle for business purposes, your employer must report to the department as compensation earnable:

Your Vehicle Allowance LESS (Miles X IRS Rate)

(a) "Miles" above means the number of miles you drove a privately owned vehicle for business purposes during the month.

(b) "IRS rate" above means the Internal Revenue Service mileage rate for use by taxpayers computing the value of the use of a vehicle.

(5) **Your vehicle allowance qualifies as compensation earnable if you also receive a separate reimbursement for each occasion you use your own vehicle for business purposes.** If, in addition to your vehicle allowance, you receive a separate reimbursement for vehicle expenses for each occasion that you use a privately owned vehicle for business purposes, your vehicle allowance is compensation earnable.

(6) **Any part of your vehicle allowance that qualifies as earnable compensation is excess compensation.** If any part of your vehicle allowance is included in the calculation of your retirement allowance, your employer will be billed for excess compensation under RCW 41.50.150. Your employer's bill will equal the total estimated cost of the portion of your retirement allowance payment attributable to your vehicle allowance.

AMENDATORY SECTION (Amending Order DRS 87-07, filed 8/19/87)

WAC 415-112-412 Nonmoney maintenance compensation (~~—Determination and reporting Form and weight of evidence~~). (~~((1) Except for compensation described in WAC 415-112-410(3) or except as otherwise provided in this section, "nonmoney maintenance compensation" means the fair market value of living quarters, shelter, lodging, food, board, clothing, laundry, transportation, fuel, utilities, or other personal advantages of a similar nature legally furnished in a medium other than cash to a member (or the member and the member's dependents) by the member's employer in partial payment for the member's rendering of personal services to the employer.~~

(2) "Nonmoney maintenance compensation" does not include:

(a) ~~Clothing, materials, vehicles, fuel, or equipment furnished by the member's employer or purchased, rented, or leased by the employee with an allowance provided by the employer, if such clothing, materials, vehicles, fuel, or equipment are used by the member in rendering personal services to the employer;~~

(b) ~~Any form of compensation in a medium other than cash: (i) That is associated with an available corresponding deduction for ordinary and necessary employee business expenses; or (ii) that is excludable from taxation, under any provision of the United States Internal Revenue Code in the tax year the compensation was earned by the member, regardless of whether the employer and/or member reported the nonmonetary compensation to the Internal Revenue Service as taxable.~~

(3) ~~Every employer furnishing one or more items of nonmoney maintenance compensation to a Plan I TRS member shall contemporaneously establish and regularly update a written schedule reflecting the monthly fair market value of each such item of nonmoney maintenance compensation. The fair market value of an item of nonmoney maintenance compensation is determined on the basis of all~~

~~objective facts and circumstances. It is usually what the cost of the item would be if acquired in an arm's length purchase or lease.~~

(4) ~~For each month during which an employer furnishes to a Plan I TRS member "nonmoney maintenance compensation," the employer shall report to the department as earnable compensation the amount by which the fair market value of the "nonmoney maintenance compensation" exceeds the amount, if any, paid by the member for the "nonmoney maintenance compensation."~~

(5)(a) ~~No item reported to the department as "nonmoney maintenance compensation" shall be included in the calculation of a Plan I TRS member's retirement benefits unless the employer or the member substantiates by adequate records or by other sufficient corroborating evidence, the employer's report under subsection (4) of this section and the member's own statement: (i) That the net amount of the item, as reported in accordance with subsection (4) of this section is accurate; (ii) that the item was furnished for the personal use of the member in partial payment for the member's rendering of personal services to the employer; and (iii) that for federal income tax purposes the item was neither associated with an available corresponding deduction for ordinary and necessary employee business expenses nor excludable from taxation, as reflected in subsection (2)(b) of this section. Absent such evidence corroborating each of these elements, the department shall presume that the item neither qualifies as "nonmoney maintenance compensation" nor as "compensation earnable."~~

(b) ~~Except as provided in WAC 415-112-413 (containing special substantiation rules for employer provided vehicle, and vehicle allowances), corroborating records or other evidence may take any form, but different types of evidence have different degrees of probative value. Usually, oral evidence alone has considerably less probative value than written evidence. In addition, the probative value of written evidence is greater the closer in time it relates to the furnishing of the item. Thus, written evidence prepared at or near the time the item was furnished, absent unusual circumstances, generally has much more probative value than evidence created years later. Except as provided in WAC 415-112-413, the department will carefully weigh the probative value of all forms of evidence submitted or obtained to determine whether it is sufficient, when taken as a whole, to corroborate the employer's report and the member's own statement.)~~ **Are payments from my employer in any form other than money considered compensation earnable?**

(1) TRS Plan I members.

(a) If your employer provides you with materials in lieu of reimbursement for your business expenses, the value of the materials is not earnable compensation.

(i) The value of employer-provided materials is not earnable compensation if you use the materials solely in connection with your employer's business.

(ii) "Materials" includes, but is not limited to, living quarters, food, board, equipment, clothing, laundry, transportation, fuel, and utilities:

Example: An employer provides an employee with uniforms which the employee must wear in performing services for his employer. Because the uniforms are to be used solely in connection with the employer's business, they do not qualify as nonmoney

maintenance compensation. Therefore, the value of the uniforms is not earnable compensation.

(b) The department presumes that your employer provides you materials solely in lieu of reimbursement for business expenses. Unless you or your employer can show by corroborating evidence that your employer provided you materials in whole or in part as payment for your personal expenses, as opposed to business expenses, the value of the materials is not earnable compensation.

(c) If your employer provides you with materials for your personal use, the value of that use is nonmoney maintenance compensation and is included in your earnable compensation.

(i) "Nonmoney maintenance compensation" means the fair market value of materials legally furnished by your employer to you or your dependents for personal use.

(ii) Nonmoney maintenance compensation does not include any form of compensation other than cash that is excludable from taxation under provisions of the Internal Revenue Code. This applies regardless of whether you or your employer reported the compensation to the Internal Revenue Service as taxable income.

(d) Your use of employer-provided materials will qualify as nonmoney maintenance compensation if your employer substantiates that they were provided to you as payment for personal services. In order for employer-provided materials to qualify as nonmoney maintenance compensation, your employer must:

(i) Establish and regularly update a written schedule reflecting the monthly fair market value of each item of employer-provided materials claimed as nonmoney maintenance compensation. Typically, the fair market value would be the cost of the item if it were acquired in a purchase or lease transaction;

(ii) Report the fair market value of employer-provided materials as nonmoney maintenance compensation to the department as earnable compensation. If you pay any amount to your employer in order to own or use the materials, your employer must report as earnable compensation the amount by which the fair market value of the materials exceeds the amount of your payment;

(iii) Substantiate by adequate records, or by other sufficient corroborating evidence the following:

(A) That the fair market value of each item of nonmoney maintenance compensation as reported to the department is accurate;

(B) That each item of nonmoney maintenance compensation is provided to you for your personal use as payment for your services to the employer; and

(C) That each item of nonmoney maintenance compensation is includable in your taxable income for federal income tax purposes.

Example: An employer leases an apartment for \$700.00 per month. The employer charges an employee \$300.00 per month to use the apartment for temporary living quarters. Because the employee uses the apartment for personal, rather than business, purposes, the amount by which the lease value exceeds the employee's payment is nonmoney maintenance compensation. The employer must report \$400.00 per month to the department as earnable compensation for the employee.

(e) How to corroborate that your use of employer-provided materials qualifies as nonmoney maintenance

compensation. In addition to the records required under (d) of this subsection, you may provide the department with any oral or written evidence which you or your employer believe corroborates that your use of employer-provided materials qualifies as earnable compensation. However, oral evidence alone has considerably less value than written evidence. Written evidence prepared at or near the time your employer provides you with the item of compensation is generally much stronger than oral evidence or written evidence created years later.

(2) TRS Plan II members. If you are a TRS Plan II member, you are not entitled to count the value of any nonmoney maintenance compensation you receive from your employer as earnable compensation.

AMENDATORY SECTION (Amending Order DRS 87-07, filed 8/19/87)

WAC 415-112-413 ((Special recordkeeping rules for) Vehicles ((and vehicle allowances provided by employers to Plan I TRS members—Exemption—Pre-submission in absence of records.))—Does the value of my use of an employer vehicle qualify as earnable compensation? ((1)(a) For fiscal years beginning after the effective date of this regulation, and except as provided in (b) of this subsection, each employer shall maintain monthly contemporaneous records for each vehicle provided to a Plan I TRS member reflecting: (i) Whether the vehicle was authorized and available for other personal use including commuting; (ii) whether the vehicle was used for commuting and, if so, the distance the member normally commuted on a daily basis during the month; (iii) the dates, if any, on which the member used the vehicle for other personal purposes, the miles driven on each such trip, and the itinerary of each such trip; (iv) the total number of miles the vehicle was driven during the month; and (v) the percentage of the total miles driven during the month which were driven by the member for personal use of the vehicle (including commuting) during the month. If the employer maintains such records, the employer shall report to the department as "earnable compensation" for each month the lesser of: (A) The product of the monthly fair market lease value of the vehicle times the percentage of personal use of the vehicle during the month; or (B) one twelfth of the amount reported by the employer to the Internal Revenue Service as the member's taxable income attributable to the personal use of the vehicle during the year under any alternative valuation method authorized by Internal Revenue Service regulations.

(b) The monthly records required under (a) of this subsection need not be maintained if: (i) The employer has an established policy that the vehicle shall not be used for personal purposes; (ii) any commuting or other personal use of the vehicle by the member during the month is excludable from the member's taxable income under any provision of the United States Internal Revenue Code; or (iii) any commuting or other personal use of the vehicle by the member is otherwise excluded from the definition of "earnable compensation" under WAC 415-112-410(2).

(c) Unless the employer maintains the records required under (a) of this subsection, the department shall presume that any vehicle provided by an employer to a member is authorized for use solely in connection with the employer's

business, and therefore the use of the vehicle neither qualifies as "nonmoney maintenance compensation" nor as "earnable compensation."

(2)(a) For fiscal years beginning after the effective date of this regulation and except as provided in (b) of this subsection, each employer that provides a vehicle allowance to one or more TRS members shall maintain monthly contemporaneous records for each such member reflecting: (i) The dates, if any, on which each such member used a privately owned vehicle in performing services for the employer, (ii) the miles driven on each such trip, and (iii) the itinerary of each such trip. If the employer maintains such records, the employer shall report to the department as "compensation earnable" for each member the difference between the vehicle allowance and the number of miles such employee drove a privately owned vehicle in performing services for the employer during the reporting period times the mileage reimbursement rate used by the employer to reimburse its other employees for expenses incurred in performing service to the employer; or (iv) if the employer has established no such rate, the rate established by the United States Internal Revenue Service for use by taxpayers in computing deductions for employees' business expenses.

(b) The monthly records required under (a) of this subsection need not be maintained if (i) the contract of employment that provides such allowance is solely in lieu of reimbursement for expenses incurred or expected to be incurred in performing services for the employer, or (ii) the member receiving such allowance also receives separate reimbursement for automobile expenses for each use of a privately owned vehicle in performing services for the employer on the same basis as the other employees of the employer.

(c) For purposes of (a) and (b) of this subsection, a "privately owned vehicle" means any vehicle not owned by or leased to the employer.

(d) Unless the employer maintains the records required under (a) of this subsection, or is excused from maintaining the records under (b) of this subsection, the department shall presume that any vehicle allowance provided by an employer to a TRS member is solely in lieu of reimbursement for expenses incurred or expected to be incurred in performing services for the employer and therefore does not constitute "earnable compensation.") (1) TRS Plan I members:

(a) If you use an employer vehicle solely in connection with your employer's business, your use of the vehicle does not qualify as earnable compensation. Use of an employer-provided vehicle only qualifies as earnable compensation to the extent that you use it for personal, rather than business, purposes. Your use of an employer vehicle does not qualify as earnable compensation if:

(i) You use the vehicle solely in connection with your employer's business; or

(ii) Your employer has an established policy prohibiting you from using the vehicle for any purpose other than in connection with your employer's business.

(b) The department presumes that any employer-provided vehicle is used solely in connection with your employer's business and does not qualify as earnable compensation.

(c) A portion of your use of an employer-provided vehicle may qualify as earnable compensation. In order

for any portion of your use of an employer vehicle to qualify as earnable compensation, your employer must either:

(i) Report your personal use of the vehicle to the Internal Revenue Service (IRS) as income; or

(ii) Maintain monthly records reflecting your personal use of the vehicle.

(d) Your personal use of an employer vehicle qualifies as earnable compensation if your employer reports your use to the IRS as taxable income. Your employer may report your personal use of an employer vehicle to the Internal Revenue Service (IRS) as taxable income as provided under the Internal Revenue Code (I.R.C.). See I.R.C. Section 61 and Treas. Reg. Section 1.61-21. If so, the department will consider the amount reported to the IRS as earnable compensation.

(e) Your personal use of an employer vehicle qualifies as earnable compensation to the extent your employer documents your personal use of the vehicle. If your employer does not report your use of an employer vehicle to the IRS as income, your use of the vehicle may qualify as earnable compensation if your employer maintains monthly contemporaneous records detailing your personal use of the vehicle. Your employer records must reflect all of the following:

(i) Whether your employer authorized you to use the vehicle for personal use, including commuting;

(ii) Whether you used the vehicle for commuting and, if so, the distance you normally commuted on a daily basis during the month;

(iii) The dates, if any, on which you used the vehicle for other personal purposes, including the miles you drove the vehicle on each personal trip and your itinerary for each trip;

(iv) The total number of miles you drove the vehicle during the month; and

(v) The percentage of the total miles you drove the vehicle during the month for personal use, including commuting.

(f) Your employer must report as earnable compensation an amount based on your personal use of the vehicle. If your employer maintains records documenting your personal use of the vehicle as provided in (e) of this subsection, your employer must report to the department as monthly earnable compensation the lesser of the following amounts:

(i) Monthly Fair Market Lease Value of the Vehicle

\times
Percentage of Personal Use of the Vehicle During
the Month;

or
Miles of Personal Use

\times
IRS Mileage Rate

(ii) "IRS mileage rate" means the mileage rate adopted by the Internal Revenue Service for use by taxpayers in computing the value of the use of a vehicle.

(2) TRS Plan II members. If you are a TRS Plan II member, you are not entitled to count any of the value of an employer-provided vehicle as earnable compensation.

NEW SECTION

WAC 415-112-41301 Vehicle allowances—Are vehicle allowances earnable compensation? (1) If your employer provides you any payment or allowance in lieu of a reimbursement for expenses you incur or expect to incur in performing services for your employer, the payment or allowance is not earnable compensation. Your vehicle allowance does not qualify as earnable compensation if you receive the allowance in lieu of reimbursement for expenses that you incur or expect to incur in using your own vehicle for business purposes. See WAC 415-112-410 (3)(e) and 415-112-411 (3)(g).

(2) **The department presumes that any vehicle allowance provided to you by your employer is a payment in lieu of reimbursement for expenses and is not earnable compensation.** If the contract authorizing your vehicle allowance states that it is provided solely in lieu of reimbursement for expenses that you incur or expect to incur in using your own vehicle for business purposes, the department's presumption is not rebuttable.

(3) **Your vehicle allowance may qualify as earnable compensation to the extent that it exceeds your actual expenses.** If your employer documents that your vehicle allowance exceeds the actual expenses you incur in driving your own vehicle for business purposes, the excess amount is earnable compensation. Your employer must maintain monthly contemporaneous records documenting the following:

(a) The dates, if any, on which you used a privately owned vehicle in performing services for your employer;
 (b) The miles you drove the vehicle on each of these trips; and

(c) Your itinerary for each of these trips.

(4) **How to determine what amount of your vehicle allowance, if any, is reportable as earnable compensation.** If your employer documents that your vehicle allowance exceeds the actual expenses you incur in using your own vehicle for business purposes, your employer must report to the department as earnable compensation:

Your Vehicle Allowance LESS (Miles X IRS Rate)

(a) "Miles" above means the number of miles you drove a privately owned vehicle for business purposes during the month.

(b) "IRS rate" above means the Internal Revenue Service mileage rate for use by taxpayers computing the value of the use of a vehicle.

(5) **Your vehicle allowance qualifies as earnable compensation if you also receive a separate reimbursement for each occasion you use your own vehicle for business purposes.** If, in addition to your vehicle allowance, you receive a separate reimbursement for vehicle expenses for each occasion that you use a privately owned vehicle for business purposes, your vehicle allowance is earnable compensation.

(6) **Any part of your vehicle allowance that qualifies as earnable compensation is excess compensation.** If any part of your vehicle allowance is included in the calculation of your retirement allowance, your employer will be billed for excess compensation under RCW 41.50.150. Your employer's bill will equal the total estimated cost of the

portion of your retirement allowance payment attributable to your vehicle allowance.

WSR 95-18-030**PROPOSED RULES****INSURANCE COMMISSIONER'S OFFICE**

[Filed August 28, 1995, 8:11 a.m.]

Continuance of WSR 95-15-082.

Preproposal statement of inquiry was filed as WSR 95-13-101.

Title of Rule: Long-term care insurance.

Other Identifying Information: Insurance Commissioner Matter No. R 95-5.

Summary: Continuation of adoption date.

Date of Intended Adoption: September 7, 1995.

August 28, 1995

Deborah Senn

Insurance Commissioner

WSR 95-18-031**PROPOSED RULES****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Public Assistance)

[Filed August 28, 1995, 9:45 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-17-057.

Title of Rule: WAC 388-49-500 Income—Deductions, 388-49-505 Utility allowances, and 388-49-510 Income—Eligibility.

Purpose: Updates gross and net monthly income standards, SUA and telephone allowance, standard deduction, and excess shelter and homeless shelter deductions to reflect current income and cost levels. These standards, allowances, and deductions are used to determine eligibility and calculate food stamp benefits.

Statutory Authority for Adoption: RCW 74.04.050.

Statute Being Implemented: RCW 74.04.050.

Summary: Updates gross and net monthly income standards, SUA and telephone allowance, standard deduction, and excess shelter and homeless shelter deductions to reflect current income and cost levels. These standards, allowances, and deductions are used to determine eligibility and calculate food stamp benefits.

Reasons Supporting Proposal: 7 CFR 273.9 (a), (d)(6)(v) and (vi), (d)(5), (7), and (8) require establishment and annual review and adjustment to current levels.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joan Wirth, Division of Income Assistance, (360) 438-8324.

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

Rule is necessary because of federal law, 7 CFR 273.9 (a), (d)(6)(v) and (vi), (d)(5), (7) and (8).

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

Proposal Changes the Following Existing Rules: [No information supplied by agency.]

No small business economic impact statement has been prepared under chapter 19.85 RCW. This change does not affect small businesses; it only affects food stamp recipients.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Section 201 applies to significant legislative rules unless the rules are explicitly and specifically dictated by statute or set or adjust rates pursuant to legislative standards. This rule adoption updates standards pursuant to 7 CFR 273.9 (a), (d)(6)(v) and (vi), (d)(5), (7), and (8).

Hearing Location: OB-2 Auditorium, 1115 Washington Street South, Olympia, WA 98504, on October 10, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jeanette Sevedge-App, Acting Chief, by September 28, 1995, TDD (360) 753-4542, or SCAN 234-4542.

Submit Written Comments to: Jeanette Sevedge-App, Acting Chief, Vendor Services, P.O. Box 45811, Olympia, WA 98504, Identify WAC Numbers, FAX (360) 586-8487, by October 3, 1995.

Date of Intended Adoption: October 11, 1995.

August 28, 1995

Jeanette Sevedge-App
Acting Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3852, filed 5/24/95, effective 7/1/95)

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)~~ thirty-eight) 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 one year 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)~~ forty-seven) 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) 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 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 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)~~ forty-three) 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)~~ forty-three) dollars; or
- (ii) Unverified shelter costs exceeding one hundred (~~(thirty-nine)~~ forty-three) 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.

AMENDATORY SECTION (Amending Order 3853, filed 5/24/95, effective 7/1/95)

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

(a) Establish the following utility allowances for use in calculating shelter costs:

- (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 allowance.

(b) Obtain food and consumer service approval of the methodology used to establish utility allowances.

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

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

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

AMENDATORY SECTION (Amending Order 3790, filed 9/28/94, effective 10/29/94)

WAC 388-49-510 Income eligibility standards. (1) Categorically eligible households, as described in WAC 388-49-180, are not subject to the provisions of this section.

(2) The department shall determine eligibility on the basis of gross income and net food stamp income except for households in subsection (3) of this section.

(3) The department shall determine eligibility on the basis of net food stamp income for households containing an elderly or disabled member.

(4) The gross and net monthly maximum income standards as established by the department of agriculture are as follows:

Gross Monthly Income Standard

Household Size	Maximum Standard
1	((<u>\$798</u>)) <u>\$810</u>
2	((<u>1,066</u>)) <u>1,087</u>
3	((<u>1,335</u>)) <u>1,364</u>
4	((<u>1,604</u>)) <u>1,642</u>
5	((<u>1,872</u>)) <u>1,919</u>
6	((<u>2,141</u>)) <u>2,196</u>
7	((<u>2,410</u>)) <u>2,474</u>
8	((<u>2,678</u>)) <u>2,751</u>
9	((<u>2,947</u>)) <u>3,029</u>
10	((<u>3,216</u>)) <u>3,307</u>
Each additional person	((<u>+269</u>)) <u>+278</u>

Net Monthly Income Standard

Household Size	Maximum Standard
1	((<u>\$614</u>)) <u>\$623</u>
2	((<u>820</u>)) <u>836</u>
3	((<u>1,027</u>)) <u>1,050</u>
4	((<u>1,234</u>)) <u>1,263</u>
5	((<u>1,440</u>)) <u>1,476</u>
6	((<u>1,647</u>)) <u>1,690</u>

7	((<u>1,854</u>)) <u>1,903</u>
8	((<u>2,060</u>)) <u>2,116</u>
9	((<u>2,267</u>)) <u>2,330</u>
10	((<u>2,474</u>)) <u>2,544</u>
Each additional person	((<u>+207</u>)) <u>+214</u>

**WSR 95-18-035
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Public Assistance)

[Filed August 29, 1995, 9:29 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-17-097.

Title of Rule: WAC 388-49-550 Monthly allotments.

Purpose: Updates the maximum food stamp allotments (thrifty food plan). This standard is used to calculate food stamp benefits.

Statutory Authority for Adoption: RCW 74.04.050.

Statute Being Implemented: RCW 74.04.050.

Summary: Updates the maximum food stamp allotments (thrifty food plan). This standard is used to calculate food stamp benefits.

Reasons Supporting Proposal: 7 CFR 273.10 (e)(4)(ii)(F) requires an annual update of the standard.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mike Arnaud, Division of Income Assistance, (360) 438-8322.

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

Rule is necessary because of federal law, 7 CFR 273.10 (e)(4)(ii)(F).

Explanation of Rule, its Purpose, and Anticipated Effects: As previously stated, purpose is to increase the maximum food stamp program allotments. The change should marginally increase the number of approved applications. Most recipients will receive allotment increases.

Proposal Changes the Following Existing Rules: WAC 388-49-550 is amended to increase the maximum food stamp program allotments.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There is no impact on small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This rule making affects only households who receive food stamps. It does not impact small business and it is not a significant rule change.

Hearing Location: OB-2 Auditorium, 1115 Washington Street South, Olympia, WA 98504, on October 10, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jeanette Sevedge-App, Acting Chief, by September 26, 1995, TDD (360) 753-4542, or SCAN 234-4542.

Submit Written Comments to: Jeanette Sevedge-App, Acting Chief, Vendor Services, P.O. Box 45811, Olympia, WA 98504, Identify WAC Numbers, FAX (360) 586-8487, by October 3, 1995.

Date of Intended Adoption: October 11, 1995.

PROPOSED

August 29, 1995
 Jeanette Sevedge-App
 Acting Chief
 Office of Vendor Services

WSR 95-18-036
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)
 [Filed August 29, 1995, 9:31 a.m.]

AMENDATORY SECTION (Amending Order 3795, filed 10/12/94, effective 11/12/94)

WAC 388-49-550 Monthly allotments. (1) The department shall determine the value of the allotment a household receives.

(2) The monthly allotment shall equal the thrifty food plan (TFP) for the household size reduced by thirty percent of the household's net income. The department shall use the monthly allotment standards as established by the food and nutrition service.

<u>Household Size</u>	<u>Thrifty Food Plan</u>
1	((115)) <u>\$119</u>
2	((212)) <u>218</u>
3	((304)) <u>313</u>
4	((386)) <u>397</u>
5	((459)) <u>472</u>
6	((550)) <u>566</u>
7	((608)) <u>626</u>
8	((695)) <u>716</u>
9	((782)) <u>806</u>
10	((869)) <u>896</u>
Each additional member	+ ((87)) <u>90</u>

(3) The department shall issue to households, except for households as specified in subsection (4) of this section, a prorated coupon allotment for the number of days remaining from the date of application to the end of the initial month of eligibility.

(a) The department shall base the allotment on a thirty-day month.

(b) The department shall not issue an allotment for less than ten dollars.

(4) The department shall issue a full month's allotment to households applying within one calendar month of a prior certification period.

(5) The department shall determine the value of the monthly allotment a household receives by:

(a) Multiplying the household's net monthly income by thirty percent;

(b) Rounding the product up to the next whole dollar if it ends with one through ninety-nine cents; and

(c) Subtracting the result from the thrifty food plan for the appropriate household size.

(6) One- and two-person households shall receive a minimum monthly allotment of ten dollars except in the initial benefit month when the department shall not issue an allotment for less than ten dollars.

(7) The department shall issue an identification card to each certified household.

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-17-050.

Title of Rule: WAC 388-250-1250 Standards of assistance—Need standards; 388-250-1300 Standards of assistance—One hundred eighty-five percent of need standards; and 388-250-1750 (1)(d), additional requirements-telephone.

Purpose: Update need standard to determine eligibility for public assistance programs. Current rule is inaccurate and the standard lower than what is needed by eligible clients for basic service. This change removes the dollar figure from this standard and ties the standard to the threshold amount of the Washington telephone assistance program (WTAP) changes. The WTAP threshold changed July 1, 1994, from \$8 to \$9.25. This change will increase the amount to \$9.25, but actually remove the dollar figure from the standard.

Statutory Authority for Adoption: RCW 74.08.025, 74.08.090, 80.36.420 (3)(a)(b).

Statute Being Implemented: RCW 74.08.025, 74.08.090, 80.36.420 (3)(a)(b), 45 CFR 233.20 (a)(1)(i).

Summary: Updates need standard for determining eligibility for public assistance programs and brings standard for additional requirement for telephone to the correct amount.

Reasons Supporting Proposal: Brings the standard for the Washington telephone assistance program (WTAP) additional requirement up to the correct and current amount.

Name of Agency Personnel Responsible for Drafting and Implementation: Betty Brinkman, Division of Income Assistance, 438-8309; and Enforcement: Betty Brinkman/Kay Hanvey, Division of Income Assistance, 438-8309/438-8316.

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

Rule is necessary because of federal law, 45 CFR 233.20 (a)(1)(i).

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above. The standard increase will help some persons qualify for various public assistance programs that did not qualify under the previous lower standard.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule changes affect less than 10% of the companies in every standard industrial classification (SIC) coded industry. Rules impose no costs on industry.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This is an emergency adoption.

Hearing Location: OB-2 Auditorium, 1115 South Washington Street, Olympia, WA 98504, on October 10, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jeanette Sevedge-App by September 26, 1995.

PROPOSED

Submit Written Comments to: Jeanette Sevedge-App, Acting Chief, Vendor Services, P.O. Box 45811, Olympia, WA 98504, Identify WAC Numbers, FAX (360) 438-8258, by October 3, 1995.

Date of Intended Adoption: October 11, 1995.
 August 29, 1995
 Jeanette Sevedge-App
 Acting Chief
 Office of Vendor Services

AMENDATORY SECTION (Amending Order 3784, filed 9/28/94, effective 10/29/94)

WAC 388-250-1250 Standards of assistance—Need standards. (1) Effective September 1, ((1994)) 1995, the department shall determine the statewide monthly need standard for a household with an obligation to pay shelter to be:

Recipients in Household	Need Standard
1	\$ ((752)) 800
2	((951)) 1,011
3	((1,178)) 1,252
4	((1,385)) 1,472
5	((1,596)) 1,696
6	((1,811)) 1,925
7	((2,092)) 2,223
8	((2,315)) 2,461
9	((2,543)) 2,703
10 or more	((2,763)) 2,937

(2) Effective September 1, ((1994)) 1995, the department shall determine a household with shelter provided at no cost, except as described under WAC 388-250-1200, to be:

Recipients in Household	Need Standard
1	\$ ((459)) 500
2	((584)) 632
3	((720)) 783
4	((846)) 920
5	((975)) 1,060
6	((1,107)) 1,204
7	((1,278)) 1,390
8	((1,415)) 1,539
9	((1,554)) 1,690
10 or more	((1,689)) 1,836

AMENDATORY SECTION (Amending Order 3797, filed 10/12/94, effective 11/12/94)

WAC 388-250-1300 Standards of assistance—One hundred eighty-five percent of need standards. (1) Effective September 1, ((1994)) 1995, the department shall determine one hundred eighty-five percent of the statewide monthly need standard for basic requirements for a household with an obligation to pay shelter costs to be:

Recipients in Household	185% of Need Standard
1	\$ ((1,391)) 1,480
2	((1,759)) 1,870

3	((2,179)) 2,316
4	((2,562)) 2,723
5	((2,953)) 3,137
6	((3,350)) 3,561
7	((3,870)) 4,112
8	((4,283)) 4,552
9	((4,705)) 5,000
10 or more	((5,112)) 5,433

(2) Effective September 1, ((1994)) 1995, the department shall determine one hundred eighty-five percent of the statewide monthly need standard for basic requirements for a household with shelter provided at no cost to be:

Recipients in Household	185% of Need Standard
1	\$ ((849)) 925
2	((1,074)) 1,169
3	((1,332)) 1,448
4	((1,565)) 1,702
5	((1,803)) 1,961
6	((2,047)) 2,227
7	((2,364)) 2,571
8	((2,617)) 2,847
9	((2,874)) 3,126
10 or more	((3,124)) 3,396

AMENDATORY SECTION (Amending Order 3729, filed 4/6/94, effective 5/7/94)

WAC 388-250-1750 Standards of assistance—Additional requirements. (1) The department shall determine:

(a) **Restaurant meals** - Effective January 1, 1993, the monthly standard for restaurant meals to be one hundred eighty-seven dollars and nine cents.

(b) **Home-delivered meals** - The monthly standard to be the amount charged by the agency delivering the service when a plan for use of this service is approved by the department.

(c) **Food for guide dog or service animal** - Effective January 1, 1991, the monthly standard for food for guide dog or service animal to be thirty-three dollars and sixty-six cents.

(d) **Telephone** - The monthly standard for telephone is the ((current)) amount of the client threshold for the washington telephone assistance program (WTAP) ((discounted payment amount of eight dollars)) or the minimum standard residential rate available in the area for the service, whichever is less.

(e) **Laundry** - Effective January 1, 1993, the monthly standard for laundry to be eleven dollars and thirteen cents.

(f) **Winterizing homes—AFDC** - Effective January 1991, the maximum allowance for winterizing a home is five hundred dollars.

(2) The department shall ensure the total of payments made under this section for one month does not exceed one month's AFDC payment standard for a household with an obligation to pay for shelter. See Additional requirements—Emergent needs situations (WAC 388-255-1350).

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.

PROPOSED

WSR 95-18-048
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF ECOLOGY
 (By the Code Reviser's Office)
 [Filed August 29, 1995, 3:30 p.m.]

WAC 173-19-260, proposed by the Department of Ecology in WSR 95-05-064, appearing in issue 95-05 of the State Register, which was distributed on March 1, 1995, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
 Washington State Register

Submit Written Comments to: Max Long, 2015 South 1st Street, Yakima, WA 98903, FAX (509) 454-4395, by October 10, 1995.

Date of Intended Adoption: October 25, 1995.

September 1, 1995
 K. Diane Dolstad
 Assistant Director

WSR 95-18-062
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
 [Filed September 1, 1995, 9:45 a.m.]

Original Notice.

Title of Rule: Seed certification standards.

Purpose: To respond to industry request for rule making to update and make uniform Washington state certification standards with standards of the state of Idaho.

Statutory Authority for Adoption: RCW 15.49.005 and 15.49.310.

Statute Being Implemented: Chapter 15.49 RCW.

Summary: The proposal will update the list of varieties eligible for seed certification and will update the certification standards for field pea, chickpea and lentil.

Reasons Supporting Proposal: Respond to industry request for rule updates and uniformity with certification standards in the state of Idaho.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Max Long, Yakima, Washington, (509) 575-2750.

Name of Proponent: Washington State Department of Agriculture, governmental; and Washington State Crop Improvement Association, private.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Per industry request the proposal will update the list of varieties eligible for seed certification and update the certification standards for field pea, chickpea and lentil. It will also make Washington state certification standards uniform with the standards of the state of Idaho.

Proposal Changes the Following Existing Rules: Updates seed certification standards for field pea, chickpea and lentil.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. (1) Rule change is industry requested, (2) no fee increases are being proposed, (3) see rule-making criteria report.

Hearing Location: Ag Service Center Conference Room, 2015 South First Street, Yakima, WA 98903, on October 10, 1995, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Cathy Jensen by October 10, 1995, TDD (360) 902-1996.

AMENDATORY SECTION (Amending Order 5019, filed 11/23/93, effective 12/24/93)

WAC 16-316-525 Buckwheat—Chickpea—Field pea—Lentil—Millet—Soybean—Sorghum—Small grain—Eligible variety and stock seed.

Kind	Variety
Barley, spring	Belford, Camelot (P), Columbia (P), <u>Colter</u> , Cougarbar, Crest, Crystal, Exel, Gallatin, Harrington, Klages, Horsford, <u>Maranna</u> , <u>Medallion (P)</u> , Menuet (P), Melody (P), Meltan (P), <u>Morex</u> , Nancy (P), Russell, Steptoe, Baronesse (P), WestBred Gustoe (P), (WestBred Medallion (P)), WestBred Sprinter (P), Whitford (P)
Chickpea	<u>Dwellely</u> , <u>Myles</u> , <u>Sanford</u> , Sara
Barley, winter	Boyer, <u>Eight-Twelve</u> , <u>Hesk</u> , Hundred, Kamiak, Showin
Buckwheat, spring	Manor, Mancan
Field pea	<u>Alaska 81</u> , Garfield, Latah, <u>Umatilla</u>
Lentil	Brewer, Crimson, Red Chief
Oat, spring	Monida, Otana, Park,
Rye, winter	Puma, Rymin
Wheat, spring	<u>Alpowa</u> , Butte 86, <u>Calorwa</u> , Centenial, Dirkwin, Edwall, (Field-e+) <u>Klasic (P)</u> , Nomad (P), (Owens), Penawawa, Spillman, Treasure, Wadual, <u>Wadual 94</u> , Wakanz, Wampum, <u>Wawawai</u> , WestBred 906R (P), (WestBred 911 (P)) <u>WestBred 926 (P)</u> , <u>WestBred 936 (P)</u> , WestBred Express (P), WestBred Sprite, <u>WestBred Vanna (P)</u> , Yecora Rojo
Wheat, winter	Andrews, <u>Banner (P)</u> , Basin (P), Batum, Blizzard, Buchanan, Cashup (P), Daws, <u>Durheim's Pride (P)</u> , Eltan, <u>Gene</u> , Hatton, Hill-81, <u>Hoff</u> , Hyak, John, Kmor, Lewjain, <u>MacVicar</u> , Madsen, Malcolm, <u>Meridian</u> , Moro, Nugaines, <u>Quantum 542 (P)</u> , Rely, Rod, <u>Rohde</u> , Sprague, Stephens, (Syringa), Tres, (Tyce), Weston
Triticale, spring	Juan, Victoria, Grace, <u>Trical 2700 (P)</u>
Triticale, winter	<u>Celia</u> , Flora, (XR066A (P)) Stan I (P), <u>Trical 6600 (P)</u> , <u>Trical Jenkins</u>

PROPOSED

(P), Trical 102 (P), Trical Stan II (P),
Trical XTO-65 (P), Whitman

(P) means proprietary

The eligibility of other varieties may be approved by the certifying agency.

Foundation seed is eligible to produce registered seed or certified seed.

Registered seed is eligible to produce certified seed.

Certified seed is not eligible for recertification.

AMENDATORY SECTION (Amending Order 5019, filed 11/23/93, effective 12/24/93)

WAC 16-316-715 Miscellaneous field and seed inspection standards. (1) The field inspection will be made:

(a) For field pea and chickpea (garbanzo bean)- when seedcrop is in full bloom and at maturity;

(b) For lentil - when seedcrop is in full bloom and at maturity;

(c) For soybean - when seedcrop is in full bloom and/or of mature color;

(d) For open pollinated sorghum - when seedcrop is in full bloom, and optionally again when seedcrop begins to show mature color;

(e) For hybrid sorghum - two inspections during bloom and one inspection after seed begins to show mature color.

(f) For small grains - when seedcrop is fully headed and of mature color.

(g) For millet - one inspection during bloom and one inspection after seed begins to show mature color.

(h) For buckwheat - one inspection when seedcrop is in full bloom.

(2) Any condition or practice which permits or causes contamination of the seedcrop, such as failure to prevent seed formation in bindweeds, Canada thistle or jointed goatgrass, or excess weeds, or mechanical field mixing, shall be cause for rejection upon inspection for field standards. Except: Fields of chickpea, lentil, and field pea will not be rejected for allowing seed formation of bindweed or Canada thistle. Fields rejected for jointed goatgrass at first inspection are not eligible for reinspection and shall remain ineligible for any production of certified classes of small grain seed until a reclamation procedure, as specified in subsection (3) of this section has been completed. Fields rejected for other causes will remain eligible for reinspection.

(3) The jointed goatgrass reclamation procedure shall include the following:

(a) Each grower shall develop a reclamation plan for his/her affected fields. Such a plan shall be based on the most current recommendations of Pacific Northwest scientists and Washington State University cooperative extension as well as good management practices. Such plan may include use of certified seed, spring cropping practices, and late tilling and planting. No particular program is specified or endorsed and compliance with such program does not assure eligibility for the production of certified classes of small grain seed. Such eligibility shall be based solely upon results of field inspections as provided in (b) through (e) of this subsection.

(b) The rehabilitation and inspection program duration shall be three years for irrigated land and five years for dryland without production of certified small grain seed and the first year of certified seed production thereafter.

(c) Annual inspections of the affected fields shall be conducted by the Washington State Crop Improvement Association (WSCIA) during the prescribed rehabilitation period at such time that the jointed goatgrass would be most visible.

(d) Following the prescribed period of rehabilitation and during the first certified seed production year, a minimum of three field inspections shall be conducted by WSCIA.

(e) Should jointed goatgrass be found during any inspection as provided in (c) and (d) of this subsection, the rehabilitation program shall be determined to be unsuccessful or the field shall be declared ineligible and the rehabilitation and inspection program for that field shall begin again at year one of the procedure.

(4) No prohibited noxious weed seeds are permitted upon inspection for seed standards.

(5) Germination minimum refers to germination when sampled.

(6) If chemically controllable seed-borne diseases are noted upon inspection for field standards and seed standards for small grains, treatment of seed is required.

(7) Concerning wild oat, isolated patches and borders must be removed or clearly marked so as to avoid harvesting with the rest of the field. If rejected, a reinspection will be necessary to assure clean-up efforts have been satisfactory. Spot checks will occur on fields where heavy patches or contaminated borders were noted. Harvesting these areas with the rest of the field will be cause for rejection of the entire field.

AMENDATORY SECTION (Amending Order 5045, filed 5/27/94, effective 6/27/94)

WAC 16-316-727 Chickpea standards. (1) Chickpea - land, isolation, and field standards:

CLASS	((LAND ISOLATION		OFF TYPE	OTHER CROP	ASCOCHYTA BLIGHT
	MINIMUM YEARS***	MINIMUM FEET	MAXIMUM PLANTS/ACRE	MAXIMUM PLANTS/ACRE	
Foundation	3	100*	None found	None found**	None found
Registered	3	100*	10	10**	None found
Certified	1	25*	20	20**	None found

* Reduce to three feet isolation from fields producing a class of certified seed of the same variety. In addition, field must be isolated from small grain fields by three feet. To prevent mechanical mixing of swathed chickpea seederops, the planting of small grains between fields, except for three feet isolation, is recommended.

** Refers to vetch except that no Austrian pea or rye is permitted

*** Field must not have grown Austrian pea for ten years.

(2) Chickpea seed standards:

CLASS	OFF TYPE	PURE SEED	INERT	OTHER CROP	WEED	GERMINATION
	MAXIMUM %	MINIMUM %	MAXIMUM %	MAXIMUM %	MAXIMUM %	MINIMUM %
Foundation	None found	99.00	1.00	None found	None found	85.00
Registered	None found	99.00	1.00	None found	0.25**	85.00
Certified	0.03	99.00	1.00	0.10*	0.25**	85.00

* No vetch, Austrian pea or rye is permitted.

** Other tolerance for weed seed:

	OBJECTIONABLE WEED SEED MAXIMUM
Registered	1/lb
Certified	2/lb

FIELD STANDARDS

Land Requirements (1) (minimum years)	Isolation (min feet)	Off-type (plants/acre)	Other Crop (2) (plants/acre)	Noxious (3) Weeds	Ascochyta Blight (4) (plants/acre)
Class					
Foundation	3	100	none found	none found	none found
Registered	3	50	5	none found	none found
Certified	3	25	10	none found	10

(1) Shall not have been planted to chickpeas for three years, unless the previous crop is of the same variety and passed certification field standards of the same or higher generation.

(2) Inseparable other crops.

(3) Prohibited, restricted, and other weeds difficult to separate must be controlled.

(4) None found in all classes of nontolerant varieties. Planting seedstock shall be treated with Thiabendazole (2-(4-triazoyl) benzimidazole).

FIELD INSPECTION

Foundation and registered class fields must have two field inspections. One at bloom stage and one at late pod stage. Certified class fields must have one inspection at bloom stage plus another at pod stage if ascochyta blight is observed during the bloom stage inspection.

SEED STANDARDS

Class (7)	Pure seed	Inert	Other crop	Weed seed	Germination
Foundation	99.00%	1.0%	none found	none found	85%
Registered	99.00%	1.0%	none found	none found	85%
Certified	99.00%	1.0%	2 seeds/lb (5)	2 seeds/lb (6)	85%

- (5) None found for Austrian pea, rye, or vetch.
- (6) None found for nightshade berries or prohibited noxious weed seeds.
- (7) All classes shall be treated with Thiabendazole (2-(4-thiazoyl) benzimidazole at the labeled rate.)

WSR 95-18-063
PROPOSED RULES
DEPARTMENT OF AGRICULTURE

[Filed September 1, 1995, 9:49 a.m.]

Original Notice.

Title of Rule: Seed certification fees.

Purpose: Response to industry request to increase seed certification fees for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum and small grains.

Statutory Authority for Adoption: RCW 15.49.310 and 15.49.370(3).

Statute Being Implemented: Chapter 15.49 RCW.

Summary: Proposal increases seed certification fees for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum and small grains.

Reasons Supporting Proposal: The fee increases will reflect current costs of operating the portion of the seed certification program delegated by the director to the Washington State Crop Improvement Association.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Max Long, Yakima, Washington, (509) 575-2750.

Name of Proponent: Washington State Department of Agriculture, governmental; and Washington State Crop Improvement Association, private. Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposal is in response to industry request to increase seed certification fees for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum and small grains. The increase reflects current operating costs of the portion of the seed certification program delegated by the director to the Washington State Crop Improvement Association.

Proposal Changes the Following Existing Rules: The proposal increases seed certification fees for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum and small grains.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? Yes.

SMALL BUSINESS ECONOMIC IMPACT STATEMENT

The survey was mailed to: 91 seed conditioners and 253 seed growers.

Sample Survey

The 1994 Washington legislature enacted a new law regarding the rule-making process and how state agencies adopt new or change existing regulations. The board of directors of Washington State Crop Improvement Association has requested WSDA consider the following change in the fee schedule for seed certification of certain crops. Part of the new law requires WSDA to file a Small Business Economic Impact Statement when considering a rule change.

Please review the proposed fee increase and answer the following questions:

1. Number of people your business employs:

2. The estimated increase in production costs you would expect if the proposed fee increase is adopted. Please report your increase in dollars per pound of seed.

Responses Returned: Conditioners (26%) - 16 answers, 8 no answer, not significant, don't know, etc. Average estimated increase in cost per pound of seed: \$0.065

Growers (16%) - 31 answers, 10 no answer, not significant, don't know, etc.

Average estimated increase in cost per pound of seed: \$0.058

Note: All conditioners and growers that answered would be considered small businesses (50 employees or less).

A copy of the statement may be obtained by writing to Max Long, Washington State Department of Agriculture Seed Branch, 2015 South First Street, Yakima, WA 98903, phone (509) 575-2750, FAX (509) 454-4395.

Hearing Location: Ag Service Center Conference Room, 2015 South First Street, Yakima, WA 98903, on October 10, 1995, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Cathy Jensen by October 10, 1995, TDD (360) 902-1996.

Submit Written Comments to: Max Long, Washington State Department of Agriculture, 2015 South 1st Street, Yakima, WA 98903, FAX (509) 454-4395, by October 10, 1995.

Date of Intended Adoption: October 25, 1995.

September 1, 1995

K. Diane Dolstad
 Assistant Director

AMENDATORY SECTION (Amending Order 5045, filed 5/27/94, effective 6/27/94)

WAC 16-316-474 Buckwheat—Chickpea—Field pea—Lentil—Millet—Soybean—Sorghum—Small grain—Application and fees. (1) An application for seed certification with application fee, field inspection fee, and late application fee (if due) for each field shall be filed by or for each grower with Washington State Crop Improvement Association, Inc., the certifying agency for seeds of buckwheat, chickpea (garbanzo beans), field pea, lentil, millet, soybean, sorghum and small grains.

(2) Due dates:

(a) Buckwheat - June 1

(b) Field pea - June 1

(c) Chickpea - June 1

(d) Lentil - June 1

(e) Millet - June 1

(f) Soybean - July 1

(g) Sorghum - July 15

(h) Small grains - June 1 for both winter varieties and spring varieties.

(i) After due date, an application with late application fee may be accepted for service.

PROPOSED

- (3) Fees:
 - (a) Application fee per variety per grower ~~(((\$16.00))~~ \$16.82
 - (b) Field inspection fee per acre except millet and hybrid sorghum . . . ~~(((\$2.25))~~ \$ 2.36
 - (c) Millet - first acre \$25.00
 - each additional acre \$ 5.00
 - (d) Hybrid sorghum - first acre \$25.00
 - each additional acre \$10.00
 - (e) Special field inspection fee per acre . . ~~(((\$2.00))~~ \$ 2.10
 - (f) Late application fee ~~(((\$15.00))~~ \$15.76
 - (g) Reinspection fee ~~(((\$30.00))~~ \$31.53

minimum for each field which did not pass field inspection plus \$ 0.40 for each acre over twenty-five. The reinspection fee for isolation requirements only for a field of any size is ~~(((\$30.00))~~ \$31.53.

(h) Final certification fee ~~(((\$0.20))~~ \$ 0.21 per cwt. of clean seed sampled, which shall be charged to conditioning plant, or production fee . . ~~(((\$0.10))~~ \$0.105 per cwt. of production from fields inspected which is utilized for seed, which shall be charged to the grower or the final seller prior to brokerage, retail sale, sale to plant not approved for conditioning certified seed, or transshipment out-of-state.

(i) Sampling fee ~~(((\$0.10))~~ \$0.105 per cwt. of clean seed sampled, with minimum charge of ten dollars per sample, which shall be charged to conditioning plant in lieu of mechanical sampling.

(4) A field may be withdrawn upon notification by the applicant to the certifying agency's office before field inspection. In such case, the field inspection fee shall be refunded upon request until June 30 of the year following harvest.

(5) Harvest before field inspection causes forfeitures of both the application and field inspection fees, and completion of certification.

WSR 95-18-064
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed September 1, 1995, 9:50 a.m.]

The Washington Department of Fish and Wildlife withdraws the proposal to repeal WAC 232-12-055, filed June 30, 1995, in WSR 95-14-100.

Evan S. Jacoby
Rules Coordinator

WSR 95-18-078
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)
 [Filed September 1, 1995, 2:29 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-15-012.

Title of Rule: WAC 388-86-022 School medical services for special education students.

Purpose: To correctly list the providers within the school systems, that may provide services within the school in order for the state to receive Medicaid reimbursement payment.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090 and 74.09.5241.

Summary: To assure Medicaid clients have access to school medical services and the school receives appropriate reimbursement for providing the service.

Reasons Supporting Proposal: Providing Medicaid services allows the school to receive federally matched funds.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bobbe Andersen, Medical Assistance Administration, (360) 753-0529.

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

Rule is necessary because of federal law, Title XIX: 42 CFR 440.130(d) Rehabilitation Services.

Explanation of Rule, its Purpose, and Anticipated Effects: To correctly list the providers within the school systems that may provide services to receive Medicaid reimbursement payment.

Proposal Changes the Following Existing Rules: Adds additional school providers able to provide school medical services.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The schools are the only entity affected. Schools are public and not considered businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This rule does not apply because FFP (federal financial participation) change obtains additional school services for special education children.

Hearing Location: OB-2 Auditorium, 1115 Washington Street South, Olympia, WA 98504, on October 10, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jeanette Sevedge-App, Acting Chief, by September 26, 1995, TDD (360) 753-4542, or SCAN 234-4542.

Submit Written Comments to: Jeanette Sevedge-App, Acting Chief, Vendor Services, P.O. Box 45811, Olympia, WA 98504, Identify WAC Numbers, FAX (360) 586-8487, by October 3, 1995.

Date of Intended Adoption: October 11, 1995.

September 1, 1995
 Jeanette Sevedge-App
 Acting Chief
 Office of Vendor Services

PROPOSED

AMENDATORY SECTION (Amending Order 3650, filed 10/6/93, effective 11/6/93)

WAC 388-86-022 School medical services for special education students. (1) The department shall pay school districts or educational service districts (ESD) for medical services to an eligible categorically needy or medically needy child when a school district or ESD furnishes the medical services to a special education student as part of the child's individualized education program (IEP) or individualized family service plan (IFSP).

(2) Such medical services shall be provided by:

(a) Qualified Medicaid providers as described under WAC 388-87-005;

(b) Psychologists, licensed by the state of Washington or granted an educational staff associate certificate (ESA) by the state board of education; or

(c) A person trained and supervised by a:

(i) Licensed registered nurse;

(ii) Licensed physical therapist or physiatrist;

(iii) Licensed occupational therapist; or

(iv) Speech pathologist or audiologist(7) who:

(A) Has been granted a certificate of clinical competence by the American speech, hearing, and language association ((8));

(B) Is a person who completed the equivalent educational and work experience necessary for such a certificate; or

(C) Is a person who has completed the academic program and is acquiring supervised work experience to qualify for the certificate.

(d) School guidance counselors, or school social workers, who have been granted an educational staff associate (ESA) certificate by the state board of education.

(3) For a client to receive services as described under this section, the department shall not require the client to have a provider prescription.

(4) The department shall require recommendations and referrals to be updated at least annually.

~~((4))~~ (5) The department shall pay for school-based medical services according to the department-established rate or the billed amount, whichever is lower.

~~((5))~~ (6) The department shall not pay individual school practitioners who provide school-based medical services.

~~((6))~~ (7) The department shall require school districts or ESD to pursue third-party resources for medical services billed to Medicaid.

**WSR 95-18-081
PROPOSED RULES
SOUTHWEST AIR POLLUTION
CONTROL AUTHORITY**

[Filed September 5, 1995, 10:55 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-17-016.

Title of Rule: Southwest Air Pollution Control Authority 493 VOC Area Source Rules.

Purpose: To establish rules that will lead to VOC emission reductions for the Vancouver Ozone Maintenance

Plan determined to be necessary in order to obtain EPA approval on redesignating the Vancouver area as an attainment area. It assists in preserving the Portland/Vancouver area's current air quality by offsetting increased air pollution associated with future population growth.

Statutory Authority for Adoption: Chapter 70.94 RCW. Statute Being Implemented: RCW 70.94.141.

Summary: Regulation rules have been proposed to reduce VOC emission from various sources in order to get the Vancouver area redesignated to an attainment area.

Reasons Supporting Proposal: Adoption of these measures will support Vancouver's application to EPA for redesignation to a "clean air community." Adoption of these rules will also produce commonality between Vancouver and Portland's portion of the Ozone Maintenance Plan.

Name of Agency Personnel Responsible for Drafting: Jennifer E. Brown, Vancouver, (360) 574-3058; Implementation: Paul T. Mairose, Vancouver, (360) 574-3058; and Enforcement: Robert D. Elliott, Vancouver, (360) 574-3058.

Name of Proponent: Southwest Air Pollution Control Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed VOC area source rules are a part of Vancouver's Ozone Maintenance Plan for the redesignation of the Vancouver air quality maintenance area to attainment status for ozone. These rules will reduce the emissions of Volatile Organic Compounds (VOCs) in the categories of motor vehicle refinishing, consumer products, spray paints, and architectural coating.

Proposal does not change existing rules.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

**ECONOMIC ANALYSIS COMPLIANCE DOCUMENT
SMALL BUSINESS ECONOMIC IMPACT STATEMENT**

SECTION 1: INTRODUCTION

1.1 Overview

The Southwest Air Pollution Control Authority (SWAPCA) is proposing VOC Area Source Rules, SWAPCA 493, to support the measures established in the Vancouver Ozone Maintenance Plan to preserve the Portland/Vancouver area's current air quality by offsetting increased air pollution associated with future population growth. The purpose of this report is to examine the potential economic impacts of the proposed rules on businesses in accordance with the requirements of the Regulatory Fairness Act (RFA) and the Economic Policy Act.

1.2 Description of the Proposed VOC Area Source Rules

The proposed VOC Area Source Rules would establish limits for the amount of volatile organic compounds (VOCs) that can be used in paints and household products available in the Vancouver Air Quality Maintenance Area (AQMA). The proposal would also require the use of higher efficiency spray guns and spray gun cleaning equipment in most automotive repainting activities.

SECTION 2: REQUIREMENTS OF THE REGULATORY FAIRNESS ACT AND THE ECONOMIC POLICY ACT

2.1 Regulatory Fairness Act

PROPOSED

The Regulatory Fairness Act requires state agencies to take a number of steps in determining the extent of regulatory impacts on small business and developing approaches for mitigating disproportionate impacts on small business. Based on the requirements contained in the Regulatory Fairness Act and implementation guidelines, the following steps must be performed:

- * Analyze whether the regulatory action has an economic impact on 20 percent of all businesses or 10 percent of the businesses in one industry (defined as any 3-digit Standard Industrial Classification code (SIC)).
- * If there are impacts on 20 percent of all businesses or on 10 percent of all businesses in one industry, then a Small Business Economic Impact Statement (SBEIS) must be prepared. The SBEIS must include the following elements:
 - A brief description of the reporting, record keeping, and other compliance requirements of the regulation;
 - A description of the kinds of professional services needed by a small business in order to comply;
 - An analysis of the costs of compliance, including costs of equipment, supplies, labor and increased administrative costs, based on existing data;
 - A comparison, to the greatest extent possible, of the cost of compliance for small versus large businesses (small businesses are defined as those with 50 employees or less, while large businesses are defined as those in the top 10 percent of business in an industry);
 - The basis of the cost comparison for small versus large businesses must be either (1) cost per employee, (2) cost per hour of labor, (3) cost per \$100 of sales, or (4) any combination of these measures.
- * If there are disproportionate impacts on small businesses, the impacts must be mitigated by adjusting reporting and record keeping requirements; establishing performance rather than design standards; or exempting small businesses from any or all regulatory requirements, or other measures, to the extent allowable and feasible under the law.

2.2 Need for a Small Business Economic Impact Statement

To determine the need for a SBEIS, SWAPCA must establish whether 20 percent of all businesses or 10 percent of businesses in one industry (at a three-digit level of specificity) are affected by the proposed rule.

The following are the industries as described by SIC codes that can be reasonably expected to be subject to the VOC area source rules.

- 284 Soap, detergents, and cleaning preparations; perfumes, cosmetics and other toilet preparations

285 Paints, varnishes, lacquers, enamels, and allied products

289 Miscellaneous chemical products

753 Automotive Repair Shops (only 7532 Automotive Body Shops applies)

SWAPCA has concluded that there are several three digit SIC industries where more than 10 percent of the businesses in the category will potentially be impacted. Consequently, the threshold for preparing an SBEIS has been met and economic impacts on small businesses must be analyzed.

2.3 Economic Policy Act

The Economic Policy Act (chapter 43.21H RCW) requires state agencies to give appropriate consideration to economic values when writing rules. The Economic Policy Act does not specify methods for assessing economic impacts and is not limited to small businesses.

SECTION 3: DESCRIPTION OF COMPLIANCE REQUIREMENTS

3.1 Compliance Requirements

The proposed rules establish VOC limits and record-keeping requirements in four main categories as follows: Motor vehicle refinishing, consumer products, spray paints, and architectural coatings. The VOC limits established by these rules is technologically feasible and in fact most products are available today and are being sold in California, Texas and New York. These proposed rules were modelled after the rules adopted by these states and are exactly the same as the rules developed and adopted by the Oregon Department of Environmental Quality for the Portland Air Quality Maintenance Area. Also, federal rules are expected to the [be] adopted by EPA sometime in the near future.

3.2 Professional Services

The proposed VOC Area Source Rules do not require the retention of professional services.

SECTION 4: ECONOMIC ANALYSIS OF VOC AREA SOURCE RULES

4.1 Introduction of Economic Analysis

The VOC Area Source Rules apply to a broad range of consumer and painting products, and professional painting activities. Taken as a whole, the fiscal impact of reducing 1 ton of Volatile Organic Compounds from the air as required by these measures has been estimated to vary from a cost of about \$13,000 to an approximate net savings of \$9,000. Estimates include costs for the development of new formulations, many of which are now available.

Motor Vehicle Refinishing: Cost projections for rules are based on "Alternative Control Techniques Document: Automobile Refinishing" produced by the U.S. EPA in April 1994. The proposed regulation is expected to reduce emissions from this source category by 40%, which in terms of 1992's emission would eliminate 95 tons of VOCs per year.

Consumer Products: SWAPCA estimates adoption of this portion of the proposal will reduce annual VOC emission to the Vancouver airshed by 65 tons. In the development of the California Consumer Products regulations, the California Air Resources Board (CARB) estimated costs of their related

regulations to vary from a net savings to a cost of \$3,400 per ton of VOC eliminated. Because the proposed SWAPCA Consumer Products rules avoid the technology forcing components of the CARB rule, costs will be lower.

Spray Paint: SWAPCA spray paint rules are closely modeled after regulations currently proposed by CARB for the state of California. The SWAPCA proposal is expected to reduce emissions of VOCs by 10 tons per year within the Vancouver Air Quality Maintenance Area (AQMA). Assuming that costs of complying with the regulations will be the same for both the Vancouver area and California, this regulation is estimated to cost between \$5,700 to \$6,400 per ton of reduced VOC emissions to the atmosphere.

Architectural Coatings: Proposed regulations are expected to reduce emissions from Architectural Coatings, Industrial Maintenance Coatings and Traffic Markings by approximately 19%. Based on 1992 emissions, this would remove 200 tons of VOC per year from the Vancouver airshed.

Compliance with the proposed regulations can be achieved either by substituting an existing compliant coating for a noncompliant coating, or reformulating a noncompliant coating to meet the new limit. Substitution is often the more economical approach as it avoids research and development costs associated with reformulation. A 1984 CARB market survey suggests that the option of substitution is feasible for many manufacturers. For coatings that would be reformulated, CARB estimated in 1989 the cost of complying with their more restrictive Suggested Control Measure (SCM) varies from a cost of \$12,800 to a savings of \$8,600 per ton of VOC not emitted to the atmosphere.

4.2 Affects on General Public

Motor Vehicle Refinishing: Without considering the purchase and use of high volume low pressure (HVLP) spray guns, these rules would produce an overall savings of \$4.2 million per year if applied on a national level.¹ HVLP spray technology is generally considered to produce additional (but unquantifiable) net savings by reducing the amount of paint used. These savings may be captured by the refinishing or insurance industries, or passed to the public in the form of lower costs for auto insurance premiums and repair.

Automotive hobbyists painting more than 2 vehicles per year would be required to purchase an HVLP spray gun and a spray gun cleaner. Purchase of this equipment would cost an estimated \$1,425 per user. In the worst case, a hobbyist who paints 3 vehicles per year would not recover the equipment costs through material savings due to low rate of use. For such a person, first year costs of the program would be very close to the full cost of the equipment. The number of hobbyist painters in the Vancouver AQMA is unknown.

Consumer Products: During Phase II of the California consumer products rules, CARB estimated costs of reformulation would be passed on to the consumer in the form of price increases ranging from \$0.01 to \$0.60 per unit of product. This estimate included costs for meeting more restrictive VOC limits than are in the proposed rules. More recently, the Chemical Specialties Manufacturers Association estimated the costs for nonpersonal care products distributed

nationally would rise less than one percent as a result of the SWAPCA regulation.²

Spray Paint: CARB estimated the costs of their closely related regulation in two ways. In one analysis, it was estimated the rule would increase manufacturers' sales prices by an average of \$0.04 to \$0.34 per can. Consumer costs would be higher following the addition of distribution and retail mark-ups. In a separate analysis, CARB compared the cost of spray paint within the San Francisco Bay area where spray paint is regulated to an area where it is unregulated. Using this method, CARB found spray paint in the regulated area to be 6% more expensive on average. Products at the low end of the price range were most dramatically affected, however, and reflected much greater price increases.

Architectural Coatings: Based on the 1984 survey and a comparison of costs to cover a fixed area per year, CARB estimated the Suggested Control Measure would affect the price of paint between a \$1.10 per gallon increase and a \$3.60 per gallon price reduction. This comparison applies to cases involving reformulation of existing coatings.³ The results of the estimate seem to reflect the "high solids" content common to many lower-VOC coatings. Because reformulated coatings often contain more solids, a gallon can typically cover a larger area.

4.3 Affect on Small Business

Motor Vehicle Refinishing: Paint distributors would need to be trained to provide necessary advice to their customers. Total cost is estimated to be \$80,000 on a national, annualized basis.

Approximately 75 auto body shops are located in the Vancouver AQMA. Many would be subject to costs of purchasing gun cleaning equipment (plus its maintenance) and retraining. Gun cleaners cost approximately \$1,000 each, and require maintenance of an additional 4%. However, compared to manual cleaning, these cleaners use about 7 ounces less solvent per use producing a net savings of \$1.23 million on a national, annualized basis. Body shops would realize significant additional savings through the purchase of less paint resulting from the use of more efficient HVLP spray guns.

Individual painters traditionally provide their own painting equipment. Full-time professional automotive painters are estimated to need an average of 6 HVLP guns to accommodate various types of paint. The typical full-time painter would be expected to have separate spray guns for color coats, clear coats, whites, metallics, primers, and small or "detail" areas. The painter who previously had no guns complying with the regulation is estimated to be subject to approximately \$2300 in nonrecurring charges.⁴

Consumer Products: In the development of a more restrictive family of consumer product regulations between 1989 and 1991, CARB evaluated the impact rules would have on the Return of Owner's Equity (ROE). CARB concluded that small businesses engaged in the manufacture, distribution and sale of consumer products would probably not be affected by the regulation.⁵ Comments regarding consumer products cited under the Large Business section also apply.

Spray Paint: Aerosol paint manufacturers range from very small companies to large nationwide corporations. Impacts to individual companies vary widely, and are related more to the type of their products than company size, and this assessment applies to both large and small manufacturers. CARB surveyed spray paint manufacturers and reported that costs to individual companies is expected to vary from \$0 to \$3.6 million annually when amortized over a 10 year period.⁶ CARB further estimated that applying their regulation to the whole state of California would have a total annual cost of \$12 to \$13 million, also based on a ten year amortization. Costs for the proposed regulation are expected to be lower in rough proportion to the population of the Vancouver AQMA.

California investigators additionally calculated costs to businesses in the form of Return of Owner's Equity (ROE). Assuming that no cost increases could be recovered through higher consumer prices, CARB determined the regulation would decrease ROE between 8.5% and 0%, with an overall average ROE decrease of 3%.

Architectural Coatings: Smaller paint manufacturers frequently rely more heavily than major manufacturers on solvent based products to serve specialized high performance niche markets. This segment of the industry would be the most likely to encounter the costs of reformulation cited above.

Painting contractors may also be affected by any paint price increases, or modification of work activities that may result from differing characteristics (such as increased drying time) of coating reformulated to lower VOC levels.

4.4 Affect on Large Business

Motor Vehicle Refinishing: Coating manufacturers will incur costs for process modifications and training. If regulations were applied on a national scale, process modification costs would approximate \$430,000 per year to provide pumping and mixing equipment to process high-solids coatings. Training costs are estimated at \$60,000 per year. Both estimates are based on an annualized period of 10 years at 7% interest.

Consumer Products: In the 1990 phase of the California regulations, CARB identified significant costs associated with the reformulation of products to meet VOC limits. These are costs for: 1) research and development, 2) efficacy testing, 3) stability testing, 4) safety testing, and 5) label modification.⁷ Assuming that reformulated products could be marketed nationally, CARB estimated their more stringent rule would cost as much as \$3,400/ton of reduced VOC emissions. This factor and the anticipated reduction of 65 tons per year establish an upper limit for the cost of the proposed Consumer Products regulations. CARB estimated that these costs would be passed on to the consumer and reflected in increased retail prices of \$0.01 and \$0.23 per individual product.

Spray Paint: The economic effects of the proposed spray paint regulation for large businesses is expected to vary as is described under the Small Business section above.

Architectural Coatings: Large paint manufacturers typically emphasize the sale of water-based coatings to a mass market.

Because water-based coatings contain lower amounts of VOC, this segment of the industry would be less frequently affected than small manufacturers by the costs of substitution or reformulation.

4.5 Affect on State Agencies and Local Governments (except SWAPCA)

Motor Vehicle Refinishing: Local public agencies operating motor vehicle refinishing facilities would be subject to the same costs and benefits cited under the Small Business category entry for both body shops and painters.

Consumer Products: No significant effects on government agencies are expected.

Spray Paint: No significant effects on government agencies are expected.

Architectural Coatings: A water-based traffic marking which meets the 150 g/l limit of the proposed regulation presently costs 20% more than the existing product. This increased cost may be partially offset by the increased longevity of the lower VOC product. Use of water-based products also requires the use of modified application equipment to work with waterborne paints. The cost of such new equipment ranges from approximately \$150,000 to \$280,000 per unit. However, it is understood that each public agency that conducts traffic marking operations in the Vancouver AQMA has acquired, or is in the process of acquiring suitable equipment in anticipation of federal paint regulations.

4.6 Affect on SWAPCA

These regulations are modelled on what SWAPCA expects EPA to require nationally in the future. Adoption of federal rules will generally eliminate the need to enforce state/local rules, since noncomplying products would not be made or offered for sale in the entire country.

Because these rules are expected to be temporary, it would be inefficient to fund their implementation with a short-lived permit fee program. The rules will not generate revenue. Instead, SWAPCA intends to use existing staff and funding to perform technical assistance, enforcement, regulation, community notification, and evaluation of applications for variance.

SWAPCA is proposing an automatic review of these "area source" rules after the adoption of EPA regulations. If it is determined that federal rules are inadequate and state rules need to be retained, SWAPCA's reconsideration could include other measures to provide program support.

4.7 Assumptions

General: VOC reductions for the Vancouver airshed are estimated on the basis of Emission Inventory data for 1992.

Motor Vehicle Refinishing: Costs are presented on a national scale and are based on an annualized period of 10 years at 7% interest unless otherwise noted. Because VOC reductions resulting from the use of HVLP cannot be reliably determined, this analysis credits no VOC reductions from their use. Costs of HVLP guns, however, are included.

Consumer Products: For the purpose of this assessment, the effects of the SWAPCA rules are assumed to be the same as estimated for the Oregon rules and California regulations.

Actually, SWAPCA and Oregon rules avoid the most restrictive (and potentially technology forcing) future VOC limits adopted in California.

Spray Paint: Effects of the proposed regulation are assumed to be the same as estimated for the anticipated California state-wide rule.

Architectural Coatings: Unless otherwise noted, this impact assessment assumes costs of complying with the proposed SWAPCA/Oregon regulation will be the same as estimated costs for the Suggested Control Measure (SCM) developed by CARB. In fact, the Oregon proposed limits are more restrictive than the SCM in only three product categories (Roof Coatings, Clear Shellacs, and Traffic Marking Paints), while the SCM is more restrictive in a minimum of nineteen product categories.

- 1 U.S. EPA "Alternative Control Techniques Document: Automobile Refinishing," publication EPA 453/R-94-031, Table 5-1: Calculation based on costs of "Option 1" column less \$780 cited for Surface Preparation.
- 2 Telecon. Nordberg, Dave, Oregon DEQ with Ziman, Barry, S\CSMA, February 3, 1995. Costs of regulation.
- 3 ARB-CAPCOA Suggested Control Measure for Architectural Coatings, Technical Support Document, State of California, July 1989.
- 4 Telecon. Nordberg, Dave, Oregon DEQ with Nelson, Don T&T Sales Inc. January 30, 1995. Costs of regulation.
- 5 State of California Air Resources Board Stationary Source Division, "Proposed Amendments to the State-wide...Consumer Products - Phase II," October 1991.
- 6 California EPA, Air Resources Board "Initial Statement of Reasons for a Proposed...Aerosol Coating Products..." released February 3, 1995.
- 7 State of California Air Resources Board Stationary Source Division, "Proposed Regulation to Reduce Volatile...Consumer Products," Staff Report, August 1990.

SECTION 5: MITIGATING FACTORS IN THE VOC AREA SOURCE RULES

5.1 Mitigation Required by the Regulatory Fairness Act

Because the proposed VOC Area Source rules do not appear to disproportionately impact small businesses, SWAPCA is not required to develop provisions that mitigate those impacts.

APPENDIX A

Questions to be Answered to Reveal Potential Justification for Differing from Federal Requirements

1. Are there federal requirements that are applicable to this situation? If so, exactly what are they?

Yes. This proposal offers measures to reduce VOC emissions in the Vancouver AQMA as part of the Vancouver Ozone Maintenance Plan, which is required by the Clean Air Act for redesignation to attainment status.

Individual area source rules were selected because future federal rules are expected in the same area. Each rule is equally or less restrictive than its anticipated federal counterpart with certain exceptions:

- * Federal Architectural Coatings rules are expected to allow an initial two-year exemption for smaller manufacturers.
- * Federal Architectural Coatings rules are expected to allow VOC standards to be exceeded with the payment of an "exceedance fee."
- * Federal Motor Vehicle Refinishing rules are not expected to require HVLP spray guns or gun cleaning equipment.
- * Federal rules for Refinishing, Spray Paint, and Architectural Coatings are not expected to include requirements that commercial applicators use products which comply. (Focus will be on manufacturers; because requirements are nationwide, only complying products will be available.)

2. Are the applicable federal requirements performance based, technology based, or both with the most stringent controlling?

Requirements of the Clean Air Act for redesignation to attainment are performance based.

3. Do the applicable federal requirements specifically address the issues that are of concern in Washington? Was data or information that would reasonably reflect Washington's concern and situation considered in the federal process that established the federal requirements?

Because the requirements are performance based, preparation of a Maintenance Plan allows strategies to be developed locally to best meet the needs of the affected area.

4. Will the proposed requirement improve the ability of the regulated community to comply in a cost effective way by clarifying confusing or potentially conflicting requirements (within or cross-media), increasing certainty, or preventing or reducing the need for costly retrofit to meet more stringent requirements later?

No. Measures contained in this proposal generally affect products and activities which have been unregulated.

5. Is there a timing issue which might justify changing the time frame for implementation of federal requirements?

Yes. Redesignation to attainment requires the Ozone Maintenance Plan to address the future ten-year period. Delay of rule adoption would move the Maintenance Plan farther into the future in a period of ever increasing growth-related pollution. In turn, this would require the adoption of increasingly aggressive pollution control measures. Prompt initiation of the plan allows more modest control measures to be used.

Federal versions of rules contained in this proposal are currently scheduled to be finalized between March 1996

and March 1997, however, completion by the scheduled dates is not assured.

6. Will the proposed requirements assist in establishing and maintaining a reasonable margin for accommodation of uncertainty and future growth?

Yes. The Ozone Maintenance Plan provides a margin for increased industrial growth to address a potential impediment to the Portland area's future economic vitality. To accommodate uncertainty, the Ozone Maintenance Plan is designed to maintain ozone ambient air quality standards at a 95% level of confidence.

7. Does the proposed requirement establish or maintain reasonable equity in the requirements for various sources? (level the playing field)

Yes. Strategies within the Ozone Maintenance Plan were approved by the SWAPCA Technical Advisory Committee and address a wide variety of activities. They include an increased focus on nonindustrial "area" sources of pollution which have previously gone unregulated. Rules in this proposal represent moderate measures applied to a broad range of such area sources.

8. Would others face increased costs if a more stringent rule is not enacted?

Potentially. If these rules are not adopted and the Ozone Maintenance Plan is inadequate to achieve redesignation, new and expanding industries must install the most costly level of pollution controls which exist as a means to reduce the area's VOC and NOx emissions. Also, failure to develop an adequate Maintenance Plan would increase the risk of future violation of the ozone standard which would elevate the AQMA to a more stringent level of nonattainment. This potential "bump-up" would increase control costs to industry and increase the risk of sanctions on federal highway funds.

9. Does the proposed requirement include procedural requirements, reporting or monitoring requirements that are different from applicable federal requirements? If so, why? What is the "compelling reason" for different procedural, reporting or monitoring requirements?

No. The proposed rules represent normal procedural measures. Individual rules, however, include some provisions which are not expected in the federal rules now being developed. These measures require commercial users of regulated products to use only products which comply with VOC standards for Motor Vehicle Refinishing, Spray Paint, and Architectural Coatings. These user requirements are necessary to diminish availability of readily available noncomplying products through the border of the regulated area. Such requirements are unnecessary for regulations adopted on a national scale.

10. Is demonstrated technology available to comply with the proposed requirement?

Yes. Area Source regulations are currently in effect in other regions of the country.

11. Will the proposed requirement contribute to the prevention of pollution or address a potential problem and represent a more cost effective environmental gain?

Yes. Motor Vehicle Refinishing rules require equipment which will reduce the amount of paint and clean-up solvent needed for refinishing. Material costs, hazardous waste disposal costs, and VOC emissions will be reduced as a result.

Other rules of this proposal have a potential for incrementally preventing pollution and reducing hazardous waste disposal costs by lowering the average consumption of solvents used in regulated products.

A copy of the statement may be obtained by writing to Jennifer E. Brown, Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA 98685, phone (360) 574-3058, or FAX (360) 576-0925.

Hearing Location: Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA 98685, on December 19, 1995, at 3:00 p.m.

Assistance for Persons with Disabilities: Contact Mary Allen by December 1, 1995, TDD (360) 574-3058, or (360) 574-3058 (voice).

Submit Written Comments to: Jennifer E. Brown, FAX (360) 576-0925, by December 1, 1995.

Date of Intended Adoption: December 19, 1995.

September 1, 1995

Robert D. Elliott
Executive Director

Reviser's note: The material contained in this filing will appear in the 95-20 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-21-040.

WSR 95-18-085

PROPOSED RULES

WASHINGTON STATE PATROL

[Filed September 6, 1995, 8:33 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-16-028.

Title of Rule: Agency description for public information disclosure.

Purpose: Update addresses and locations of state patrol field offices.

Statutory Authority for Adoption: RCW 42.17.250.

Summary: Several state patrol field offices have changed locations. This amendment will update the addresses for obtaining public information.

Reasons Supporting Proposal: Updates will allow the public easier access to public information.

Name of Agency Personnel Responsible for Drafting: Captain Bill Ford, 210 11th Avenue S.W., Olympia, WA, (360) 753-6550; Implementation and Enforcement: Captain Bob Lopez, 621 Woodland Square Loop, Lacey, WA, (360) 438-5833.

Name of Proponent: Washington State Patrol, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule gives the locations and addresses of state patrol field offices. The changes will update the addresses and give current locations. This will give the public easier access to public information.

Proposal Changes the Following Existing Rules: Updates state patrol field locations with current addresses.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Changes addresses and locations for obtaining public information. This will not have any economic impact on small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This rule is simply the addresses of the state patrol field offices. The proposed changes update the addresses, giving the public easier access to public information.

Hearing Location: Washington State Patrol Headquarters, General Administration Building, 1st Floor, Small Conference Room, Olympia, Washington 98504, on October 24, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Ms. Jan Baca by October 16, 1995, (360) 753-4453.

Submit Written Comments to: Captain Bob Lopez, P.O. Box 42611, Lacey, WA 98504-2611, FAX (360) 407-0172, by October 16, 1995.

Date of Intended Adoption: November 30, 1995.

September 6, 1995
Annette M. Sandberg
Chief

AMENDATORY SECTION (Amending Order 79-2, filed 3/23/79)

WAC 446-10-030 Description of central and field organizations of the Washington state patrol. The Washington state patrol is a law enforcement agency and service. The administrative offices of the department and its staff are located in the General Administration Building, Olympia, Washington 98504. The department has eight district headquarters with working addresses as follows:

- District I - (~~3737 South Puget Sound Avenue, Tacoma 98409~~)
2502 112th Street East, Tacoma 98445-5104
- District II - 2803 - 156th Avenue S. E., Bellevue 98007
- District III - 2715 Rudkin Road, Union Gap 98903
- District IV - (~~East 7421 First Avenue, Spokane 99206~~) West 6403 Rowand Road, Spokane 99204-5300
- District V - 605 East Evergreen Boulevard, Vancouver 98661-3812
- District VI - (~~1517 North Wenatchee Avenue, Wenatchee 98801~~)
2822 Euclid Avenue, Wenatchee 98801-5916

- District VII - (~~20th and Chestnut, Everett 98201~~) 2700 116th Street NE, Marysville 98271-9425
- District VIII - (~~4846 Auto Center Way, Bremerton 98310~~) 4811 Werner Road, Bremerton 98312-3333

WSR 95-18-091
PROPOSED RULES
DEPARTMENT OF HEALTH
(Board of Pharmacy)
[Filed September 6, 1995, 9:56 a.m.]

Continuance of WSR 95-13-109.
Title of Rule: WAC 246-887-160 Schedule III.
Purpose: To change the date and location of rules hearing and intended date of adoption.

Hearing Location: WestCoast Hotel, 625 116th Avenue N.E., Bellevue, WA, on October 27, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Lisa Salmi, Program Manager by October 10, 1995, (360) 753-6834.

Submit Written Comments to: Donald Williams, P.O. Box 47863, Olympia, WA 98504-7863, FAX (360) 586-4359, by October 10, 1995.

Date of Intended Adoption: October 27, 1995.

September 6, 1995
D. H. Williams
Executive Director

WSR 95-18-092
PROPOSED RULES
DEPARTMENT OF HEALTH
(Board of Pharmacy)
[Filed September 6, 1995, 9:59 a.m.]

Continuance of WSR 95-16-121.
Title of Rule: WAC 246-861-090 Amount of continuing education.

Purpose: To change date and location of hearing and intended date of adoption.

Hearing Location: WestCoast Hotel, 625 116th Avenue N.E., Bellevue, WA, on October 27, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Lisa Salmi, Program Manager by October 10, 1995, (360) 753-6834.

Submit Written Comments to: Donald Williams, P.O. Box 47863, Olympia, WA 98504-7863, FAX (360) 586-4359, by October 10, 1995.

Date of Intended Adoption: October 27, 1995.

September 6, 1995
D. H. Williams
Executive Director

PROPOSED

WSR 95-18-093
PROPOSED RULES
DEPARTMENT OF HEALTH
(Board of Pharmacy)
[Filed September 6, 1995, 10:00 a.m.]

Continuance of WSR 95-14-115.

Title of Rule: WAC 246-881-040 Drug price disclosure.

Purpose: To change the date and location of rules hearing and intended date of adoption.

Hearing Location: WestCoast Hotel, 625 116 Avenue N.E., Bellevue, WA, on October 27, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Lisa Salmi, Program Manager by October 10, 1995, (360) 753-6834.

Submit Written Comments to: Donald Williams, P.O. Box 47863, Olympia, WA 98504-7863, FAX (360) 586-4359, by October 10, 1995.

Date of Intended Adoption: October 27, 1995.
September 6, 1995
D. H. Williams
Executive Director

WSR 95-18-094
PROPOSED RULES
DEPARTMENT OF HEALTH
(Board of Pharmacy)
[Filed September 6, 1995, 10:01 a.m.]

Continuance of WSR 95-14-112.

Title of Rule: WAC 246-863-095 Pharmacist's professional responsibilities.

Purpose: To change the date and location of rules hearing and intended date of adoption.

Hearing Location: WestCoast Hotel, 625 116th Avenue N.E., Bellevue, WA, on October 27, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Lisa Salmi, Program Manager by October 10, 1995, (360) 753-6834.

Submit Written Comments to: Donald Williams, P.O. Box 47863, Olympia, WA 98504-7863, FAX (360) 586-4359, by October 10, 1995.

Date of Intended Adoption: October 27, 1995.
September 6, 1995
D. H. Williams
Executive Director

WSR 95-18-095
PROPOSED RULES
DEPARTMENT OF HEALTH
(Board of Pharmacy)
[Filed September 6, 1995, 10:02 a.m.]

Continuance of WSR 95-14-113.

Title of Rule: Chapter 246-858 WAC, Pharmacist internship requirements.

Purpose: To change the date and location of rules hearing and intended date of adoption.

Hearing Location: WestCoast Hotel, 625 116 Avenue N.E., Bellevue, WA, on October 27, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Lisa Salmi, Program Manager by October 10, 1995, (360) 753-6834.

Submit Written Comments to: Donald Williams, P.O. Box 47863, Olympia, WA 98504, FAX (360) 586-4359, by October 10, 1995.

Date of Intended Adoption: October 27, 1995.
September 6, 1995
D. H. Williams
Executive Director

WSR 95-18-096
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Filed September 6, 1995, 11:10 a.m.]

Original Notice.
Preproposal statement of inquiry was filed as WSR 95-14-015.

Title of Rule: WAC 392-121-201 through 392-121-295. Basic education funding—Certificated instructional staff component.

Statutory Authority for Adoption: RCW 28A.150.290.
Summary: The 1995-97 Biennial Appropriations Act modified what credits can be recognized for placement on LEAP 1A and the statewide salary allocation schedule. Also, the reporting system for school district personnel is being modified necessitating changes in rules.

Reasons Supporting Proposal: Incorporation of new criteria for counting credits as mandated by the legislature; clarification of calculating experience; and housekeeping changes.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Superintendent of Public Instruction, Olympia, 753-2298; Implementation: Thomas J. Case, Superintendent of Public Instruction, Olympia, 753-6708; and Enforcement: David Moberly, Superintendent of Public Instruction, Olympia, 753-6742.

Name of Proponent: Superintendent of Public Instruction, governmental.
Rule is not necessitated by federal law, federal or state court decision.

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

Proposal Changes the Following Existing Rules: See Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule will have a minor or negligible economic impact.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Wanamaker Conference Room, 2nd Floor; Old Capitol Building, 600 South Washington Street, Olympia, WA 98504-7200, on October 10, 1995, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Jim Rich by October 2, 1995, TDD (360) 664-3631, or (360) 753-6733.

PROPOSED

Submit Written Comments to: Rules Coordinator, Legal Services, P.O. Box 47200, Olympia, WA 98504, FAX (360) 753-4201, by October 9, 1995.

Date of Intended Adoption: October 11, 1995.

September 6, 1995

Judith A. Billings

Superintendent of

Public Instruction

NEW SECTION

WAC 392-121-201 Definition—Agency certificated employee. As used in this chapter, "agency certificated employee" means a person who holds a professional education certificate issued by the superintendent of public instruction and who is employed by an agency in a position for which such certificate is required.

AMENDATORY SECTION (Amending Order 88-8, filed 1/11/88)

WAC 392-121-205 Definition—District certificated instructional employee. As used in this chapter, "district certificated instructional employee" means any certificated employee except one who is employed solely as one or more of the following:

(1) Chief executive officer, chief administrative officer, or confidential employee within the meaning of RCW 41.59.020(4);

(2) Principal, assistant principal, and any person hired in any manner to fill a position designated as, or which is in fact, that of principal or assistant principal;

(3) Other district administrator, which means an employee, including an administrative assistant, director, or coordinator of a district-wide program, who directs staff members and/or manages a function, a program, or a supporting service in a school district; and

(4) Other school administrator, which means an employee including an administrative assistant, administrative intern, or supervisor of a school program, who directs staff members or manages a function, a program, or a support service in a school.

NEW SECTION

WAC 392-121-206 Definition—Agency certificated instructional employee. As used in this chapter, "agency certificated instructional employee" means any agency certificated employee where:

(1) The agency, pursuant to WAC 392-121-288, serves more than twenty-five students which equals more than one-quarter of one percent (.0025) of the district's annual average full-time equivalent enrollment claimed for basic education funding; and

(2) The employee provides services to such students solely as one or both of the following:

(a) An elementary, secondary or other teacher who instructs pupils in classes or courses; or

(b) An educational staff associate who assists, evaluates, counsels, or instructs students in a manner consistent with the employee's educational staff associate certificate.

AMENDATORY SECTION (Amending Order 92-15, filed 11/16/92, effective 12/17/92)

WAC 392-121-210 Definition—Basic education certificated instructional employee. As used in this chapter, "basic education certificated instructional employee" means a district certificated instructional employee or an agency certificated instructional employee assigned in whole or in part to the following programs as defined in the accounting manual for public school districts in the state of Washington:

(1) Basic education, program 01;

(2) Vocational, basic, state, program 31;

(3) Skills center, basic, state, program 45;

(4) Instruction support, program 94; and

(5) District-wide support, program 97.

AMENDATORY SECTION (Amending Order 88-8, filed 1/11/88)

WAC 392-121-215 Definition—Full-time equivalent (FTE) basic education certificated instructional staff. As used in this chapter, "full-time equivalent (FTE) basic education certificated instructional staff" means the number of staff units determined as follows:

(1) Each employee of the school district who, as of October 1 of the school year, is contracted to provide services as a basic education certificated instructional employee for not less than 180 full work days shall be counted as one FTE.

(2) Each employee of the school district who, as of October 1 of the school year, is contracted to provide services for 180 partial days as a basic education certificated instructional employee shall be counted as a partial FTE, such part to be the quotient to the nearest thousandth obtained by dividing that part of the day worked by the full day as determined by the district.

(3) Each employee of the school district who, as of October 1 of the school year, is contracted to provide services for less than 180 full work days as a basic education certificated instructional employee shall be counted as a partial FTE, such part to be the quotient rounded to the nearest thousandth obtained by dividing the number of work days contracted for by 180: *Provided*, That if the normal annual full-time contract for the position exceeds 180 work days, the greater number of work days normally contracted shall be used as the divisor.

(4) Each employee of the school district who, as of October 1 of the school year, is contracted to provide services for less than 180 partial days as a basic education certificated instructional employee shall be counted as a partial FTE, such part to be the quotient to the nearest thousandth obtained by dividing the part of the day worked by the full day as determined by the district and then multiplying the result by the ratio of work days contracted for to 180: *Provided*, That if the normal annual full-time contract for the position exceeds 180 work days, the greater number of work days normally contracted shall be used in place of 180 in the ratio.

(5) No employee shall be counted as more than one full-time equivalent basic education certificated staff unit.

(6) The length of a full work day as used in this section shall be determined by the district.

(7) As used in this section, contracts to provide services as a basic education certificated instructional employee shall exclude supplemental contract services as defined under RCW 28A.400.200(4).

AMENDATORY SECTION (Amending Order 88-8, filed 1/11/88)

WAC 392-121-220 Definition—((Form)) S-275 reporting process. As used in this chapter, "((Form)) S-275 reporting process" means the ((certificated)) electronic personnel ((report)) reporting process which is ((distributed)) defined annually by the superintendent of public instruction ((on or before September 1 and which includes such items as the individual certificated employee's name, certificate number, educational level, years of professional work experience, contract days, annual salary, fringe benefits and insurance benefits for the year, work assignment(s) and full-time equivalency)).

(1) For the 1994-95 school year, this ((report)) reporting process shall include only certificated individuals employed by the district as of October 1 of the school year.

(2) For the 1995-96 school year and thereafter this reporting process shall include individuals who are known as of October 1 to be:

(a) District employees with a contract for certificated employment to provide services during the period September 1 through August 31;

(b) Classified employees, employed by the district to provide services during the period September 1 through August 31; and

(c) Agency certificated instructional employees, contracted to provide services during the period September 1 through August 31.

AMENDATORY SECTION (Amending Order 88-8, filed 1/11/88)

WAC 392-121-225 Definition—Report ((S-727)) S-275. As used in this chapter, "Report ((S-727)) S-275" means the alphabetic listing of certificated personnel employed by a school district on October 1 as prepared by the superintendent of public instruction from data submitted by the district ((on)) through the ((Form)) S-275 reporting process for the school year.

AMENDATORY SECTION (Amending WSR 94-01-190, filed 12/22/93, effective 1/22/94)

WAC 392-121-245 Definition—Certificated years of experience. Regardless of the experience factors used by a school district for the purposes of its salary schedule(s), as used in this chapter, the term "certificated years of experience" means the number of years of accumulated full-time and part-time professional education employment prior to the current reporting school year in the state of Washington, out-of-state, and a foreign country ((and shall be reported by the school district to the nearest tenth)). School districts shall report all certificated years of experience including those beyond the experience limit of the school district's salary schedule. ((The traditional nine-month academic year shall be considered as one school year. Not more than one school year of experience may be counted for any twelve-month

period. Substitute days, if documented, shall be reported as part-time professional education employment calculated by dividing the accumulated number of full-time substitute days by one hundred eighty and rounding to the nearest tenth. Partial substitute days shall be reported as part-time professional education employment calculated by dividing the part of the day worked by the full day as determined by the district and rounded to the nearest tenth of a day.))

(1) Professional education ((experience)) employment shall be limited to the following:

((+)) (a) Employment in public or private preschools or elementary and secondary schools in positions which require certification where:

((+)) (i) Schools include the Centrum education program, the Pacific Science Center education program, and educational centers authorized under chapter 28A.205((-)) RCW;

((+)) (ii) Certification means the concurrent public professional education licensing requirements established in the state, province, country, or other governmental unit in which employment occurred;

((2)) (b) Employment in public or private vocational-technical schools, technical colleges, community/junior colleges, colleges, and universities in positions comparable to those which require certification in Washington school districts;

((3)) (c) Employment in a governmental educational agency with regional administrative responsibilities for preschool, elementary, and/or secondary education including but not limited to an educational service district, office of the superintendent of public instruction, or United States department of education in any professional position including but not limited to C.P.A., architect, business manager, or physician;

((4)) (d) Experience in the following areas:

((+)) (i) Military, Peace Corps, or Vista service which interrupted professional employment included in (a), (b), or (c) of this subsection ((1), (2), or (3) of this section)); and

((+)) (ii) Sabbatical leave.

((5)) (e) For nondegreed vocational instructors, up to a maximum of six years of management experience as defined in WAC 180-77-003 acquired after the instructor meets the minimum vocational certification requirements established in WAC 180-77-040. If a degree is obtained while employed in the state of Washington as a nondegreed vocational instructor, the eligible years of management experience pursuant to this subsection reported on ((Form)) Report S-275 prior to the awarding of the degree shall continue to be reported but shall not increase.

(2) Years of full-time and part-time professional education employment prior to the current reporting school year are accumulated as follows:

(a) For each professional education employment which is not employment as a casual substitute pursuant to subsection (1)(a) of this section;

(i) Determine the total number of hours per year for an employee working full-time with each employer;

(ii) Determine the number of hours per year with each employer excluding unpaid leave;

(iii) Calculate the quotient of the hours determined in (b)(i) of this subsection divided by the hours in (b)(ii) of this subsection to two decimals for each year.

(b) For professional education employment as a casual substitute pursuant to subsection (1)(a) of this section:

(i) Determine the total number of full-time equivalent substitute days per year;

(ii) Calculate the quotient of full-time equivalent days determined in (b)(i) of this subsection divided by 180 to two decimals for each year.

(c) No more than 1.0 year may be accumulated in any traditional nine-month academic year or any twelve-month period.

(i) Accumulate, for each year, professional education employment calculated in (a)(iii) and (b)(ii) of this subsection.

(ii) Determine the smaller of the result in (c)(i) of this subsection or 1.00 for each year.

(d) Determine certificated years of experience as the accumulation of all years of professional education employment calculated in (c)(ii) of this subsection and report such years to the nearest tenth.

AMENDATORY SECTION (Amending WSR 94-01-190, filed 12/22/93, effective 1/22/94)

WAC 392-121-255 Definition—Academic credits. As used in this chapter, "academic credits" means credits determined as follows:

(1) Credits are earned after the awarding or conferring of the employee's first bachelor's degree;

(2) Credits are earned on or before October 1 of the year for which allocations are being calculated pursuant to this chapter;

(3) Credits are earned from a regionally accredited institution of higher education: *Provided*, That credits, determined eligible pursuant to subsections (1), (2), (4) and ~~((5))~~ (6) of this section, earned from any other accredited community college, college, or university and reported on Form S-275 on or before December 31, 1992, shall continue to be reported;

(4) Credits are transferrable or applicable to a bachelor's or more advanced degree program: *Provided*, That for educational courses which are the same or identical no more credits for that educational course than are transferrable or applicable to a bachelor's or more advanced degree program at that institution shall be counted;

(5) Credits earned after September 1, 1995, must satisfy the additional requirements of WAC 392-121-262;

(6) Credits are not counted as in-service credits pursuant to WAC 392-121-257 or nondegree credits pursuant to WAC 392-121-259;

~~((6))~~ (7) The number of credits equals the number of quarter hours, units or semester hours each converted to quarter hours earned pursuant to this section; and

~~((7))~~ (8) Accumulate credits to the nearest tenth.

AMENDATORY SECTION (Amending WSR 94-01-190, filed 12/22/93, effective 1/22/94)

WAC 392-121-257 Definition—In-service credits. As used in this chapter, "in-service credits" means credits determined as follows:

(1) Credits are earned;

(a) After August 31, 1987; and

(b) After the awarding or conferring of the employee's first bachelor's degree.

(2) Credits are earned on or before October 1 of the year for which allocations are being calculated pursuant to this chapter.

(3) Credits are earned in either:

(a) A locally approved in-service training program which means a program approved by a school district board of directors, and meeting standards adopted by the state board of education pursuant to the standards in WAC 180-85-200 and the development of which has been participated in by an in-service training task force whose membership is the same as provided under RCW 28A.415.040; or

(b) A state approved continuing education program offered by an education agency approved to provide in-service for the purposes of continuing education as provided for under rules adopted by the state board of education pursuant to chapter 180-85 WAC.

(4) Credits are not earned for the purpose of satisfying the requirements of the employee's next highest degree.

(5) Credits earned after September 1, 1995, must satisfy the additional requirements of WAC 392-121-262.

(6) Credits are not counted as academic credits pursuant to WAC 392-121-255 or nondegree credits pursuant to WAC 392-121-259.

~~((5))~~ Credits are not earned for the purpose of satisfying the requirements of the employee's next highest degree.

~~((6))~~ (7) Ten locally approved in-service or state approved continuing education credit hours defined in WAC 180-85-030 equal one in-service credit.

~~((7))~~ (8) Accumulate credits to the nearest tenth.

AMENDATORY SECTION (Amending WSR 94-01-190, filed 12/22/93, effective 1/22/94)

WAC 392-121-259 Definition—Nondegree credits. As used in this chapter, "nondegree credits" means credits recognized for nondegree basic education certificated instructional employees as follows:

(1) Zero credits shall be recognized for persons holding a valid ~~((initial or provisional))~~ certificate ~~((as a school nurse, a life teaching certificate, or a valid certificate as a special elementary or secondary consultant, or special crafts teacher))~~ other than a certificate included in subsection (2) or (3) of this section.

(2) Thirty credits shall be recognized for persons holding a valid continuing or standard school nurse certificate.

(3) Persons holding valid vocational certificates as provided for in chapter 180-77 WAC shall accumulate recognized credits as follows:

(a) One credit for each ten clock hours of ~~((approved))~~ vocational ~~((teacher))~~ educator training meeting the requirements of WAC ~~((180-77-003 and 180-77-045))~~ 180-77-003 (2), (9), or (11).

(b) One credit for each one hundred clock hours of occupational experience as defined in WAC 180-77-003(7) such that each calendar year is limited to a maximum of twenty credits.

(c) Clock hours used in determining credits in (a) and (b) of this subsection must be earned after meeting the

minimum vocational certification requirements as established in WAC ((480-77-040)) 180-77-041(1).

(4) Credits earned after September 1, 1995, must satisfy the additional requirements of WAC 392-121-262.

(5) Accumulate credits to the nearest tenth.

AMENDATORY SECTION (Amending WSR 94-01-190, filed 12/22/93, effective 1/22/94)

WAC 392-121-261 Definition—Total eligible credits. As used in this chapter, "total eligible credits" means the total number of credits determined as follows:

(1) For an employee whose highest degree is a bachelor's degree, sum:

(a) Academic and in-service credits; and

(b) Nondegree credits, determined pursuant to WAC 392-121-259 and reported on ((Form)) Report S-275 prior to the awarding of the bachelor's degree for vocational instructors who obtain a bachelor's degree while employed in the state of Washington as a nondegreed vocational instructor.

(2) For an employee whose highest degree is a master's degree, sum:

(a) Academic and in-service credits in excess of forty-five earned after the awarding or conferring of the bachelor's degree and prior to the awarding or conferring of the master's degree; and

(b) Academic and in-service credits earned after the awarding or conferring of the master's degree.

~~(3) ((Notwithstanding WAC 392-121-255 and 392-121-257, total eligible credits shall also include academic and in-service credits earned after October 1, 1991, and prior to January 1, 1992, if:~~

~~(a) The employee's highest degree is a bachelor's degree;~~

~~(b) The employee's total eligible credits earned prior to October 1, 1991, are less than one hundred thirty-five; and~~

~~(c) The credits earned between October 1, 1991, and January 1, 1992, bring the employee's total credits to one hundred thirty-five or more.~~

~~(4)) For a nondegreed employee sum only nondegreed credits.~~

NEW SECTION

WAC 392-121-262 Definition—Additional criteria for all credits. Credits earned after September 1, 1995, must satisfy the following criteria in addition to those found in WAC 392-121-255, 392-121-257, and 392-121-259:

(1) At the time credits are recognized by the school district the content of the course must meet at least one of the following:

(a) It is consistent with the school district's strategic plan for improving student learning;

(b) It is consistent with a school-based plan for improving student learning developed under student learning improvement block grants for the school in which the individual is assigned;

(c) It pertains to the individual's current assignment or expected assignment for the following school year;

(d) It is necessary for obtaining endorsement as prescribed by the state board of education;

(e) It is specifically required for obtaining advanced levels of certification; or

(f) It is included in a college or university degree program that pertains to the individual's current assignment or potential future assignment as a certificated instructional staff of the school district, where the potential of the future assignment is agreed upon by the school district and the individual;

(2) Credits which have been determined to meet one or more of the criteria in subsection (1) of this section shall continue to be recognized in subsequent school years and by subsequent school district employers; and

(3) Credits not recognized in a school year may be recognized in a subsequent school year if there is a change in the qualifying criteria such as a change in state board of education rules, a change in the district's strategic plan, a change in the school-based plan for the school in which the individual is assigned, a change in the individual's assignment, or a change in the individual's employer.

AMENDATORY SECTION (Amending WSR 94-01-190, filed 12/22/93, effective 1/22/94)

WAC 392-121-270 Placement of basic education certificated instructional employees on LEAP salary allocation documents. Each basic education certificated instructional employee shall be placed on LEAP salary allocation documents based on the employee's certificated years of experience, highest degree level, and total eligible credits each defined in this chapter provided that:

(1) If an employee holds more than one degree of the same level, additional credits shall be counted after the first degree.

(2) An employee whose highest degree is a bachelor's degree, whose total eligible credits are ninety or greater, and whose total eligible credits earned prior to January 1, 1992, were less than one hundred thirty-five shall be placed on the BA + 90 column.

(3) An employee whose highest degree level is nondegreed shall be placed on the BA columns except that such persons holding valid vocational certificates with one hundred thirty-five or more eligible credits shall be placed on the MA + 0 column.

(4) A vocational instructor who obtains a bachelor's degree while employed in the state of Washington as a nondegreed vocational instructor and for whom one hundred thirty-five or more eligible credits determined pursuant to WAC 392-121-259 were reported on ((Form)) Report S-275 prior to the awarding of that bachelor's degree shall continue to be placed on the MA + 0 column and shall not advance to any other column unless a master's degree is obtained.

(5) For placement on LEAP salary allocation documents, certificated years of experience and total eligible credits shall be rounded to the nearest whole number. One-half year or credit shall be rounded to the next highest year or credit.

AMENDATORY SECTION (Amending WSR 94-01-190, filed 12/22/93, effective 1/22/94)

WAC 392-121-280 Placement on LEAP salary allocation documents—Documentation required. School districts shall have documentation on file and available for review which substantiates each basic education certificated instructional employee's placement on LEAP salary allocation documents. The minimum requirements are as follows:

PROPOSED

(1) Districts shall document the date of awarding or conferring of the highest degree including the date upon which the degree was awarded or conferred as recorded on the diploma or transcript from the registrar of the regionally accredited institution of higher education.

(a) If the highest degree is a master's degree, the district shall also document the date of awarding or conferring of the first bachelor's degree.

(b) If the degree was awarded by an institution which does not confer degrees after each term, and all degree requirements were completed at a time other than the date recorded on the diploma or transcript, a written statement from the registrar of the institution verifying a prior completion date shall be adequate documentation.

(2) Districts shall document academic credits by having on file a transcript from the registrar of the regionally accredited institution of higher education granting the credits. For purposes of this subsection:

(a) An academic credit is deemed "earned" at the end of the term for which it appears on the transcript: *Provided*, That a written statement from the registrar of the institution verifying a prior earned date may establish the date a credit was earned;

(b) Washington state community college credits numbered one hundred and above are deemed transferable for purposes of WAC 392-121-255(4) subject to the limitations of that same subsection;

(c) Credits are not deemed "earned" at an institution of higher education which transfers-in credits. Such credits must be documented using a transcript from the initial granting institution and are subject to all the limitations of WAC 392-121-255; and

(d) For credits earned after September 1, 1995, districts shall document that the course content meets one or more of the criteria of WAC 392-121-262(1). At a minimum, such documentation must include a dated signature of the immediate principal, supervisor, or other authorized school district representative and must be available to the employee's future employers.

(3) Districts shall document in-service credits;

(a) By having on file a document meeting standards established in WAC 180-85-107; and

(b) For credits earned after September 1, 1995, districts shall document that the course content meets one or more of the criteria of WAC 392-121-262(1). At a minimum, such documentation must include a dated signature of the immediate principal, supervisor, or other authorized school district representative and must be available to the employee's future employers.

(4) Districts shall document nondegree credits.

(a) For ~~((approved))~~ vocational ~~((teacher))~~ educator training credits pursuant to WAC 392-121-259(3) districts shall have on file a document meeting standards established in WAC 180-85-107 and evidence that the training was authorized pursuant to WAC ~~((180-77-045))~~ 180-77-003 (2), (9), or (11).

(b) For credits calculated from converted occupational experience pursuant to WAC 392-121-259(3) districts shall have on file documents which provide:

(i) Evidence that the occupational experience meets the requirements of WAC 180-77-003(7);

(ii) Evidence of the individual's actual number of hours of employment for each year including dates of employment; and

(iii) The district calculation of converted credits pursuant to WAC 392-121-259(3).

(c) For credits earned after September 1, 1995, districts shall document that the course content meets one or more of the criteria of WAC 392-121-262(1). At a minimum, such documentation must include a dated signature of the immediate principal, supervisor, or other authorized school district representative and must be available to the employee's future employers.

(5) Districts shall document certificated years of experience as follows:

(a) For certificated years of experience obtained and reported on ~~((Form))~~ Report S-275 prior to the 1994-95 school year districts shall have on file documents that provide evidence of employment including dates of employment.

(b) For certificated years of experience reported on ~~((Form))~~ Report S-275 for the first time after the 1993-94 school year districts shall have on file:

(i) The total number of hours per year for an employee working full-time with each employer;

(ii) The number of hours per year and dates of employment with each employer excluding unpaid leave: *Provided*, That documentation of hours in excess of one full-time certificated year of experience in any twelve-month period is not required;

(iii) The quotient of the hours determined in (b)(i) of this subsection divided by the hours in (b)(ii) of this subsection to two decimals for each year;

(iv) The name and address of the employer;

(v) For those counting out-of-district experience pursuant to WAC 392-121-245(1), evidence whether or not the position required professional education certification pursuant to WAC 392-121-245 (1)(b);

(vi) For those counting experience pursuant to WAC 392-121-245(2), a brief description of the previous employment which documents the school district's decision that the position was comparable to one requiring certification in the Washington school districts;

(vii) For those counting management experience pursuant to WAC 392-121-245(5), evidence that the experience meets the requirements of WAC 180-77-003(6).

(6) Any documentation required by this section may be original or copies of the original: *Provided*, That each copy is subject to school district acceptance or rejection.

(7) The falsification or deliberate misrepresentation, including omission of a material fact concerning degrees, credits, or experience by an education practitioner as defined in WAC 180-87-035 shall be deemed an act of unprofessional conduct pursuant to WAC 180-87-050. In such an event the provisions of chapters 180-86 and 180-87 WAC shall apply.

AMENDATORY SECTION (Amending WSR 94-01-190, filed 12/22/93, effective 1/22/94)

WAC 392-121-295 Definition—District average staff mix factor for basic education certificated instructional staff. As used in this chapter, "district average staff mix

factor for basic education certificated instructional staff" means the number rounded to five decimal places determined as follows:

(1) Assign a staff mix factor to each basic education certificated instructional employee by placing the employee on the appropriate LEAP salary allocation document pursuant to WAC 392-121-270;

(2) Multiply the result by the full-time equivalency for the time each employee meets the definition of full-time equivalent basic education certificated instructional employee pursuant to WAC 392-121-215;

(3) Sum the results obtained in subsection (2) of this section for all basic education certificated instructional employees of the school district; and

(4) Divide the result by the district's total full-time equivalent basic education certificated instructional staff.

(5) For the purpose of this section basic education certificated instructional staff are those employed by the school district as of October 1 of the school year as reported to the superintendent of public instruction on ((Form)) Report S-275.

WSR 95-18-103
PROPOSED RULES
DEPARTMENT OF AGRICULTURE

[Filed September 6, 1995, 11:26 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-15-096.

Title of Rule: Self-inspection as a form of brand inspection.

Purpose: To allow cattle owners to self-inspect when selling fifteen head or less of no brand or seller's branded cattle and to provide a system of collecting the Washington Beef Commission assessment.

Statutory Authority for Adoption: Section 51, chapter 374, Laws of 1995.

Statute Being Implemented: RCW 16.57.240.

Summary: To allow self-inspection slips to be used in lieu of brand inspection in private sales of cattle not to exceed fifteen head.

Reasons Supporting Proposal: Section 51, chapter 374, Laws of 1995, provides for self-inspection as an alternate form of brand inspection.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Julie Sandberg, 1111 Washington Street, Olympia, (360) 902-1850.

Name of Proponent: Washington State Department of Agriculture, governmental; and Washington Cattlemen's Association and Livestock Identification Advisory Board, private.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Self-inspection provides an alternative to paying a state inspector time and mileage to complete the physical inspection of fifteen head or less of cattle.

Proposal Changes the Following Existing Rules: Adds self-inspection as a recognized form of brand inspection.

This rule establishes parameters for using self-inspection slips.

No small business economic impact statement has been prepared under chapter 19.85 RCW. However, self-inspection will have a positive impact on the cattle industry by allowing for inspection of fifteen head or less without the expense of paying a state inspector time and mileage for a physical inspection. Self-inspection is not a mandatory form of brand inspection, it is an alternate form. The Washington State Department of Agriculture finds that this rule will have a minor or negligible economic impact on industry.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Room 259, Natural Resources Building, 1111 Washington Street, Olympia, WA 98504, on October 23, 1995, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Cathy Jensen by October 16, 1995, TDD (360) 902-1996, or (360) 902-1800.

Submit Written Comments to: Julie Sandberg, P.O. Box 42560, Olympia, WA 98504-2560, FAX (360) 902-2086, by October 23, 1995.

Date of Intended Adoption: October 30, 1995.

September 6, 1995

Julie C. Sandberg

Assistant Director

NEW SECTION

WAC 16-620-105 Self-inspection slips. In lieu of brand inspection by the department, individual private sales of cattle, not to exceed fifteen head that are sold by the seller to the same person during a consecutive eight-day period, may be conducted utilizing self-inspection slips prescribed by and obtained from the department.

Self-inspection slips shall be completed to show the brand, breed, color and sex of the cattle and shall be used only for the sale of cattle within the state. Self-inspection slips shall not be valid for other than no brand or seller's brand cattle. The transaction is validated when both buyer and seller sign the self-inspection slip. The original shall be provided to the buyer to verify the inspection and accompany the cattle and the seller shall retain a copy. The cost of each slip shall include the current brand inspection fee and the assessment for the National Beef Promotion and Research Act. The WSDA shall remit assessments collected to the Washington state beef commission.

WSR 95-18-104
PROPOSED RULES
DEPARTMENT OF ECOLOGY

[Order 95-14—Filed September 6, 1995, 11:28 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-15-064.

Title of Rule: Chapter 173-175 WAC, Dam safety regulations.

Purpose: Repeal Part 6, chapter 173-175 WAC, FERC licensed projects and FERC exempted projects, and update rule for consistency with standards.

Statutory Authority for Adoption: Chapter 8, Laws of 1995.

Statute Being Implemented: Chapters 90.03, 43.21A, 86.16 RCW.

Summary: Repeal Part 6, chapter 173-175 WAC, FERC licensed projects and FERC exempted projects, and update rule for consistency with standards.

Reasons Supporting Proposal: Act of legislature, 1995.

Name of Agency Personnel Responsible for Drafting: David Cummings, P.E., Washington Department of Ecology, 300 Desmond Drive, Lacey, WA 98503, (360) 407-6620; Implementation and Enforcement: Melvin G. Schaefer, P.E., (360) 407-6628.

Name of Proponent: Washington Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Repeal Part 6, chapter 173-175 WAC, FERC licensed projects and FERC exempted projects, and update rule for consistency with standards by changing the number of Design Step Levels to 8 from 10.

Proposal Changes the Following Existing Rules: Repeal Part 6, chapter 173-175 WAC, FERC licensed projects and FERC exempted projects, and update rule for consistency with standards.

No small business economic impact statement has been prepared under chapter 19.85 RCW.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Room 2C-08, Ecology Building, 300 Desmond Drive, Lacey, WA, on October 11, 1995, at 10 a.m.

Assistance for Persons with Disabilities: Contact Sandra Ives by October 6, 1995, TDD (360) 407-6006.

Submit Written Comments to: David Cummings, P.E., Washington Department of Ecology, P.O. Box 47600, Olympia, WA 98504, FAX (360) 407-7163, by October 17, 1995.

Date of Intended Adoption: October 24, 1995.

September 1, 1995

Mary Riveland
Director

AMENDATORY SECTION (Amending Order 92-35, filed 12/16/92, effective 1/16/93)

WAC 173-175-020 Applicability. (1) These regulations are applicable to dams which can impound a volume of ten acre-feet or more of water as measured at the dam crest elevation. The ten acre-feet threshold applies to dams which can impound water on either an intermittent or permanent basis. Only water that can be stored above natural ground level and which could be released by a failure of the dam is considered in assessing the storage volume.

The ten acre-feet threshold applies to any dam which can impound water of any quality, or which contains any substance in combination with sufficient water to exist in a liquid or slurry state at the time of initial containment.

(2) For a dam whose dam height is six feet or less and which meets the conditions of subsection (1) of this section,

the department may elect to exempt the dam from these regulations.

The decision by the department to exempt a dam will be made on a case-by-case basis for those dams whose failure is not judged to pose a risk to life and minimal property damage would be expected (downstream hazard class 3).

(3) These regulations do not apply to dams that are, or will be, owned, by an agency of the federal government which has oversight on operation and maintenance and has its own dam safety program for periodic inspection of completed projects. The department will continue to be the state repository for pertinent plans, reports, and other documents related to the safety of federally owned dams.

(4) These regulations do not apply to transportation facilities such as roads, highways, or rail lines which cross watercourses and exist solely for transportation purposes and which are regulated by other governmental agencies.

Those transportation facilities which cross watercourses and which have been, or will be, modified with the intention of impounding water on an intermittent or permanent basis and which meet the conditions of subsection (1) of this section shall be subject to these regulations.

(5) These regulations do not apply to dikes or levees constructed adjacent to or along a watercourse for protection from natural flooding or for purposes of floodplain management.

(6) These regulations do not apply to concrete or steel water storage tanks.

(7) ~~((Applicability of))~~ These regulations do not apply to FERC licensed projects and to FERC exempted projects ((is described in Part Six of this chapter)). The department will continue to maintain a repository for pertinent plans, reports, and other documents related to the safety of FERC licensed and FERC exempted projects.

AMENDATORY SECTION (Amending Order 92-35, filed 12/16/92, effective 1/16/93)

WAC 173-175-030 Definitions. As used in this chapter:

"Acceptance" means acceptance by the department that the proposed plan(s) will satisfactorily address issues associated with proper operation, maintenance, inspection, or emergency action.

"Approval" means approval by the department that the proposed design, and plans and specifications conform to accepted engineering practice and department guidelines.

"Appurtenant works" means such structures as outlet works and associated gates and valves; water conveyance structures such as spillways, channels, fish ladders, tunnels, pipelines, or penstocks; powerhouse sections; and navigation locks, either in the dam or adjacent thereto.

"Authorization" means written acknowledgement from the department to proceed with proposed actions.

"Construction change order" means a revision to the department approved plans and specifications that is initiated during construction.

"Construction permit" means the permit which authorizes construction and that the project's plans and specifications and construction inspection plan have been reviewed and approved by the department.

"Construction permit process" means the sequence of activities specified in WAC 173-175-110 inclusive, beginning with the application for construction permit and ending with the submission of a report summarizing construction records.

"Crest length" means the total horizontal distance measured along the axis of the dam, at the elevation of the top of the dam, between abutments or ends of the dam. Where applicable, this includes the spillway, powerhouse sections, and navigation locks, where they form a continuous part of the impounding structure.

"Critical project element" means an element of a project whose failure could result in the uncontrolled release of the reservoir.

"Dam" means any artificial barrier and/or any controlling works, together with appurtenant works that can or does impound or divert water.

"Dam abutment" means that contact location at either end and beneath the flanks of a dam where the artificial barrier joins or faces against the natural earth or rock foundation material upon which the dam is constructed.

"Dam height" means the vertical distance from the natural bed of the stream or watercourse at the downstream toe of the impounding barrier to the maximum storage elevation. If the dam is not across a stream or watercourse, the height is measured from the lowest elevation of the outside limit of the impounding barrier to the maximum storage elevation.

"Department" means the department of ecology.

"Design step level" means an integer value between one and ~~(ten)~~ eight used to designate increasingly stringent design loadings and conditions for design of critical project elements.

"Downstream hazard classification" means a rating to describe the potential for loss of human life and/or property damage if the dam were to fail and release the reservoir onto downstream areas. Downstream hazard classifications of 3, 2 and 1C, 1B, 1A correspond to low, significant, and high downstream hazard classes respectively.

"Emergency condition" means a situation where life and property are at imminent risk and actions are needed within minutes or hours to initiate corrective actions and/or warn the public.

"Enlargement" means any modification of a project that will result in an increase in normal pool height and/or dam height.

"Exigency condition" means a situation where the dam is significantly underdesigned according to generally accepted engineering standards or is in a deteriorated condition and life and property are clearly at risk. Although present conditions do not pose an imminent threat, if adverse conditions were to occur, the situation could quickly become an emergency.

"FERC exempted project" means a project that is classified as exempt by the Federal Energy Regulatory Commission (FERC) under provisions of the Federal Power Act.

"FERC licensed project" means a project whose operation is licensed by the Federal Energy Regulatory Commission (FERC) under provisions of the Federal Power Act.

"Freeboard" means the vertical distance between the dam crest elevation and some reservoir level of interest.

"Hydrograph" means a graphical representation of discharge, stage, or other hydraulic property with respect to time for a particular location on a watercourse.

"Impounding barrier" means the structural element of the dam that has the primary purpose of impounding or diverting water. It may be constructed of natural and/or man-made materials.

"Incident" means the occurrence of any dam-related event where problems or conditions arise which may have posed a threat to the safety or integrity of the project or which may have posed a threat of loss of life or which resulted in loss of life.

"Inflow design flood (IDF)" means the reservoir inflow flood hydrograph used for sizing the spillways and for determining freeboard. It represents the largest flood that a given project is designed to safely accommodate.

"Maintenance" means those tasks generally accepted as routine in keeping the project and appurtenant works in a serviceable condition.

"Maximum storage elevation" means the maximum attainable water surface elevation of the reservoir pool that could occur during extreme operating conditions. This elevation normally corresponds to the crest elevation of the dam.

"Miscellaneous construction elements" means a variety of construction elements or activities such as, but not limited to: Reservoir linings; parapet walls or low berms for wave containment; minor reconstruction of isolated portions of the impounding barrier; internal drainage improvements; and erosion protection.

"Modification" means any structural alteration of a dam, its reservoir, spillway(s), outlet(s), or other appurtenant works that could significantly influence or affect the project safety.

"Normal pool height" means the vertical distance between the lowest point of the upstream toe of the impounding barrier and the normal storage elevation.

"Normal storage elevation" means the maximum elevation to which the reservoir may rise under normal operating conditions. Where the principal spillway is ungated, the normal storage elevation is usually established by the elevation of the spillway crest.

"100-year floodplain" means the area inundated during the passage of a flood with a peak discharge having a one percent chance of being equalled or exceeded in any given year at a specified location on a watercourse.

"Outlet" means a conduit and/or channel structure for the controlled release of the contents normally impounded by a dam and reservoir.

"Owner" means the person holding lawful title to the dam or any person who owns or proposes to construct a dam.

"Periodic inspection" means a detailed inspection of the dam and appurtenant works conducted on regular intervals and includes, as necessary, associated engineering analyses to confirm the continued safe operation of the project.

"Person" means any individual, firm, association, county, public or municipal or private corporation, agency, or other entity whatsoever.

"Plans and specifications" means the detailed engineering drawings and specifications used to describe the layout, materials, construction methods, etc., for assembling a

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project or project element. These do not include shop drawings or other drawings prepared by the construction contractor for temporary construction support systems.

"Population at risk" means the number of people who may be present in areas downstream of a dam and could be in danger in the event of a dam failure.

"Project" means a dam and its reservoir either proposed or existing.

"Project engineer" means a professional engineer licensed in Washington, having direct supervision, as defined in WAC 196-24-095, in managing the engineering aspects of the project as representative of the owner.

"Reservoir" means any basin that contains or will contain the water impounded by a dam.

"Reservoir routing" means the procedures used to determine the attenuating effect of reservoir storage on a flood as it passes through a reservoir.

"Rule curve" means the rules and procedures used to regulate reservoir levels and project operation for various reservoir inflows and for both normal and unusual seasonal conditions.

"Significant enlargement" means any modification of an existing dam that results in the dam height or normal pool height being increased by an amount greater than 5.0 feet, and which also represents a ten percent or greater increase in dam height or normal pool height over that which existed prior to the modification.

"Spillway" means a channel structure and/or conduit for the safe release of water or floodwater.

"Stop work order" means an administrative order issued to temporarily halt construction work until a problem can be resolved.

"Substantially complete" means that a plan, action, or project element requires only minor additions to be complete, and in its present state will perform the necessary functions for its intended use.

"Surficial inspection" means a visual inspection conducted to identify obvious defects or changed conditions.

AMENDATORY SECTION (Amending Order 92-35, filed 12/16/92, effective 1/16/93)

WAC 173-175-070 Effective date. The effective date of Parts One through Five of this chapter shall be July 1, 1992. ~~((The effective date of Part Six of this chapter shall be January 15, 1993.))~~

AMENDATORY SECTION (Amending Order 92-35, filed 12/16/92, effective 1/16/93)

WAC 173-175-390 Payment of construction permit fees. (1) The amount of the construction permit fee will be determined by the department based upon procedures contained in WAC 173-175-360 and 173-175-370 and information contained in the construction plans.

(a) An initial payment, which may represent all or a portion of the construction permit fee shall be paid in conjunction with the submittal of the construction permit application described in WAC 173-175-120. The amount of the initial payment shall be:

(i) Ten dollars for the removal of a dam with safety deficiencies as described in WAC 173-175-370(3); or

(ii) Five hundred dollars for construction of a new dam or modification of an existing dam or project.

(b) The balance of the fee amount (less the initial payment above) is to be paid following notification by the department of the balance due.

~~(c) ((Fees for FERC licensed projects and FERC exempted projects are to be paid following notification by the department of the total amount due.~~

~~(d)) All fees collected are nonrefundable.~~

(2) No fee shall be required for the review of conceptual plans which describe proposed repairs or improvements to existing dams to correct safety deficiencies. The normal construction permit process will apply at the time plans and specifications are submitted to the department.

(3) No additional fees shall be required for plan and specification changes and resubmittals required by the department as part of the review process.

(4) No additional fees shall be required for review of construction change orders.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 173-175-700 Applicability to projects licensed or exempted by the Federal Energy Regulatory Commission (FERC).
- WAC 173-175-710 Coordination between the department and the Federal Energy Regulatory Commission (FERC).
- WAC 173-175-720 Construction or modification of FERC licensed projects and FERC exempted projects.
- WAC 173-175-730 Construction permit fee for FERC licensed projects and FERC exempted projects.
- WAC 173-175-740 Construction inspection of FERC licensed projects and FERC exempted projects.
- WAC 173-175-750 Construction records reporting for FERC licensed projects and FERC exempted projects.
- WAC 173-175-760 Exceptions to construction permit for FERC licensed projects and FERC exempted projects.
- WAC 173-175-770 Operation of FERC licensed projects and FERC exempted projects.
- WAC 173-175-780 Periodic inspection of FERC licensed projects and FERC exempted projects.
- WAC 173-175-790 Emergency action plans for FERC licensed projects and FERC exempted projects.
- WAC 173-175-800 Right of entry at FERC licensed projects and FERC exempted projects.

- WAC 173-175-810 Enforcement at FERC licensed projects and FERC exempted projects.
- WAC 173-175-820 Appeals for FERC licensed projects and FERC exempted projects.

WSR 95-18-105**PROPOSED RULES****INSURANCE COMMISSIONER'S OFFICE**

[Filed September 6, 1995, 11:45 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-11-129.

Title of Rule: Regulation of viatical settlement providers and brokers; and minimum standards for viatical settlement contracts.

Purpose: To implement chapter 161 of the Laws of 1995 by specifying fees and information to be submitted with applications for licensing and renewals of licenses for viatical settlement providers and viatical settlement brokers; and setting form and rate filing requirements, minimum standards for providers, brokers, disclosure, and annual statement requirements.

Other Identifying Information: Insurance Commissioner Matter No. R 95-2.

Statutory Authority for Adoption: RCW 48.02.060 and 48.30.010, sections 2, 4, 5, and 10, chapter 161, Laws of 1995.

Statute Being Implemented: Chapter 161, Laws of 1995.

Summary: To protect viators and their families by enforcing the new viatical settlement law, limiting the market to licensees, and to set minimum standards for viatical settlement contracts and disclosure by viatical settlement providers and viatical settlement brokers.

Reasons Supporting Proposal: To set standards for the viatical settlement industry regarding: Applications for licensing and renewal of licenses for viatical settlement providers and viatical settlement brokers, form and rate filings, annual statements, training and examination of brokers, compensation of brokers, capital requirements, bonding, confidentiality of information concerning viators, prohibitions on contracts with viators, exceptions for transfer of contracts, disclosure requirements, definition or clarification of terms, and otherwise implement chapter 161, Laws of 1995. To set the date after which no provider or broker may use a contract form which is not preapproved by the Insurance Commissioner.

Name of Agency Personnel Responsible for Drafting: Bill Kirby, Insurance Building, Olympia, (360) 586-5597; **Implementation and Enforcement:** Bill Frandsen, Satellite Office, Olympia, (360) 753-7309.

Name of Proponent: Deborah Senn, Insurance Commissioner, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of these rules are to protect viators and their families by enforcing the new viatical settlement law,

limiting the market to licensees, and to set minimum standards for viatical settlement contracts and disclosure by viatical settlement providers and viatical settlement brokers. To set standards for the viatical settlement industry regarding applications for licensing and renewal of licenses for viatical settlement providers and viatical settlement brokers, form and rate filings, annual statements, training and examination of brokers, compensation of brokers, capital requirements, bonding, confidentiality of information concerning viators, prohibitions on contracts with viators, exceptions for transfer of contracts, disclosure requirements, definition or clarification of terms, and otherwise implement chapter 161, Laws of 1995. To set a date after which no provider or broker may use a contract not preapproved by the commissioner.

Proposal Changes the Following Existing Rules: Some of the changes to the emergency rule include: (1) WAC 284-97-020(4). The unimpaired capital requirement is lowered to \$150,000; (2) WAC 284-97-040(1) now requires lump sum payments within 30 days of executing the viatical settlement contract; and requires the entire life insurance contract to be transferred (with some limited exceptions); and (3) WAC 284-97-050 changes in the calculation on the "Insurance Commissioner's Worksheet" were made.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

SMALL BUSINESS ECONOMIC IMPACT STATEMENT

(a) Is the rule required by federal law or federal regulation? No.

Is this rule the product of completed "pilot rule-making"? No.

Is all of the required information for this SBEIS included in the "Significant Legislative Rules Worksheet" (the ESHB 1010(201) requirements) AND did the commissioner reduce costs imposed by the rule on small businesses to the extent required by RCW 19.85.030(3)? Yes. A copy of the commissioner's "Significant Legislative Rules Worksheet" is shown below.

(b) What industry is affected by the proposed rule? Nonclassifiable establishments (#9999) (Viatical settlement providers and viatical settlement brokers)

(c) List the specific parts of the proposed rule, based on the underlying statutory authority (RCW section), which may impose a cost to businesses. The act, at Sections 2, 3, 4, 5, 6, and 10, requires the Insurance Commissioner to regulate the viatical settlement providers and brokers conducting viatical settlement business in Washington as well as viatical settlement contracts entered into in this state. Several rules are proposed to meet specific statutory grants of rule-making authority, including for example: WAC 284-97-020 sets licensing and financial requirements for viatical settlement providers; WAC 284-97-030 sets licensing and educational requirements for viatical settlement brokers; WAC 284-97-040 sets minimum standards for viatical settlement contracts and rate filing requirements for viatical settlement providers; and WAC 284-97-050 sets minimum standards for the evaluation of reasonability of compensation.

(d) What will be the compliance costs for industries affected? It is estimated that the cost of compliance for a provider will be about \$3,000 to \$5,000 annually.

(e) What percentage of the industries in the four-digit standard industrial classification will be affected by the rule?

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It is assumed that 100% of viatical settlement providers and brokers engaged in the transaction of viatical settlements in this state will be affected by the rules. It is further assumed that they represent 100% of a "viatical settlement providers and brokers" subcategory of the "nonclassifiable entities" classification, #9999.

(f) Will the rules impose a proportionately higher economic burden on small businesses within the four-digit classification? No. The costs to comply will be the same whether the viatical settlement provider or broker is large or small, although it is assumed that all viatical settlement providers and brokers have fewer than 50 employees (and all are "small businesses" for purposes of this small business economic impact statement).

(g) Can mitigation be used to reduce the economic impact of the rule on small businesses and still meet the stated objective of the statutes which are the basis of the proposed rule? No. All viatical settlement providers and brokers must be regulated uniformly.

(h) What steps will the commissioner take to reduce the costs of the rule on small businesses.

Commissioner Senn took several steps to reduce the costs of the rule for all viatical settlement providers or brokers.

The commissioner reduced the original requirement for \$500,000 of unimpaired capital to \$150,000; however, certain specific consumer protection measures were inserted to make up for this: All transfers must be accomplished in a single transaction and if a policy is only partially transferred, the viatical settlement provider must protect the beneficiaries of the remaining insurance proceeds.

The test of reasonableness of compensation was modified several times as a result of suggestions from viatical settlement providers or brokers.

While the commissioner retained the requirement that viatical settlement brokers take and pass a life insurance agent's examination, she does not require the broker to maintain a life insurance agent's license and provided a "grace period" until January 1, 1996, for brokers to pass the exam. In the future it is hoped that a special exam can be prepared. The life agent's exam is to be used for the present. In addition, the commissioner agreed to accept evidence of passing a life insurance agent's examination or viatical settlement broker's license in other states.

(i) Based upon the extent of disproportionate impact on small businesses, the commissioner shall reduce the costs imposed by the rule on small businesses (where legal and feasible in meeting the stated objectives of the statute upon which the rule is based). Which methods to reduce the costs on small businesses were incorporated? (*explain*)

- Reduction, modification, or elimination of substantive regulatory requirements
- Simplification, reduction, or elimination of recordkeeping and reporting requirements
- Reduction in the frequency of inspections
- Delay of the compliance timetable
- Reduction or modification of fines for noncompliance
- Other mitigation techniques, in brief detail

Because the impact of the rules will not have a disproportionate impact on small businesses, none of the above

were used to reduce the costs for small businesses. Several mitigation techniques were used which will affect all viatical settlement providers and brokers. See item #h above.

(j) Which mitigation techniques were considered for incorporation into the proposed rule but were rejected, and why? The commissioner considered a shorter retention period by viatical settlement providers for the "Insurance Commissioner's Worksheet" but rejected it. The time period is necessary for the protection of providers, brokers, and viators since it is related to the statute of limitation on contracts and incorporates a margin for error.

(k) Briefly describe the reporting, recordkeeping, and other compliance requirements of the proposed rule.

WAC 284-97-020 Licensing requirements for viatical settlement providers, requires providers to keep records sufficient for providing an annual report to the commissioner. It requires certain information to be provided with the application for a license. The licensee must appoint the commissioner as its agent for service of legal process.

WAC 284-97-030 Licensing requirements for viatical settlement brokers, requires an applicant to provide information, fingerprints, etc. necessary for the commissioner to determine whether to grant a broker's license. The applicant must also provide evidence that no disciplinary action has resulted in the suspension or revocation of any license; that the applicant has successfully passed a life insurance agent's license exam; affiliate himself or herself to a viatical settlement provider; and appoint the commissioner as his or her agent for service of legal process.

WAC 284-97-040 Contract and rate filing requirements for viatical settlement providers and viatical settlement brokers, requires all viatical settlement contracts to be in writing, provide for a lump sum payment, provide guarantees for remaining beneficiaries if less than the entire policy is vlicated, be in at least 10 point type, and specify the terms of the transaction. Recision of the viatical settlement contract must meet the standards set forth in the act. Forms and rates, fees, or other compensation must be filed with the commissioner for prior approval.

WAC 284-97-050 Standards for evaluating reasonability of compensation, sets a floor for payout and defines the factors to be used in making the calculation as set forth in the "Insurance Commissioner's Worksheet."

(l) List the kinds of professional services that a small business is likely to need in order to comply with the reporting, recordkeeping, and other compliance requirements of the proposed rule.

The following professional services will be required to comply with the rules: Bookkeeping, actuarial, and, possibly, legal. Such services are probably used already by the licensees.

(m) Analyze the cost of compliance including, specifically: (*please provide details*)

- Cost of equipment
- Cost of supplies
- Cost of labor
- Cost of increased administration: It is estimated that the increased cost of administration will be \$3,000 to \$5,000 annually for a viatical settlement provider.
- Other.

(n) Compare the cost of compliance for small business with the cost of compliance for the 10% of businesses that are the largest businesses in the same four-digit classification (see item (b) above) using one or more of the following (as specifically required by RCW 19.85.040 (1)(a), (b), and (c)).

- Cost per employee
- Cost per hour of labor
- Cost per \$100 of sales

The compliance costs for small and large licensees will not vary. It is assumed that there are no viatical settlement providers or brokers that are not small businesses. See responses to items #g, #h, and #i.

(o) Have businesses that will be affected been asked what the economic impact will be? Yes. The commissioner has been in contact with several viatical settlement providers and brokers who are conducting viatical settlement business in this state at this time. In addition, the two viatical settlement associations have been contacted. Contacts have been in writing and by telephone. In addition, a meeting was held in the commissioner's Olympia office on July 10 which was attended by industry representatives and consumers.

(p) How did the Commissioner involve small businesses in the development of the proposed rule? (*describe in detail*)

- Survey of affected businesses
- Survey of affected trade associations, especially those representing small businesses in the affected four-digit classifications
- Other: A meeting was held in the commissioner's Olympia office on July 10 which was attended by industry representatives and consumers. Copies of proposed rules have been widely circulated to all interested parties. Industry representatives who did not attend in person, participated by telephone conference call.

(q) How and when were affected small businesses advised of the proposed rule? (*describe in detail*)

- Direct notification of known interested small businesses or trade organizations affected by the proposed rule
- Mailing to the Independent Business Association
- Other: A meeting was held in the Commissioner's Olympia office on July 10 which was attended by industry representatives and consumers. Copies of proposed rules have been widely circulated to all interested parties.

SIGNIFICANT LEGISLATIVE RULES

Pursuant to
RCW 34.05.XXX [ESHB 1010(201)]

Threshold issue: Is the proposed rule a "significant legislative rule," to which "Section 201" requirements apply or will the commissioner otherwise voluntarily apply the Section 201 requirements? Yes.

1. What specific statute does the rule implement?
Chapter 161, Laws of 1995 (The Viatical Settlements Act),

was adopted by the 1995 legislature and was effective July 23, 1995. The goal of the act is to regulate viatical settlements, providers, and brokers in the public interest.

The act requires or permits the Insurance Commissioner to adopt a number of rules, including rules that govern the uniform application for licenses for viatical settlement providers and brokers; set fees and standards for the provider's plan of operation; set minimum capital requirements for providers; establish criteria for the renewal of licenses; establish criteria for the form of annual statement; provide for confidentiality of the names of viators in the commissioner's examination; set minimum standards for training and examination of brokers; set the deadline after which no provider or broker may use a contract form which is not preapproved; set standards for the contract form and compensation; set minimum standards for determining the rate, fee, commission, or other compensation; and protect the confidentiality of medical information solicited or obtained by licensees.

2. Briefly state exactly HOW/WHY the rule is needed. The rule is necessary and desirable to achieve the general goals and specific objectives of chapter 161, Laws of 1995, and to regulate the presently unregulated viatical settlement industry in ways authorized and required by the act.

What alternatives to adopting a rule were considered? The act requires the commissioner to adopt certain rules and permits her to adopt others. It is important for the protection of consumers that all viatical settlement providers and brokers are regulated uniformly. Rules are desirable so that all persons involved in viatical settlements are able to order their affairs by knowing in advance what is required.

3. What are the probable benefits and costs of the rule? What is the relative measure of the benefits of the rule to the costs of the rule? Taking into account "both the qualitative and quantitative benefits and costs," and the specific directives of the statute being implemented, the probable benefits to the regulation are greater than its probable costs.

On the "cost" side, it is estimated that it will cost viatical settlement providers about \$3,000 to \$5,000 annually in compliance-related expenses. On the "benefit" side, the commissioner has incorporated several forms of protection for consumers who wish to viaticate their life insurance policies.

Viators (meaning, people who sell the life insurance policies for cash prior to their deaths) are people who are terminally ill with HIV/AIDS, cancer, or any of a number of incurable illnesses; they usually have 24 months or fewer to live. These people may be physically and mentally debilitated, isolated, and frightened. They are people for whom their life insurance is often the only remaining asset which can be liquidated to pay for medical treatment, to make life more bearable in the viator's final months, or to prolong life in some way. Viators represent an unusually vulnerable population and may be subjected to abusive or overreaching sales practices.

The benefit of this rule is in its protection of a vulnerable population the legislature challenged the Insurance Commissioner to regulate in the public interest. It is impossible to set a dollar figure to this benefit, but the benefits for consumers will far exceed the estimated costs to the providers and brokers of implementing the regulation.

4. Briefly state (from the perspective of those required to comply) how you came to the determination that the proposed rule is the least burdensome alternative that will achieve the goals and objectives of the statute. (1) After analyzing the specific directives of the statute being implemented; (2) after determining that the rule is needed to achieve the general goals and specific objectives of the statute being implemented; (3) after considering alternatives to adopting a rule; and (4) after taking into account the probable benefits and costs of the rule and determining that the probable benefits are greater than the probable cost, the proposed regulation is the least burdensome alternative that will achieve the goals and the objectives of the statute for the reasons stated in Items #2 and #3: The rules are required by the statute or are necessary to assure uniform regulation of the viatical settlement industry, and the population to be protected is particularly vulnerable and in need of the commissioner's protection.

5. Does the rule require any person to take an action that violates requirements of another federal or state law? No.

The commissioner knows of no federal or state law governing viatical settlement contracts, providers, or brokers relating to Washington activities, except as provided under chapter 161, Laws of 1995.

6. Does the proposed rule impose more stringent performance requirements on private entities than on public entities (except where required to do so by federal or state law)? No.

The regulation does not apply to public entities.

7. Does the proposed rule differ from any federal regulation or statute applicable to the same activity or subject matter? No.

The commissioner knows of no federal or state regulation applicable to viatical settlement contracts, providers, or brokers relating to Washington activities, except as provided under chapter 161, Laws of 1995.

8. Does the proposed rule relate to the same activity or subject matter as another provision of federal or state law? No.

A copy of the statement may be obtained by writing to Kacy Brandeberry, P.O. Box 40255, Olympia, WA 98504-0255, Phone (360) 664-3790, or FAX (360) 586-3535.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption. This is a significant legislative rule.

Hearing Location: General Administration Building, 11th and Columbia, Room 207, Olympia, Washington 98504, on October 10, 1995, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Lori Malabed by October 9, 1995, TDD (360) 491-8503, or (800) 883-6384.

Submit Written Comments to: Kacy Brandeberry, P.O. Box 40255, Olympia, WA 98504-0255, Electronically at 73303.700@compuserve.com, FAX (360) 586-3535, by October 9, 1995.

Date of Intended Adoption: October 20, 1995.

September 6, 1995

G. W. Taylor

Deputy Commissioner

Chapter 284-97 WAC VIATICAL SETTLEMENT REGULATION

NEW SECTION

WAC 284-97-010 Purpose, scope, and effective date.

(1) The purpose of this chapter is to effectuate chapter 48.—RCW (sections 1 through 13, chapter 161, Laws of 1995), by establishing minimum standards and disclosure requirements to be met by viatical settlement providers and viatical settlement brokers with respect to viatical settlement contracts advertised, solicited, or issued for delivery in this state.

(2) Except as otherwise specifically provided, this chapter applies to every viatical settlement provider or viatical settlement broker as defined in RCW 48.—(section 1, chapter 161, Laws of 1995), that transacts viatical settlement business in this state on or after July 23, 1995. This chapter also applies to every viatical settlement contract executed between a viator and a viatical settlement provider in this state on or after July 24, 1995.

(3) This regulation is not exclusive, and acts or omissions, whether or not specific in this chapter, may also be violations of other sections of the insurance code or other regulations promulgated thereunder.

NEW SECTION

WAC 284-97-015 Definitions. For purposes of this chapter:

(1) "Solicitation" means, for example; proposing, negotiating, signing, or doing any act in furtherance of making or proposing to make a viatical settlement contract. Solicitation specifically includes advertising by mail, use of the print or electronic media, telephone, or any other method of presenting, distributing, issuing, circulating, or permitting to be issued or circulated any information or material in connection with a viatical settlement contract.

(2) "Viatical settlement contract" has the meaning set forth at RCW 48.—(3) (section 1(3), chapter 161, Laws of 1995). The commissioner finds that the purchase of a life insurance policy or certificate is outside the scope of this chapter if the viatical settlement contract is entered into between the viator and a close friend or relative.

NEW SECTION

WAC 284-97-020 Licensing requirements for viatical settlement providers. (1) Beginning July 23, 1995, no individual, partnership, corporation, or other entity may act as a viatical settlement provider, or enter into or solicit a viatical settlement contract in this state unless it has first obtained a license from the commissioner.

(2) An initial application for licensing as a viatical settlement provider, or a subsequent application for reinstatement of a viatical settlement provider's license if the license has lapsed for more than three months, shall be accompanied by a licensing fee in the amount of two hundred fifty dollars. The annual renewal fee shall be twenty-five dollars, due and payable on or before July 1 of each year.

(3) The application for a license as a viatical settlement provider shall furnish all of the applicable following information, on a form prescribed by the commissioner:

(a) The name of the applicant, its address, and organizational structure.

(b) Copies of its organizational documents, including but not limited to its: Articles of incorporation and any amendments thereto, certificate of incorporation and any amendments thereto, bylaws and any amendments thereto, partnership agreement and any amendments thereto, and articles of association and any amendments thereto.

(c) The identity of all: Stockholders holding ten percent or more of the voting securities; partners; corporate officers; trustees; if an association, all of the members; and parent and affiliate entities, together with a chart showing the relationship of the applicant to any parent, affiliated or subsidiary entities.

(d) A list of all stockholders holding ten percent or more of the voting securities, partners, and officers of any parent or affiliate entities.

(e) Biographical affidavits of all its officers, directors, partners, and members; (if an association).

(f) For domestic viatical settlement providers, fingerprint cards of all its officers, directors, trustees, partners, and members (if an association).

(g) A list of states in which the viatical settlement provider is licensed on the date of application, a copy of each effective license, and a list of the states in which it is or was doing business.

(h) A list of all business licenses from any level of government, for which the applicant, its officers, partners, trustees, and members (if an association), have applied, together with a certificate of incorporation from the Washington secretary of state, and a statement showing the current status of any such licenses, such as whether it has been revoked or suspended.

(i) A report stating whether any formal or informal regulatory action, by any level of government, is pending or has been taken against the applicant or its officers, directors, trustees, partners, or members (if an association).

(j) A report stating whether any criminal action or civil action has been taken, or is pending, against the applicant or its officers, directors, trustees, partners, or members (if an association).

(k) A copy of its most recent financial and operating reports, audited and unaudited.

(l) Copies of documents filed with the federal Securities and Exchange Commission and any applicable state securities regulator.

(m) A detailed plan of operations for the applicant's business, including but not limited to information regarding or identification of the following items:

(i) Escrow accounts and banks;

(ii) Advertising, brokerage, or distribution system to be used;

(iii) Marketing techniques to be used;

(iv) Marketing training program; and

(v) Contract offering and servicing facilities.

(n) Appointment of the commissioner to receive service of process and a designation of the person to whom the commissioner shall forward legal process.

(o) Such other information as the commissioner may reasonably require.

(4) To qualify for authority to transact business as a viatical settlement provider, the applicant must possess

unimpaired capital, and thereafter maintain unimpaired capital, in the amount of not less than one hundred fifty thousand dollars.

(5) Each viatical settlement provider holding a license in this state shall annually, on or before March 1 of each year, file with the commissioner an annual statement for the preceding calendar year. The annual statement shall be on a form prescribed by the commissioner.

(6) The commissioner may issue a temporary viatical settlement provider's license, that will expire no later than December 31, 1995, upon receipt and review of the application required in subsection (3) of this section. After reviewing the application, the commissioner may issue the viatical settlement provider's license, refuse to issue such license, or revoke the temporary viatical settlement provider's license.

NEW SECTION

WAC 284-97-030 Licensing requirements for viatical settlement brokers. On and after July 24, 1995, no person may act as a viatical settlement broker, or solicit, negotiate, or enter into viatical settlement contracts in this state, unless licensed as a viatical settlement broker by the commissioner. A viatical settlement broker shall be qualified as a life insurance agent and appointed as a viatical settlement broker by each viatical settlement provider represented.

(1) Each applicant for a viatical settlement broker's license shall:

(a) Complete an application form furnished by the commissioner. The form shall be accompanied by a license fee in the amount of one hundred dollars. Applicants shall answer inquiries concerning their identity, provide fingerprint cards, and supply information about personal and business history and experience.

(b) A viatical settlement broker shall be appointed by each viatical settlement provider he or she represents. An appointment request form and the appointment fee in the amount of twenty dollars shall be submitted with the application for licensing.

(c) Applicants for a firm or corporate license shall provide copies of articles of incorporation, partnership agreements, or other indicia of current legal status, as appropriate.

(d) Every individual who acts as a viatical settlement broker on behalf of a firm or corporation shall be licensed and affiliated with the entity represented prior to solicitation or negotiation of a viatical settlement contract. Each request by a firm or corporation for an affiliation certificate shall be accompanied by a twenty-dollar filing fee.

(e) Applicants for a viatical settlement broker's license shall provide satisfactory evidence that no disciplinary action has resulted in the suspension or revocation of any license in any state or U.S. territory.

(f) Prior to application for a resident viatical settlement broker's license, an applicant shall pass the life insurance agent's examination in this state, but need not be licensed as a life insurance agent.

(g) Nonresident applicants may be licensed as viatical settlement brokers. Each nonresident applicant shall provide satisfactory proof that he or she has successfully passed a life insurance agent's examination in a state within the two-year period immediately preceding the date of the applica-

tion, or that he or she holds a valid license as a life insurance agent or viatical settlement broker in his or her state of residence. In addition, the nonresident applicant shall certify that no disciplinary action has resulted in suspension or revocation of any license in any state or U.S. territory. Applicants for a nonresident viatical settlement broker's license shall designate and authorize the commissioner as his or her agent for service of process and shall specify the person to whom the commissioner shall forward legal process.

(2) A person applying for a viatical settlement broker's license who is transacting viatical settlement business on the effective date of this chapter, may apply to the commissioner for a temporary resident or nonresident viatical settlement broker's license. A temporary license may be issued by the commissioner if the person is otherwise eligible for such license but has not taken and passed a life insurance agent's examination in a state. The temporary license issued by the commissioner shall expire no later than December 31, 1995. After review of the application, the commissioner may issue the viatical settlement broker's license, refuse to issue such license, or revoke the temporary viatical settlement broker's license.

(3) A viatical settlement broker's license is renewable every two years, upon payment of a renewal fee in the amount of one hundred dollars. A viatical settlement broker's license expires on the licensee's month and day of birth plus one year from the date the license is first issued, if an individual, or two years from the issue date in the case of a firm or corporation. Failure to pay the renewal fee by the renewal date will automatically terminate the authority conferred by the license.

(4) Appointments and affiliations of a viatical settlement broker expire on July 1 following their issue dates and every two years thereafter, unless previously cancelled or revoked.

(5) Affiliations expire on the renewal date for the licensed firm or corporation to which they apply, and expire every two years thereafter, unless previously cancelled or revoked.

NEW SECTION

WAC 284-97-040 Contract and rate filing requirements for viatical settlement providers and viatical settlement brokers. Beginning September 1, 1995, all viatical settlement contracts shall be approved by the commissioner prior to use in this state.

(1)(a) Every viatical settlement contract shall be in writing, in a type size of no less than ten points, shall be identified by a form number in the lower left-hand corner of the first page, and include the terms under which the viatical settlement provider will pay compensation (called by whatever name) to the viator in exchange for the assignment, transfer, sole devise, or bequest of the death benefit or assignment of ownership of the life insurance policy or certificate to the viatical settlement provider or viatical settlement broker.

(b) Every viatical settlement contract shall provide for payment to the viator in a lump sum and shall be voidable at the option of the viator if the agreed value is not paid in full within thirty days of the date the viatical settlement

contract is executed by both the insured viator and the viatical settlement provider.

(c) Every viatical settlement contract shall provide for transfer of the entire life insurance policy: *Provided, however,* That if agreed to in writing by both the insurer and the viator, a stated dollar value which is less than the full face amount of the life insurance policy (less any outstanding loans) may be transferred if:

(i) The viatical settlement provider obtains a bond in favor of all beneficiaries of the policy other than the viatical settlement provider in an amount sufficient to guarantee the payment of all premium for the balance of the premium-paying period as calculated on the effective date of the life insurance policy; or

(ii) Another arrangement acceptable to the commissioner is made which guarantees that the insurance policy will remain in full force and effect for the protection of beneficiaries designated by the insured viator (other than the viatical settlement provider) until the death of the insured.

(2) The viatical settlement contract shall provide for rescission no less favorable to the viator than as set forth in RCW 48.— (3) and (4) (section 8 (3) and (4), chapter 161, Laws of 1995). The rescission provision shall appear on the first page of the contract. It shall provide that if the viator dies during the period of time allowed for rescission, the contract will be terminated effective the date of application and the parties are returned to their original positions. The contract shall provide a method for giving notice of rescission. If notice of rescission is given by mail, it shall be deemed given when deposited in the United States mail, first class postage prepaid.

(3)(a) Each form of viatical settlement contract filed with the commissioner shall include all of the following:

(i) A viatical settlement contract, completed in John Doe fashion;

(ii) A copy of a viator's application, completed in John Doe fashion;

(iii) A copy of an "Insurance Commissioner's Worksheet" as described in WAC 284-97-050(3), completed in John Doe fashion;

(iv) A copy of any written disclosure material that will be provided to a viator as required by RCW 48.— (section 7, chapter 161, Laws of 1995); this written disclosure shall set forth the name, address, and telephone number of the viatical settlement provider; and

(v) A copy of the pricing memorandum.

(b) That portion of the disclosure notice warning of possible tax consequences and possible effects on eligibility for public funds shall be prominently displayed.

(c) The disclosure notice shall state that before entering into a viatical settlement contract, the viator should consult with his or her life insurance agent or life insurer to determine whether accelerated benefits are available.

(d) The disclosure notice shall contain the definition of accelerated benefits set forth in WAC 284-23-620(1) in its entirety.

(4) The viatical settlement contract shall specify any effect entering into the contract will have upon the continued availability of supplemental benefits or riders that are or may be attached to the life insurance policy that is the subject of the viatical settlement contract, including assigning the responsibility for the continued payment of premiums. The

benefits and riders considered shall include, but need not be limited to, the following:

- (a) Guaranteed insurability options;
 - (b) Accidental death benefits, or accidental death and dismemberment benefits;
 - (c) Disability income or loss of income protection;
 - (d) Waiver of premium or monthly deduction waiver; and
 - (e) Family, spousal, or children's riders or benefits.
- (5) No viatical settlement contract may contain any limitation or restriction on the use of the proceeds by the viator.

NEW SECTION

WAC 284-97-050 Standards for evaluating reasonability of compensation. In order to assure that benefits offered to a viator are reasonable in relation to the rate, fee, or other compensation that is charged, any payout shall be no less than the greater of the amounts defined in subsections (1) and (2) of this section.

(1) Payouts shall be no less than the following percentage of the expected death benefit under the insurance policy, net of loans. The following are minimum standards and shall not be presumed to be proof of fairness as to any specific transaction.

(a) If the insured's life expectancy is less than twelve months, then the percentage of the expected death benefit under the insurance policy, net of loans, to be received by the viator shall be no less than seventy-five percent.

(b) If the insured's life expectancy is at least twelve months, but less than twenty-four months, then the percentage of the expected death benefit under the insurance policy, net of loans, to be received by the viator shall be no less than sixty-five percent.

(c) If the insured's life expectancy is at least twenty-four months, but less than thirty-six months, then the percentage of the expected death benefit under the insurance policy, net of loans, to be received by the viator shall be no less than fifty percent.

(d) If the insured's life expectancy is at least thirty-six months, then the percentage of the expected death benefit under the insurance policy, net of loans, to be received by the viator, shall be no less than thirty percent.

(2) Payouts shall be no less than the expected death benefit under the insurance policy, net of loans, reduced by the sum of the amounts described in (a), (b), and (c) of this subsection.

(a) The viatical settlement provider may retain the amounts it would be required to pay to the insurer to keep the policy in force during the period of time ending concurrently with the insured's life expectancy.

(b) The viatical settlement provider may retain an allowance of fifteen percent of the expected death benefit, net of loans, to provide for a risk charge and for its expenses and profit.

(c) The viatical settlement provider may retain an allowance for the time value of money. The interest rate to be used is fifteen percent per annum, compounded monthly. The calculation shall be performed on the basis that the viatical settlement provider pays the present value of the expected death benefit under the insurance policy, net of

loans, reduced by the amounts defined in (a) and (b) of this subsection. The payment to the viator shall reflect an interest adjustment for the period of time beginning when the viator is paid and ending concurrently with the insured's life expectancy.

(3) The viatical settlement provider shall maintain for each viator, a document bearing the title, "Insurance Commissioner's Worksheet" for ten years after the death of the viator, or rescission of the contract. The viatical settlement contract shall provide that the viator may at any time obtain upon request, without charge, a copy of the "Insurance Commissioner's Worksheet," the purpose of which is to assure that benefits comply with this section. This provision shall appear on the same page or page following the first occurrence of the statement of the amount to be paid to the viator. In addition to identifying the insured, the "Insurance Commissioner's Worksheet" shall be dated and shall include the text shown in items (a) through (j) of this subsection.

(a) Line one shall state, "(1) Life expectancy (measured from the date the viator is paid) is n= _____ months."

(b) Line two shall state, "(2) Death benefit proceeds expected from insurer is \$_____."

(c) Line three shall state, "(3) Amount expected to be paid by company to insurer is \$_____." The viatical settlement provider may substitute its name for the word "company."

(d) Line four shall state, "(4) Allowance for risk, expenses and profit, 15% of (2), is \$_____."

(e) Line five shall state, "(5) Interest rate is 15%."

(f) Line six shall state, "(6) Line (2), net of allowance for interest, is (2)/1.0125ⁿ= \$_____."

(g) Line seven shall state, "(7) Line (6), less (3) and less (4), is \$_____."

(h) Line eight shall state, "(8) Minimum percentage, 75%, 65%, 50%, or 30%, of (2) is \$_____."

(i) Line nine shall state, "(9) Minimum amount required by the commissioner, the greater of (7) or (8), is \$_____."

(j) Line ten shall state, "(10) Amount to be paid by company, no less than (9), is \$_____." The viatical settlement provider may substitute its name for the word "company."

(4) The viatical settlement provider shall enclose with the submission of a viatical settlement contract form, and with the submission of a rate revision, for approval prior to use in this state, a pricing memorandum providing a description of the method and assumptions used in determining the value to be paid viators. At the time of submission of a pricing memorandum or at the time of submission of any subsequent supporting documentation, the viatical settlement provider may request the commissioner to withhold that material from public inspection in order to preserve trade secrets or prevent unfair competition, in accordance with RCW 48.02.120(3). Each page covered by such request shall be clearly marked "confidentiality requested." The memorandum shall include a description, which may use reasonable ranges, of the following:

(a) The procedure used to determine viator life expectancy including medical evaluation and use of health care professionals in such evaluation;

(b) The portion of the discount (difference between the death benefit of the life insurance policy or certificate and viatical settlement provider payment) due to market value

interest rate (current worth of money) and how this interest rate is determined;

(c) The portion of the discount due to agent or broker compensation paid by the viatical settlement provider;

(d) The portion of the discount that is the viatical settlement provider's operation costs in connection with viatical settlements, including acquisition and maintenance cost and risk charge;

(e) The portion of the discount due to other overhead costs and profit margin;

(f) The effect, if any, that policy loans, surrender charges, and the net cash surrender value in the insurance plan have on the pricing determination;

(g) How provision is made in the settlement determination for future insurance plan premiums, dividends or excess amounts, if any; and

(h) What provision, if any, is made in the settlement determination for supplemental insurance benefits or riders.

PROPOSED

WSR 95-18-001
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 3882—Filed August 23, 1995, 1:40 p.m.]

Date of Adoption: August 23, 1995.

Purpose: This proposed amendment changes the maintenance needs allowance for CASH [CASA] clients to the special income level (SIL) which is 300% of the SSI payment amount in order to comply with the original waivers.

Citation of Existing Rules Affected by this Order:
 Amending WAC 388-515-1530.

Statutory Authority for Adoption: RCW 74.08.090.

Adopted under notice filed as WSR 95-15-035 on July 12, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

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

August 23, 1995

Jeanette Sevedge-App

Acting Chief

Office of Vender Services

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-515-1530 Coordinated community AIDS services alternatives (CASA) program. (1) The department shall determine ~~((an eligible))~~ that a person is eligible for CASA ~~((is a))~~ if the person:

(a) ~~((Meeting))~~ Meets the categorically needy eligibility requirements for an SSI-related institutionalized person. For the purposes of CASA, the department shall consider a person institutionalized the date the person meets eligibility criteria, except institutionalized status;

(b) ~~((Having))~~ Has a diagnosis of:

(i) Acquired immune deficiency syndrome or disabling Class IV human immunodeficiency virus disease; or
 (ii) P2 HIV/AIDS diagnosis, if fourteen years of age or under(+).

(c) Is determined medically at risk of need for the level of hospital-provided care;

(d) Is certified by the person's physician or nurse practitioner as in the terminal state of life;

(e) ~~((Agreeing))~~ Agrees to receive services in the person's own home, a licensed congregate care facility, or adult family home; ~~((and))~~

(f) ~~((Having))~~ Has a plan of care approved by the department and the department of health; and

(g) Does not have private insurance, including COBRA extensions, that covers inpatient hospital care.

(2) The department shall not require participation in the cost of CASA services by a person:

(a) Receiving SSI; or

(b) Remaining eligible for SSI under 1619(b) of the Social Security Act, but not receiving a cash grant.

(3) The department shall allocate available total income, including amounts disregarded in determining eligibility of a SSI-related CASA client residing at home, as follows:

(a) The client retains as maintenance needs an amount equal to the ~~((medically-needy))~~ special income level ~~((MNL))~~ (SIL) for one person; and

(b) As described under WAC 388-513-1380 (1), (2), (3), (4)(b), (c), (d), (e), (f), (g), and (h), (5), and (6).

(4) The department shall allocate available total income, including amounts disregarded in determining eligibility of a CASA client residing in an adult family home or congregate care facility, as follows:

(a) The client shall retain a specified personal needs allowance as described under WAC 388-250-1600 or 388-250-1650;

(b) As described under WAC 388-513-1380 (1), (2), (3), (4)(c), (d), (e), (f), and (g), (5), and (6); and

(c) Pay remaining income up to the ~~((MNL))~~ SIL to the facility for the cost of board and room.

(5) The SSI-related CASA client's income remaining after deductions in subsection (3) or (4) of this section shall be the participation amount for CASA services.

(6) When the department has determined that the client has financial participation under subsection (5) of this section, the department shall require the client to meet the participation obligation to remain eligible.

WSR 95-18-002
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Order 3881—Filed August 23, 1995, 1:42 p.m.]

Date of Adoption: August 23, 1995.

Purpose: The family independence program (FIP) ended June 30, 1993, making chapters 388-77 and 388-77A WAC obsolete.

Citation of Existing Rules Affected by this Order:
 Repealing chapter 388-77 WAC, Family independence program and chapter 388-77A WAC, Family independence expiration.

Statutory Authority for Adoption: RCW 74.21.904.

Adopted under notice filed as WSR 95-15-068 on July 17, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or

PERMANENT

Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 34.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 34.

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

August 23, 1995
Jeanette Sevedge-App
Acting Chief
Office of Vendor Services

REPEALER

The following chapters of the Washington Administrative Code are repealed:

WAC 388-77 Family independence program.
WAC 388-77A Family independence program expiration.

WSR 95-18-003
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3884—Filed August 23, 1995, 1:46 p.m., effective October 1, 1995]

Date of Adoption: August 23, 1995.

Purpose: Adds new item to list of situations in which the department need not give further notice to a household. When the department initiates recoupment action for a claim already established it need not give further advance notice; although adequate notice is still required including the reduction amount and new benefit amount.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-600.

Statutory Authority for Adoption: 7 CFR 273.13 (b)(14).

Adopted under notice filed as WSR 95-15-057 on July 14, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 1, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Effective Date of Rule: October 1, 1995.

August 23, 1995
Jeanette Sevedge-App
Acting Chief
Office of Vender Services

AMENDATORY SECTION (Amending Order 3181, filed 5/21/91, effective 6/1/91)

WAC 388-49-600 Notices to households. (1) The department shall notify a certified household of any change:

(a) At least ten days before the change; or

(b) By the date benefits are to be received for a household reporting changes on the monthly report.

(2) The department is not required to provide advance notice when:

(a) The federal or state government makes mass changes;

(b) The department determines all household members have died;

(c) The household moves from the state;

(d) The department restored lost benefits and previously notified the household in writing when the increased allotment would terminate;

(e) The department notified the household at the time of certification that allotments would vary from month to month;

(f) The household's benefits are reduced because a public assistance grant is approved; ((or))

(g) A household member is disqualified for intentional program violation or the benefits of the remaining household members are reduced or terminated to reflect the disqualification of that household member; or

(h) The department initiates recoupment action on a claim for which the department has already given the household advance notice.

WSR 95-18-004
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3883—Filed August 23, 1995, 1:47 p.m.]

Date of Adoption: August 23, 1995.

Purpose: WAC 388-49-150 clarifies that a determination of fault for delaying the application process and resulting remedies only applies to initial applications. A determination of fault is not required for recertifications. WAC 388-49-170 clarifies that a late reapplication must be processed using the same time frames as an initial application describes when the reapplication process is completed, and when the department is to issue uninterrupted benefits.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-150 Delayed and pended applications and WAC 388-49-170 Recertification.

Statutory Authority for Adoption: RCW 74.04.050.

Adopted under notice filed as WSR 95-15-059 on July 14, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 2, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 2, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 2, repealed 0.

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

August 23, 1995

Jeanette Sevedge-App
Acting Chief

Office of Vender Services

AMENDATORY SECTION (Amending Order 2575, filed 12/31/87)

WAC 388-49-150 Delayed and pended applications.

(1) When the department does not determine eligibility or provide benefits within thirty days after the date of initial application, the department shall determine if the delay is the fault of the household or the department.

(2) When the delay is the fault of the household, the household shall:

- (a) Lose benefits for the month of application,
- (b) Have an additional thirty days to take the required action, and

(c) Be denied and be required to file a new application when the application process is not complete by the end of the second thirty-day period.

(3) When the delay is the fault of the department, the department shall take immediate corrective action:

- (a) If the case file is complete, the department shall process the application.
- (b) If the case file is incomplete, the department shall pend the application.
- (c) If the case is incomplete after sixty days from the date of application, the department shall deny the application.

AMENDATORY SECTION (Amending Order 2575, filed 12/31/87)

WAC 388-49-170 Recertification. (1) The department shall provide a notice of expiration to ~~((a))~~ an eligible household~~((s))~~:

- (a) ~~((Not earlier than fifteen days prior to, and))~~ Not later than~~((s))~~ the first day of the household's last month of certification for a multi-month period; or
- (b) At the time of certification if the household is certified for up to two months.
- (2) A household provided a notice of expiration reappplies timely when the department receives the application by:

(a) The fifteenth day of the last month of certification, or

(b) The fifteenth day after the notice is received if the notice is provided at the time of certification.

(3) The department shall treat a household that reappplies late like an initial application and approve or deny in accordance with WAC 388-49-120.

(4) A household completes the reapplication process when it:

- (a) Submits a timely reapplication;
- (b) Completes an interview; and
- (c) Submits requested verification.

(5) The department shall ~~((approve or deny households reapplying and completing the application process and shall notify the household))~~ notify a household that timely reappplies and completes the application of approval or denial:

- (a) By the end of the current certification period, or
- (b) Not later than thirty days after the last allotment when certified for one month.

~~((4) A household shall lose its right to uninterrupted benefits when it fails to:~~

- ~~((a) Submit a timely reapplication, or~~
- ~~((b) Appear for a face-to-face interview without good cause))~~

(6) The department shall provide uninterrupted benefits to a household who timely completes the reapplication process.

WSR 95-18-008

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Order 5081—Filed August 23, 1995, 3:50 p.m.]

Date of Adoption: August 23, 1995.

Purpose: Under the Washington State Department of Agriculture procedural rules, expand who may serve as "reviewing officer" and "presiding office [officer]."

Citation of Existing Rules Affected by this Order: Amending WAC 16-08-002 and 16-08-021.

Statutory Authority for Adoption: Chapter 34.05 RCW.

Adopted under notice filed as WSR 95-15-100 on July 19, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 2, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 2, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 2, repealed 0.

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

PERMANENT

July 23, 1995
 Jim Jesernig
 Director

AMENDATORY SECTION (Amending WSR 91-23-051, filed 11/15/91, effective 12/16/91)

WAC 16-08-002 Definitions. The definitions set forth in this section shall apply throughout this chapter unless the context otherwise requires:

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

(2) "Director" means the director of the department of agriculture.

(3) "Reviewing officer" means the deputy director or administrative regulations analyst of the department of agriculture, who the director hereby designates to exercise all decision making powers to review initial orders, and prepare and enter final orders for the director of agriculture pursuant to RCW 34.05.464(2), or the director of agriculture. The reviewing officer shall mean the director in those cases where the deputy director has acted as the presiding officer.

AMENDATORY SECTION (Amending WSR 93-10-059, filed 4/30/93, effective 5/31/93)

WAC 16-08-021 Presiding officer. (1) The director will designate the presiding officer for an adjudicative proceeding:

(a) In matters involving an adjudicative proceeding, the director may designate as presiding officer an administrative law judge assigned by the office of administrative hearings under the authority of chapter 34.12 RCW, or the deputy director, the assistant director, agency operations division; the assistant director, laboratory services division; or the administrative regulations analyst of the department;

(b) In matters involving an emergency or brief adjudicative proceeding or involving a proceeding pursuant to WAC 16-08-022, the director may designate in writing staff persons to function as the presiding officer.

(2) A person who has served as an investigator, prosecutor, or advocate in any stage of an adjudicative proceeding or someone who is subject to the authority or direction of such a person, may not serve as a presiding officer in the same proceeding.

(3) The presiding officer shall have the authority to:

(a) Determine the order of presentation of evidence;

(b) Administer oaths and affirmations;

(c) Issue subpoenas;

(d) Rule on procedural matters, objections, and motions;

(e) Rule on offers of proof and receive relevant evidence;

(f) Interrogate witnesses called by the parties in an impartial manner to develop any facts deemed necessary to fairly and adequately decide the matter;

(g) Call additional witnesses and request additional exhibits deemed necessary to complete the record and receive such evidence subject to full opportunity for cross-examination and rebuttal by all parties;

(h) Take any appropriate action necessary to maintain order during the hearing;

(i) Permit or require oral argument or briefs and determine the time limits for submission thereof;

(j) Take any other action necessary and authorized by any applicable statute or rule;

(k) Waive any requirement of these rules unless a party shows that it would be prejudiced by such a waiver.

WSR 95-18-015
PERMANENT RULES
HIGHER EDUCATION
COORDINATING BOARD
 [Filed August 24, 1995, 9:45 a.m.]

Date of Adoption: July 13, 1995.

Purpose: To convert WICHE tuition assistance to recipients in the professional student exchange program to a conditional loan based on return of service in a health shortage area in Washington state.

Citation of Existing Rules Affected by this Order: Amending WAC 250-28-060; and new sections WAC 250-28-090 and 250-28-100.

Statutory Authority for Adoption: Chapter 217, Laws of 1995.

Adopted under notice filed as WSR 95-11-125 on May 24, 1995.

Changes Other than Editing from Proposed to Adopted Version: WAC 250-28-060(9), add "as recommended by the Department of Health" as the agency to define health shortage areas; WAC 250-28-090(3), add post-grad training as a deferment.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 2, amended 1, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

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

August 22, 1995

Elson S. Floyd

Executive Director

AMENDATORY SECTION (Amending WSR 95-11-059, filed 5/12/95, effective 6/11/95 [6/12/95])

WAC 250-28-060 Program definitions. (1) "Budgetary cost" shall consist of that amount required to support an individual as a student, taking into consideration cost factors for maintaining the student's dependents. Budgets will reflect the latest recognized cost levels for room and board, transportation, books, supplies, personal expenses and any other factors deemed necessary for consideration.

(2) "Certification" is the designation used by the state to declare that a student is eligible for support if that student is admitted to a participating institution.

(3) The term "financial need" shall be the difference between the appropriate budgetary cost and the student's total family contribution, as determined according to the federal methodology system of need analysis.

(4) A "participating institution" shall be one recognized by the Western Interstate Commission for Higher Education to participate in this program.

(5) The term "Washington resident" shall mean an individual who has satisfied the requirements of domicile in the state of Washington in accordance with RCW 28B.15.011 through 28B.15.014.

(6) The definition of "satisfactory progress" toward degree completion shall be in accordance with published definitions utilized by each participating institution.

(7) "Total family contribution" for a dependent student shall mean the sum of the assumed parent and student contribution. For a self-supporting student, "total family contribution" shall mean the sum of the student's resources.

(8) The definition of "dependent student" and "self-supporting student" shall be in accordance with definitions utilized by the United States Office of Education for its institutionally-based financial aid programs.

(9) A "designated shortage area" shall mean an area designated by the Higher Education Coordinating Board as having a shortage in primary or optometric health care in the state of Washington, as recommended by the Department of Health.

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

NEW SECTION

WAC 250-28-090 Repayment provisions. (1) WICHE award recipients selected after January 1, 1995, shall receive tuition assistance in the form of loans. Recipients shall repay those loans under the following conditions, unless the loan is forgiven under (2) of this section.

(a) The recipient shall begin repaying the loan no later than nine months from the date he/she completes or discontinues the course of study; and

(b) The recipient shall make quarterly loan repayments to the board in an amount sufficient to repay the entire debt, including interest at an annual rate to be determined by the board, no later than five years from the due date of the first payment, unless the board grants a deferral in subsection (3) of this section.

(2) Service Obligations.

(a) Loans to WICHE award recipients selected after January 1, 1995, may be completely forgiven in exchange for the recipient's service, if the recipient meets all of the following criteria: (1) after graduating, the recipient serves in a board-designated shortage area in Washington for the greater of (a) one full year of service for each award year or (b) three full years; and (2) the recipient provides documentation to the board of the service provided.

(b) A recipient who elects to assume the service obligations under (a)(1) and (2) of this subsection, but fails to complete those obligations, must repay the full amount of

the loan unless the board waives the recipient's obligations under subsection (5) of this section. The recipient must notify the board when he/she terminates service in the shortage area. The obligation to repay the loan as provided in (1)(b) begins on the day following the last quarter of the recipient's service.

(3) The board may grant deferral of loan repayment obligations under this section under such terms and conditions as it deems appropriate. These conditions include periods of time in which the recipient is engaged in post-graduate training or residency training.

(4) The board is responsible for collecting loan repayments and shall exercise due diligence in such collections to ensure that maximum repayments are made. The board intends to exercise its collection responsibility diligently and to use all available legal avenues to meet its collection responsibility.

(5) The board may waive, in full or in part, a recipient's obligation for service or loan repayment when a recipient can no longer function in his or her professional duties due to a permanent disability; or death.

(6) The board shall deposit all receipts from loan repayment received under this section in the state treasurer's WICHE trust fund established by the Legislature in 1995, in § 1(5) of SB 5287. Those funds shall be used to cover costs of granting the conditional awards, maintaining necessary records and making collections. The board shall maintain accurate records of these costs, and all receipts beyond those necessary to pay such costs shall be used to grant CONDITIONAL AWARDS to eligible students.

NEW SECTION

WAC 250-28-100 Appeals. Recipients of WICHE support may request in writing a review of any adverse decision affecting them by requesting such review within twenty days of notification of adverse decision, addressed to the executive director of the higher education coordinating board. The review shall be handled by brief adjudication hearing procedures as outlined in the Administrative Procedures Act chapter 34.05 RCW.

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

WSR 95-18-016

PERMANENT RULES

HORSE RACING COMMISSION

[Filed August 24, 1995, 1:57 p.m.]

Date of Adoption: August 22, 1995.

Purpose: Amend rule to clarify performance requirements.

Citation of Existing Rules Affected by this Order: Amending WAC 260-40-100.

Statutory Authority for Adoption: RCW 67.16.040.

Adopted under notice filed as WSR 95-07-143 on March 22, 1995.

Changes Other than Editing from Proposed to Adopted Version: Added an intent statement; removed provision that set dollar amounts for eligibility requirements.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 1, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

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

August 24, 1995

Bruce Batson

Executive Secretary

AMENDATORY SECTION (Amending Order 86-02, filed 4/21/86)

WAC 260-40-100 Performance records. It is the intent of the commission that the public be provided with all relevant information regarding a horse's recent racing and workout record; Therefore: (1) A horse which during the past calendar year, has started in a race which is not reported in the daily racing form (~~((monthly chart book))~~) and/or equibase shall not be entered at a Washington track unless and until the owner or trainer shall have furnished to the racing secretary, at ((least forty eight hours prior to such)) entry time, performance records as hereinafter designated. Such performance records shall show where and when said horse raced; the distance; the weight carried; amount earned; said horse's finishing position and time. ((Such performance records furnished to the racing secretary shall be signed and sworn to by the owner of the horse.))

(2) In a maiden race, a horse which at any time, has started in a race which is not reported in the daily racing form (~~((monthly chart book))~~) and/or equibase shall not be entered at a Washington track unless and until the owner((s)) or trainer shall have furnished to the racing secretary at ((least forty eight hours prior to such)) entry time, complete performance records as hereinafter designated. Such performance ((of said horse;)) records shall show where and when said horse raced; the distance; the weight carried; amount earned; said horse's finishing position and time. ((Such performance records furnished to the racing secretary shall be signed and sworn to by the owner of the horse.))

(3) Performance records for races which are not reported in the daily racing form and/or equibase shall be published in the official program of the racing association or posted and announced no later than the time that wagering opens for that day's racing. No horse may be permitted to enter in a race whose recent workouts have not been properly recorded with the ((stewards)) commission.

(4) ~~((If the net value to the winner of a race run in the state of Washington is nine hundred dollars or less, said winnings shall not be counted in considering eligibility of horses running at Longacres, if the net value to the winner~~

~~of a race run in the state of Washington is four hundred dollars or less, said winnings shall not be counted in considering eligibility of horses running at Playfair and Yakima Meadows.)) For thoroughbreds, all races at Class C racing association meets in the state of Washington shall not be counted in considering eligibility of horses running at Class A and Class B racing association meets. ((h))However, the maiden allowance shall be lost by the winning of any race at a track whose complete official results are carried ((in)) by the daily racing form((;)) and/or equibase. ((morning telegraph, quarter running horse chart book or appaloosa horse club charts. Furthermore, for any race to count against a horse's eligibility at Longacres, Playfair or Yakima Meadows the complete results of that race must be carried in the daily racing form, morning telegraph, quarter running horse chart book or appaloosa horse club charts.)) For all other breeds, all wins, including maiden wins, shall be counted in considering eligibility at all racing association meets in the state of Washington if the win is recognized by the arabian jockey club, the American quarter horse association, the appaloosa horse club, or other breed performance registry as authorized by the commission.~~

~~(5) All wins((, regardless of the net value to the winner.)) shall be considered in eligibility requirements of horses running at Class C racing association meets. ((in all races, including maiden races at all tracks other than at a track whose complete official results are carried in the daily racing form, morning telegraph, quarter running horse chart book, or appaloosa horse club charts.))~~

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 95-18-019
PERMANENT RULES
DEPARTMENT OF HEALTH
 [Filed August 24, 1995, 4:02 p.m.]

Date of Adoption: August 8, 1995.

Purpose: WAC 246-928-015 adds a new section to the rules clarifying the respiratory care scope of practice. Amendment to WAC 246-928-990 reduces the respiratory care renewal fee from one hundred dollars to eighty dollars.

Citation of Existing Rules Affected by this Order: Amending WAC 246-928-990.

Statutory Authority for Adoption: Chapter 18.89 RCW.

Other Authority: RCW 43.70.040.

Adopted under notice filed as WSR 95-14-110 on June 30, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 1, amended 1, repealed 0.

Effective Date of Rule: Thirty-one days after filing.
 August 24, 1995
 Bruce Miyahara
 Secretary

NEW SECTION

WAC 246-928-015 Scope of practice—Allowed procedures. The practice of respiratory care as authorized under RCW 18.89.040(11) includes, but is not limited to:

- (1) Performing venipuncture;
- (2) Placement of intravenous and arterial line catheters.

Administration of medications by respiratory care practitioners shall remain limited to those medications directly related to the patient's respiratory care and the training of the practitioner.

AMENDATORY SECTION (Amending Order 285, filed 7/7/92, effective 8/7/92)

WAC 246-928-990 Fees. The following fees shall be charged by the professional licensing division of the department of health:

Title of Fee	Fee
Application	\$ 85.00
Temporary practice permit	50.00
Examination application	110.00
Examination retake	25.00
Duplicate license	15.00
Verification/certification	25.00
Renewal	((100.00)) 80.00
Late renewal penalty	50.00

**WSR 95-18-020
 PERMANENT RULES
 DEPARTMENT OF
 SOCIAL AND HEALTH SERVICES
 (Public Assistance)**

[Order 3885—Filed August 25, 1995, 10:18 a.m.]

Date of Adoption: August 25, 1995.

Purpose: To make participation in the JOBS unemployed parent program mandatory for AFDC-E cases. New WAC 388-47-060 Unemployed parent program.

Citation of Existing Rules Affected by this Order: Amending WAC 388-47-050, 388-47-070, 388-47-110, 388-47-115, 388-47-120, 388-47-125, 388-47-127, 388-47-130, and 388-47-135.

Statutory Authority for Adoption: RCW 74.04.050.

Other Authority: 45 CFR 250.33, 250.74 (b)(1)(vi) and (c)(1) and (2).

Adopted under notice filed as WSR 95-14-078 on June 29, 1995.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-47-125 (2)(d), 388-47-127 (2)(d) and 388-47-130 (5)(c), "reasonable" changed to "reasonably."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 1, amended 9, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 9, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, amended 9, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 1, amended 9, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.
 August 25, 1995
 Jeanette Sevedge-App
 Acting Chief
 Office of Vendor Services

AMENDATORY SECTION (Amending Order 3129, filed 12/31/90, effective 1/31/91)

WAC 388-47-050 Employability plan. (1) The employability plan will be developed jointly with the participant within a reasonable time period from the date the participant volunteers for or is required to participate in JOBS employment and training services. To the maximum extent possible an employability plan will identify and respond to the participant's support service needs, educational, training and occupational skills, aptitudes and preferences. An employability plan shall include, but not be limited to:

- (a) An employment goal;
- (b) Necessary supportive services to enable JOBS participation;
- (c) JOBS activities and components to be undertaken; and
- (d) Labor market information related to the identified goal including:
 - (i) Average wage for the goal occupation.
 - (ii) Wage needed for economic self sufficiency for the participant.

(2) The plan will identify components necessary to achieve self sufficiency when a goal has been specified.

NEW SECTION

WAC 388-47-060 Unemployed parent program. (1) Notwithstanding WAC 388-47-100 (1)(a) and (b), the department may require one or both parents in an AFDC-E household to participate a minimum of sixteen hours a week in one or a combination of the following JOBS activities or employment-related activities:

- (a) Work experience;
- (b) Community work experience;
- (c) On-the-job training;
- (d) Work supplementation;

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(e) Unsubsidized employment; or
 (f) Work study assignments which are part of a student financial aid package.

(2) The department may require one or both parents to participate in job search during the first two months of AFDC-E eligibility.

(3) The department may require an AFDC-E parent under the age of twenty-five who has not completed high school or GED to participate in educational activities as described in WAC 388-47-110 in lieu of the activities in subsection (1) of this section.

(4) The department shall consider a person who is making satisfactory progress, as defined in WAC 388-47-020, in an educational activity provided for in subsection (3) of this section to be meeting the participation requirements for the unemployed parent program.

AMENDATORY SECTION (Amending Order 3442, filed 8/25/92, effective 9/25/92)

WAC 388-47-070 JOBS program—Priority of services. A person's participation in JOBS activities shall be in accordance with the priorities of service set forth in this section and based on criteria for approval of participation in individual JOBS components. The department shall require nonexempt parents under twenty-four years of age to actively participate in orientation, assessment, and either education, vocational training, or employment programs. The department shall require one or more parents in the aid to families with dependent children-employable (AFDC-E) program to actively participate in orientation, assessment, employability planning, and ((either job search education, training, or employment)) in one or more of the JOBS components described under WAC 388-47-060.

(1) The contractor shall give first priority for JOBS activity participation to AFDC-E participants.

(2) The contractor shall give ~~((first))~~ second priority for JOBS activity participation to target group volunteers. Target groups include:

(a) An AFDC recipient and applicant who received AFDC assistance for thirty-six or more of the preceding sixty months;

(b) A custodial parent under twenty-four years of age who did not complete high school and is not enrolled in high school, or a high school equivalent, at the time of application;

(c) A custodial parent under twenty-four years of age having little or no work experience in the preceding year; or

(d) A member of a family where the youngest child is within two years of ineligibility for AFDC because of age.

~~((2))~~ (3) The contractor shall give ~~((second))~~ third priority for JOBS activity participation to other volunteers.

~~((3))~~ (4) The contractor shall give ~~((third))~~ fourth priority for JOBS activity participation to nonexempt persons in a target group who do not volunteer.

~~((4))~~ (5) The contractor shall give ~~((fourth))~~ fifth priority for JOBS activity participation to other nonexempt persons who do not volunteer.

~~((5))~~ (6) An AFDC-E applicant or recipient may volunteer for or may be assigned to one or more JOBS components in accordance with WAC 388-47-060.

AMENDATORY SECTION (Amending Order 3129, filed 12/31/90, effective 1/31/91)

WAC 388-47-110 JOBS program—Education participation. (1) The department may require one or both parents in an AFDC-E household to participate in basic education activities if the parent:

(a) Is under twenty-five years of age; and

(b) Has not completed high school or received a GED certificate.

(2) The department will encourage a custodial parent to engage in an educational activity designed to achieve a high school education or qualify for a high school equivalency certificate when the custodial parent is not yet twenty years of age, has not completed a high school education or its equivalent, and is not otherwise exempt from participation.

(a) For purposes of subsection ~~((1))~~ (2) of this section, custodial parent means the parent living with the child, including custodial parents exempt because of the youngest child's age.

(b) The contractor will encourage the custodial parent's full-time participation, as defined by the educational provider, in educational activities directed toward the attainment of a high school diploma or its equivalent. This includes a person who may be exempt because of the youngest child's age.

(c) The contractor may exclude a seventeen years of age or younger custodial parent from this provision providing any of the following exist:

(i) The determination is based upon an individual assessment, and does not rely solely on grade completion; or

(ii) The person is participating in another activity which will lead to self-sufficiency; or

(iii) The school or training institution refuses to admit the participant and alternative resources are not available; or

(iv) Provision is made for the individual to engage in an educational activity, or in skills training combined with education.

(d) The contractor will encourage a custodial parent eighteen or nineteen years of age to participate in training or work activities, subject to the twenty hour limit in WAC 388-47-100 (2)(j)(ii), instead of educational activities required in subsection ~~((1))~~ (2) of this section if one of the following conditions is met:

(i) The parent fails to make good progress in the educational activity; or

(ii) The contractor determines, based on an educational assessment and the employment goal, participation in educational activities is inappropriate for the parent. Such determination must occur before an educational activity assignment and must be based on an employment goal described in the employability plan.

~~((2))~~ (3) The contractor will encourage full-time participation, as defined by the educational provider, in educational activities directed toward the attainment of a high school diploma or its equivalent for a person twenty years of age or older, not having a high school diploma or the equivalent, and not otherwise exempt from JOBS participation.

~~((3))~~ (4) The contractor will encourage and may require educational activities as one component in a JOBS

participant's employability plan, in accordance with the priorities in WAC 388-47-070.

AMENDATORY SECTION (Amending Order 3563, filed 5/27/93, effective 7/1/93)

WAC 388-47-115 Funding approval of education and JOBS components. (1) For the purpose of plan approval initial approving authority begins with the employment security department. The department of social and health services shall:

(a) Review approved plans within thirty calendar days of initial approval.

(b) Review disapproved plans within ten calendar days of denial.

(c) Review if the plan clearly violates department policy or whether the department has information which clearly indicates a concern with the plan.

(d) Joint agency administrative review will be conducted at the local level of any initial approval with which the department does not concur.

(2) The contractor shall fund approvable JOBS plan components in accordance with the following priorities:

(a) First priority shall be given to participants in an approved educational, training or employment plan whose JOBS or FIP plan is in process and is being re-authorized;

(b) Second priority shall be given to ~~((volunteers included in the target groups specified under WAC 388-47-070(4)))~~ **AFDC-E participants;**

(c) Third priority shall be given to volunteers included in the target groups specified under WAC 388-47-070(1);

(d) Fourth priority shall be given to participants volunteering for basic education and job ready participants volunteering for intensive job search, on-the-job training or the work supplementation program;

~~((d) Fourth))~~ (e) Fifth priority shall be given to all other recipients.

(3) Separate allocation may be established for each priority group.

(4) The contractor shall accept all employability plans approved under the family independence program (FIP) as approved under JOBS effective July 1, 1993.

(5) The contractor shall limit plan approval subject to the availability of funds and to a specific component.

(6) Funding approval for child care participants in a tribal JOBS program shall be subject to the provisions of this section.

(7) The contractor shall create a local obligational register. When funds have been exhausted for a priority group, a local waiting list shall be established. Ranking within each priority shall be on a first come first served basis using the date of request for participation in JOBS or FIP.

(8) If the funds appropriated for JOBS are available, the contractor shall approve the plan for the highest ranked person on the waiting list and obligate sufficient funds from the obligational register to cover the cost of:

(a) Training or education, component costs, child care, and support services necessary to complete the approved plan; or

(b) For participants in a tribal JOBS program, the cost of child care necessary to complete the approved plan.

(9) The contractor shall limit plan approval through the end of the state biennium. In obligating funds, the contractor shall obligate funds through the completion of the plan or the end of the biennium, whichever is earlier. Priority for subsequent years is established in subsection (2) of this section.

(10) The contractor's approval of a plan shall be by specific components. Requests to change to another component shall be subject to the availability of funds and other applicable criteria for component approval. If the contractor does not approve a change in components because of lack of funds, the contractor shall place the person on a waiting list.

(11) For self-initiated training that is approvable, the contractor will place the person on a local waiting list and if funds are available provide necessary child care and support services as provided in the approved plan. The contractor shall not pay for tuition, books, or other fees.

(12) A participant may choose to participate in training without child care and support services. For such persons, the contractor shall:

(a) Place the person on a local waiting list;

(b) Approve the plan subject to review of child care and support service needs when partial funds are available; and

(c) At such time as funds are available to fund the remainder of the plan offer support services.

(13) Participants shall utilize other funding sources such as Pell grants before JOBS funds are used. Plan approval shall be pended until grant or aid resources have been determined.

(14) Total JOBS costs shall not exceed the maximum of four thousand five hundred dollars per participant excluding child care.

AMENDATORY SECTION (Amending Order 3129, filed 12/31/90, effective 1/31/91)

WAC 388-47-120 JOBS program—Other education and training. (1) Subject to the requirements which may be placed on one or both parents in an AFDC-E household under WAC 388-47-060, the department shall determine post-secondary education is an appropriate plan for:

(a) Recipients who have completed high school and been tested for literacy; and

(b) Recipients who have demonstrated an aptitude for the education or training proposed; and

(c) Recipients whose long term goal requires substantial additional education and training.

(2) Post secondary education included in the employability plan shall be approved on a first come, first served basis within available funds. Plans denied for lack of funding will be placed on a waiting list.

(3) The contractor may approve post-secondary education included in the employability plan except when an assessment does not support the plan for any of the following reasons:

(a) The contractor is not allowed to approve education or training at a pervasively sectarian institution. A pervasively sectarian institution is defined by any of the following:

(i) Mandates chapel attendance; or

(ii) Requires prayer as a part of class attendance; or

(iii) Hires staff or faculty on the basis of religious affiliation.

(b) Objective indicators such as tests or prior high school completion determine the participant lacks the aptitude, skills, and abilities to complete the training;

(c) The participant possesses skills to support her family or to achieve self-sufficiency in the current local labor market;

(d) The occupational goal would not lead to self-sufficiency;

(e) Comparable training is available at lower cost to the JOBS program from another institution or employer;

(f) The participant does not meet the definition of satisfactory progress; or

(g) The component includes post-graduate education other than a teaching certificate.

(4) Participants may pursue post-secondary education which is not approved by the contractor. Such training may be approved by the JOBS program if sufficient progress toward self-sufficiency can be demonstrated.

(5) The contractor may terminate services in support of an approved activity if the participant does not maintain satisfactory progress as specified in the employability plan or does not participate in the educational or training activity.

(a) If support services are terminated an alternative plan shall be offered; and

(b) Termination of support services requires advance written notice;

(c) Eligibility for child care, transportation, and other support services shall be in accordance with applicable WAC;

(d) Participants shall have the right to appeal decisions made under this subsection through the fair hearings process.

(6) The contractor may approve self-initiated training subject to the same criteria as training developed as part of the employability plan process. The following conditions apply to the participant's self-initiated training:

(a) If the contractor approves self-initiated training or education, other JOBS activities may not be permitted to interfere with the approved education or training; and

(b) The JOBS program shall not pay the costs of tuition, books and fees for self-initiated training or education.

AMENDATORY SECTION (Amending Order 3129, filed 12/31/90, effective 1/31/91)

WAC 388-47-125 JOBS program—Community work experience program. An AFDC recipient may volunteer for and the department may require one or both parents in an AFDC-E household to participate in the community work program (CWEP) component. CWEP is offered in the Mount Vernon and Wenatchee community services offices.

(1) CWEP may be an appropriate component for a participant who has:

(a) Achieved basic literacy and high school completion, or who has spent at least six months making an effort to achieve such completion; or

(b) Little or no recent work experience.

(2) Component approval will be based on a determination that:

(a) Component participation will assist the participant in achieving self-sufficiency;

(b) Component content is appropriate in order to access employment available, or projected to be available, in the local labor market;

(c) Participant can be reasonably expected to achieve completion of the component;

(d) Component is ((reasonable)) reasonably accessible within the local labor market; and

(e) Assignments to CWEP positions take into consideration the participant's prior training, proficiency, experience, skills, basic literacy, interests, and barriers to employment; and

(f) Component participation meets the conditions of funding in WAC 388-47-115.

(3) The contractor shall provide for coordination among CWEP and other JOBS component activities ensuring job placement has priority over participation in CWEP.

(4) A participant's CWEP component shall be limited to projects serving a useful public purpose in public or private nonprofit agencies.

(5) The maximum number of hours in a month a person is scheduled to work in a CWEP position is the number of hours resulting from dividing the family's AFDC monthly grant by the greater of:

(a) Federal minimum wage; or

(b) Applicable state minimum wage;

(c) The rate of pay for individuals employed in the same or similar occupation by the same employer at the same site.

(6) A person should not be assigned to a CWEP position for more than nine months and participation in this component may be for less than nine months.

(7) The maximum number of hours in a month a person may be required to participate in CWEP shall not exceed one hundred twenty-four hours.

(8) That portion of a recipient's aid the state is reimbursed by a child support collection except for the fifty dollars pass-through shall be excluded in determining the maximum number of hours worked.

(9) The contractor shall:

(a) Provide for a reassessment and revision, as appropriate, of the participant's employability plan after each six months of CWEP participation;

(b) Ensure CWEP positions do not fill established, unfilled position vacancies in the work site;

(c) Require appropriate standards of health, safety, and other reasonable conditions applicable to the work performance;

(d) Ensure a participant is not required to perform tasks in a way related to political, electoral, or partisan activities, or which would result in displacement of a person currently employed, or which involve religious or sectarian activities.

(e) Ensure a position has not been developed in response to the existence of a strike, lockout, or other bona fide labor dispute or violate any existing labor agreement between an employee and an employer;

(f) Provide support services enabling a person's participation, according to provisions in chapter 388-51 WAC;

(g) Not require the use of the participant's assistance or income or resources to pay participation costs;

(h) Ensure CWEP assignments shall not require a participant to travel unreasonable distances from home or to remain away from home overnight without the participant's consent; and

(i) Ensure agencies utilizing CWEP participants provide worker's compensation coverage through the department of labor and industries.

AMENDATORY SECTION (Amending Order 3129, filed 12/31/90, effective 1/31/91)

WAC 388-47-127 JOBS program—Work experience.
An AFDC recipient may volunteer for participation in and the department may require one or both parents in an AFDC-E household to participate in the work experience (WEX) component.

(1) WEX may be an appropriate component for a participant who has:

(a) Achieved basic literacy and high school completion, or who has spent at least six months making an effort to achieve such completion; and

(b) Little or no work experience.

(2) Component approval will be based on a determination that:

(a) Component participation will assist the participant in achieving self-sufficiency;

(b) Component content is appropriate in order to access employment available, or projected to be available in the local labor market;

(c) Participant can be reasonably expected to achieve completion of the plan;

(d) Component is ~~((reasonable))~~ reasonably accessible within the local labor market; and

(e) Meets conditions of funding in WAC 388-47-115; and

(f) WEX placements take into consideration the participant's prior training, proficiency, experience, basic literacy, interests, and barriers to employment.

(3) The contractor shall provide coordination among WEX and other JOBS component activities ensuring an AFDC recipient's job placement has priority over participation in WEX.

(4) The contractor shall limit WEX assignment to projects serving a useful public purpose in public and private non-profit organizations.

(5) The contractor shall limit WEX assignments to not more than twenty-six weeks per enrollment.

(6) The contractor shall assure;

(a) An assessment is provided following the completion of each WEX;

(b) Support services will be provided to WEX participants according to chapter 388-51 WAC;

(c) Agencies providing recipients WEX opportunities shall offer Workers' Compensation coverage on the same basis as regular employees;

(d) WEX provides appropriate standards of health, safety, and other reasonable working conditions at the work site;

(e) Participants are not required to perform tasks related to, political or partisan activities;

(f) WEX positions shall not exist as the result of a strike, lockout, or other bona fide labor dispute, and shall not violate any existing labor agreement between an employee and the employer;

(g) WEX positions shall not result in the displacement of a currently employed person;

(h) A participant shall not be required to use income or resources to pay participation costs; and

(i) WEX assignments shall not require a participant to travel unreasonable distances from home or to remain away from home overnight without the participant's consent.

(7) WEX assignments shall not be for more than one hundred twenty-four hours in any month.

AMENDATORY SECTION (Amending Order 3129, filed 12/31/90, effective 1/31/91)

WAC 388-47-130 JOBS program readiness training—Job readiness training—Intensive job search.

(1) A person may volunteer to participate or the department may require one or both parents in an AFDC-E household to participate in intensive job readiness training or job search. Job readiness training will generally precede intensive job search.

(2) Job readiness training is appropriate for all recipients planning to enter a job search component. Those with a firm job lead, or with good job search skills may want to skip this component, but it will be made available to all recipients entering job search who want it.

(3) Job readiness training may include any of the following:

(a) Self-esteem building;

(b) Job search techniques;

(c) Resume writing skills;

(d) Skills on how to reach the hidden job market;

(e) Employer expectations; and

(f) Labor market information.

(4) Job search is appropriate for those recipients who have achieved basic literacy and high school completion, and who have recent work experience in the field they intend to look for work. ~~((Because entry into JOBS components is voluntary,))~~ Those refusing other forms of education and training should be approved to look for work.

(5) Component approval will be based on a determination that:

(a) Component participation will assist the participant in achieving self-sufficiency;

(b) Component is appropriate in order to access employment available or projected to be available in the local labor market;

(c) Participant can be ~~((reasonable))~~ reasonably expected to achieve employment in the desired fields; and

(d) Meets the conditions of funding in WAC 388-47-115.

(6) For an initial intensive job search period, a person may volunteer for participation in or the department may require a nonexempt AFDC-E applicant or recipient to participate in the program for eight consecutive weeks from the date the person makes a written request for AFDC providing:

(a) ~~((No person shall be required to participate in job search;))~~

~~((b))~~ The department may not delay the processing of a person's application for AFDC due to participation in job search; and

~~((c))~~ (b) The contractor may terminate job search if the assessment determines another JOBS activity is more appropriate.

(7) The subsequent job search component may not exceed eight weeks participation in any twelve-month period.

(8) The contractor may provide additional job search beyond that under subsections (1) and (2) of this section providing:

(a) Such job search shall be part of an education, training, or employment activity; and

(b) The job search is designed to improve the person's employment prospects; and

(c) The additional job search does not cause the participant to exceed the sixteen weeks of job search allowable in a twelve month period.

AMENDATORY SECTION (Amending Order 3129, filed 12/31/90, effective 1/31/91)

WAC 388-47-135 JOBS program—On-the-job training. (1) This component is generally appropriate for those recipients who have completed high school, achieved basic literacy, and have work experience in the field they have chosen. However, they will generally have a training deficiency such as having worked on outdated equipment, or not having worked in the field in the last year.

(2) Component approval will be based on a determination that:

(a) Component participation will assist the participant in achieving self-sufficiency;

(b) Component content is appropriate in order to access employment available or projected to be available in the local labor market;

(c) Participant can be reasonably expected to complete the component;

(d) Component is reasonably accessible within the local labor market; and

(e) Meets the conditions of funding in WAC 388-47-115.

(3) A person may volunteer for participation in or the department may require one or both parents in an AFDC-E household to participate in on-the-job training (OJT)(~~and~~). Participants in OJT shall be compensated:

(a) At the same rates, including benefits and periodic increases, as similarly situated employees or trainees; and

(b) In accordance with applicable law, but in no event less than the higher of the federal minimum wage or applicable state or local minimum wage law.

(4) Those OJT participants eligible for AFDC will receive support services and child care as provided for this component.

(5) If an OJT participant becomes ineligible for AFDC due to earned income rules or, in the case of a principal earner in an unemployed parent case, the one hundred hour rule, such individual shall:

(a) Remain a JOBS participant for the duration of the OJT; and

(b) Be eligible for support services as described under chapter 388-51 WAC.

(6) The contractor shall ensure the participant's OJT assignments meet the following conditions:

(a) State, or local safety and health standards;

(b) Assignments are not related to political, electoral, religious, or partisan activities;

(c) The employer shall provide industrial insurance coverage as required under Title 51 RCW; and

(d) The employer shall provide a recipient unemployment compensation coverage as required under Title 50 RCW.

(7) No work assignment under this program shall result in:

(a) The displacement of any currently employed worker or position, including partial displacement such as a reduction in the hours of non-overtime work, wages, or employment benefits, or result in the impairment job existing contracts for services or collective bargaining agreements;

(b) The employment or assignment of a participant or the filling of a position when:

(i) Any other individual is on layoff from the same or any equivalent position; or

(ii) The employer has terminated the employment of any regular employee or otherwise reduced its workforce with the effect of filling the vacancy so created with a participant subsidized under the program.

(iii) The assignment is to free an established unfilled position vacancy in the work site.

(c) Any infringement of the promotional opportunities of any currently employed individual.

(8) Funds available to carry out the program may not be used to assist, promote, or deter union organizing.

WSR 95-18-022

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Order 94-31—Filed August 25, 1995, 11:18 a.m.]

Date of Adoption: August 25, 1995.

Purpose: The purpose of the rule is to ensure that transportation activities do not worsen air quality or delay attainment of air quality standards in nonattainment areas. The purpose of the amendments is to ensure that the state conformity rule meets the requirements of the federal transportation conformity regulation. The anticipated effect is federal approval of the amended rule.

Citation of Existing Rules Affected by this Order: Amending chapter 173-420 WAC.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Other Authority: 40 CFR Part 51 Subpart T.

Adopted under notice filed as WSR 95-10-052 on May 2, 1995.

Changes Other than Editing from Proposed to Adopted Version: The agency made one change from the published rule: A nonsubstantive rewording of one sentence to clarify the collaborative nature of the consultation process required by the rule.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 2, amended 8, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, amended 7, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

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

August 22, 1995

Mary Riveland

Director

AMENDATORY SECTION (Amending Order 92-07, filed 1/22/93, effective 2/22/93)

WAC 173-420-020 Purpose and intent. This chapter implements RCW 70.94.037 of the Washington Clean Air Act (chapter 70.94 RCW). The law requires the departments of ecology and transportation to develop criteria and guidance for demonstrating and assuring conformity of transportation plans, programs, and projects to the purpose of the state implementation plan for attaining and maintaining the national ambient air quality standards and meeting the requirements of the federal Clean Air Act (42 U.S.C. 7401) as amended. This chapter is jointly adopted by the departments of ecology and transportation and can be amended only by agreement between the departments. This chapter sets forth minimum requirements for evaluating transportation plans, programs, and projects for conformity with the purpose and intent of state implementation plans for air quality. This chapter clarifies state policy and procedures to achieve national ambient air quality standards, foster long-range planning for attainment and maintenance of those standards, provide at least as stringent requirements as the federal conformity regulation (40 C.F.R. Part 51 Subpart T), provide a basis for evaluating conformity determinations, and guide state, regional, and local agencies in making conformity determinations.

AMENDATORY SECTION (Amending Order 92-07, filed 1/22/93, effective 2/22/93)

WAC 173-420-030 Scope. (1) Conformity determinations shall be made for the adoption, acceptance, approval, funding, or support of all transportation plans, improvement programs, and projects located in or affecting nonattainment and maintenance areas for any criteria pollutants.

(2) Regional transportation plans that contain either wholly or partially a nonattainment area for any criteria pollutant shall comply with this chapter. Transportation plans that do not contain either wholly or partially a nonattainment or maintenance area are exempt from this chapter.

(3) Transportation improvement programs shall comply with this chapter. The regional transportation improvement program shall include projects on the regional transportation system; transportation control measures of local government six-year street and road programs developed pursuant to RCW 36.81.121 and 35.77.010; and transit management plans developed pursuant to RCW 35.58.2795. Transportation improvement programs for areas that do not contain either wholly or partially a nonattainment or maintenance area for any criteria pollutants are exempt from this chapter.

(4) Projects contained in the regional transportation improvement program of a metropolitan area boundary and within a county that either wholly or partially contains a nonattainment area shall comply with this chapter. Projects not on the regional transportation system shall be considered to comply with the general provisions of this chapter; however they must be evaluated by the lead agency during compliance with the requirements of the State Environmental Policy Act (SEPA), (chapter 197-11 WAC), to determine if a conformity analysis and determination based upon this chapter is warranted. Preservation or maintenance projects in WAC 173-420-110 are exempt from the conformity requirements of this chapter.

(5) Projects on the regional transportation system that are located outside a nonattainment area but affect traffic or air quality of a nonattainment area shall comply with WAC 173-420-060, 173-420-065 and 173-420-100.

AMENDATORY SECTION (Amending Order 92-07, filed 1/22/93, effective 2/22/93)

WAC 173-420-040 Definitions. The following definitions will apply unless a different meaning is clearly required by context:

"Criteria pollutants" means air pollutants for which a NAAQS has been promulgated under the federal Clean Air Act (40 C.F.R. 50) and their precursors and, for this chapter, applies only to those pollutants for which nonattainment or maintenance areas have been designated.

"Action scenario" means the future transportation system determined pursuant to the federal transportation conformity regulation (40 C.F.R. Part 51 Subpart T) in a year that is being analyzed for conformity that will result from the implementation of the proposed plan and/or transportation improvement program.

"Baseline scenario" means the transportation system determined pursuant to the federal transportation conformity regulation (40 C.F.R. Part 51 Subpart T) in a year that is being analyzed for conformity that would result from the plan, improvement program, and facilities, services, and activities that are in effect in the year the conformity analysis is being conducted.

"Lead agency" means the agency with primary responsibility for ensuring plan, program, or project compliance with SEPA, (chapter 197-11 WAC).

"Maintenance area" means any geographic region of the United States previously designated nonattainment pursuant to the CAA Amendments of 1990 and subsequently redesignated to attainments subject to the requirement to develop a maintenance plan under section 175A of the CAA, as amended.

"Metropolitan area boundary" (MAB) means an area determined by an agreement between the governor and the MPO as defined in 23 U.S.C. 134.

"Metropolitan planning organization" (MPO) means an organization for each urbanized area of more than fifty thousand people as defined in 23 U.S.C. 134, whose responsibilities include development of transportation plans and improvement programs for those areas.

"Motor vehicle emission budget" means that portion of the total allowable emission defined in a state implementation plan for a certain date for the purpose of meeting

attainment or maintenance demonstrations for any criteria pollutant or its precursors, that is allocated by the SIP to highway and transit vehicles.

"National ambient air quality standards" (NAAQS) means air quality standards promulgated for criteria pollutants under the federal Clean Air Act (40 C.F.R. 50). The standard for carbon monoxide is thirty-five parts per million over a one-hour period or nine parts per million over an eight-hour period. The standard for ozone is 0.12 parts per million over a one-hour period. The standard for PM10 is fifty $\mu\text{g}/\text{m}^3$ annual arithmetic mean or 150 $\mu\text{g}/\text{m}^3$ maximum twenty-four hour average concentration.

"Nonattainment area" means the geographic area designated as not meeting the NAAQS for a criteria pollutant. The boundaries are proposed by the governor, approved by the federal environmental protection agency (EPA), and include that area required to implement plans and programs for attainment of the NAAQS published in the federal register.

"Regional transportation system" means the transportation system identified by an MPO in development of planning requirements under the federal Intermodal Surface Transportation Efficiency Act (ISTEA) (P.L. 102-240).

"Regionally significant project" means a transportation project that is on a facility which serves regional transportation needs and would normally be included in the modeling of a metropolitan area's transportation network, including at a minimum all principal arterial highways and all fixed guideway transit facilities that offer an alternative for regional highway travel.

"State implementation plan" (SIP) means a plan as defined in section 302(q) of the CAA and which implements the relevant requirements of the CAA that is intended to eliminate or reduce the severity and number of violations of the national ambient air quality standards and expeditiously achieve those standards, and includes the revision referred to as the maintenance plan that provides for the maintenance of the NAAQS in the area concerned for at least ten years after the redesignation of a nonattainment area to an attainment area.

"Transportation control measure" (TCM) means a transportation project, program, or action listed in the state implementation plan that will aid in elimination or reduction of the severity or number of violations of the national ambient air quality standards and help expeditiously attain and maintain those standards.

"Transportation improvement program" (TIP) means a schedule of intended transportation improvements (or continuation of current activities) as required in section 134 of Title 23 U.S.C. A TIP shall include projects within the MPO's area that are proposed for funding under Title 23 U.S.C. and the federal Transit Act, projects that are part of or consistent with the transportation plan as previously defined, and transportation control measures that are included in the state implementation plan for meeting NAAQS.

"Transportation plan" means a document that is required under the regulation implementing section 134 of Title 23 U.S.C., and section 8 of the federal Transit Act, and is intended to foster a continuing, cooperative, and comprehensive planning process.

"Transportation projects" means an action that expends funds on or approves physical and/or operational alterations to a transportation system.

AMENDATORY SECTION (Amending Order 92-07, filed 1/22/93, effective 2/22/93)

WAC 173-420-050 General provisions. (1) Conformity review will include transportation plans, improvement programs, and projects on the regional transportation system. The review utilizes requirements from the federal Clean Air Act, the Washington Clean Air Act (chapter 70.94 RCW), the Growth Management Act (GMA) (chapter 36.70A RCW), the State Environmental Policy Act (SEPA) (chapter 43.21C RCW), and the federal ISTEA (P.L. 102-240).

(2) Identification of transportation plans and improvement programs that affect nonattainment areas, identification of projects on the regional transportation system, and coordination and consistency among plans shall be accomplished through the planning processes required by the GMA and the ISTEA.

(3) Transportation plans and improvement programs on the regional transportation system within metropolitan area boundaries that contain nonattainment areas shall be coordinated through the MPO using the regional planning process required by ISTEA (P.L. 102-240).

(4) Transportation control measures shall be identified and incorporated into plans and programs through the SIP process required by the federal Clean Air Act.

(5) Early and continuous public participation shall be a component of the conformity process pursuant to requirements of the GMA (chapter 36.70A RCW) and ISTEA (P.L. 102-240). At least one public hearing shall be held on transportation plan and improvement program conformity determinations. Such hearings may be combined with general hearings required for the transportation plans or improvement programs. Public comment on project conformity shall be completed as part of the SEPA process (chapter 197-11 WAC).

(6) Disagreement over a conformity determination for a plan or program shall be presented in writing to the MPO and shall identify the changes considered necessary to achieve conformity. The MPO shall convene a meeting or meetings with the contesting party, parties of record, consulted agencies, and the state departments of ecology and transportation within fifteen working days of receipt of the written document contesting the determination. The meeting shall be to review the written reasons for contesting the determination. A written decision stating the changes, if any, in the conformity determination on the plan or program shall be provided to each of the meeting participants. The department of ecology or air pollution control authority may appeal the written decision, provided a written appeal to the governor is filed within fourteen calendar days of the written decision.

(7) Disagreements on project conformity findings shall be addressed through the SEPA process (chapter 197-11 WAC).

(8) If the classification or designation of a nonattainment or maintenance area changes, the next consultation meeting required under WAC 173-420-070 shall incorporate the criteria in the federal transportation conformity regulation

(40 C.F.R. Part 93 Subpart A and 40 C.F.R. Part 51 Subpart T) that apply to the new classification or designation for use in all subsequent conformity determinations.

NEW SECTION

WAC 173-420-055 SIP impacts on conformity determinations. (1) Until EPA redesignates a nonattainment area to an attainment area the status of the applicable SIP shall have the following impact on the conformity of plans, TIPs and projects:

(2) If the applicable SIP is not submitted by the deadline for submittal:

(a) Four months after the applicable deadline no new plan or TIP shall be found to conform; and

(b) Twelve months after the applicable deadline the conformity status of the existing plan and TIP shall lapse and no new project-level conformity determinations shall be made.

(3) If the SIP submittal for a PM10 NAA or for a CO NAA with a design value of 12.7 ppm or greater is found to be incomplete by EPA:

(a) If the incompleteness finding is because measures committed to in the SIP are not in an enforceable form as required by section 110 (a)(2)(A) of the CAA then twelve months after the finding the conformity status of the existing plan and TIP shall lapse;

(b) Four months after the finding no new plan or TIP shall be found to conform; and

(c) Twelve months after the finding the conformity status of the existing plan and TIP shall lapse and no new project-level conformity determinations shall be made.

(4) For a complete SIP for a PM10 NAA or for a CO NAA with a design value of 12.7 ppm or greater or for a maintenance plan disapproved by EPA:

(a) No new plan, TIP or project shall be found to conform;

(b) If the disapproval is because the measures committed to in the SIP are not in an enforceable form as required by section 110 (a)(2)(A) of the CAA then twelve months after the disapproval the conformity status of the existing plan and TIP shall lapse; and

(c) Four months after the disapproval the conformity status of the existing plan and TIP shall lapse and no new project-level conformity determinations shall be made.

(5) If a SIP submitted for a marginal ozone NAA or a CO NAA with a design value less than 12.7 ppm contains control strategies then the requirements of subsections (3) and (4) of this section shall apply.

(6) The provisions of subsections (2), (3), (4), and (5) of this section shall be removed upon receipt of a letter from the EPA regional administrator acknowledging remedying of the deficiencies.

AMENDATORY SECTION (Amending Order 92-07, filed 1/22/93, effective 2/22/93)

WAC 173-420-060 General criteria. (1) Transportation plans, improvement programs, and projects shall meet the purpose and intent of the current SIP of eliminating or reducing the severity and number of violations of the NAAQS and expeditiously achieving those standards, comply with the federal transportation conformity regulations, (40

C.F.R. Part 51 Subpart T), and shall not preclude the implementation of any transportation control measures identified in the SIP.

(2) All transportation plans, improvement programs, and projects shall comply with the criteria in subsection (3) of this section, in addition to the specific criteria contained in WAC 173-420-080, 173-420-090, and 173-420-100, respectively.

(3) Transportation plans, improvement programs, or projects shall not:

(a) Cause or contribute to any new violation of the NAAQS;

(b) Increase the frequency or severity of any existing violation of the NAAQS; or

(c) Delay the timely attainment of the NAAQS.

NEW SECTION

WAC 173-420-065 Specific criteria. (1) All transportation plans, improvement programs, and projects shall comply with the criteria in subsections (2), (3), and (4) of this section.

(2) At all times the following criteria shall be met:

(a) The conformity determination for plans, TIPs, and projects shall:

(i) Be based on the latest planning assumptions.

(ii) Be based on the latest EPA approved emission estimation model available.

(iii) Be made according to the consultation procedures contained in WAC 173-420-070.

(b) The plan and TIP shall provide for the timely implementation of TCMs from the SIP or maintenance plan.

(c) There shall be a currently conforming plan and currently conforming TIP at the time of project approval.

(d) The project shall come from a conforming plan and conforming TIP.

(e) In CO and PM10 nonattainment and maintenance areas the project shall not cause or contribute to any new localized CO or PM10 violations or increase the frequency or severity of any existing CO or PM10 violations.

(f) In PM10 nonattainment and maintenance areas the project shall comply with PM10 measures in the applicable SIP or maintenance plan.

(3) Until approval of an applicable SIP by EPA the following criteria shall also be met:

(a) Plans and TIPs:

(i) In O3 nonattainment areas the action scenario emissions shall be less than the baseline scenario emissions.

(ii) In O3 nonattainment areas the action scenario emissions shall be less than the 1990 emissions.

(iii) In all CO nonattainment areas the action scenario emissions shall be less than the baseline scenario emissions.

(iv) In all CO nonattainment areas the action scenario emissions shall be less than the 1990 emissions.

(v) In CO nonattainment areas with a design value of 12.7 ppm or greater, the emissions shall be less than or equal to the motor vehicle emissions budget.

(vi) In PM10 nonattainment areas the emissions shall be less than or equal to the motor vehicle emissions budget.

(vii) In PM10 nonattainment areas the action scenario emissions shall be less than or equal to the baseline scenario emissions or the 1990 emissions.

(b) Projects in CO nonattainment areas shall eliminate or reduce the severity and number of localized CO violations in the area substantially affected by the project.

(4) After approval of the SIP by EPA or when the maintenance plan is in effect the following criteria shall be met:

(a) The plan and TIP shall be consistent with the Motor Vehicle Emissions Budget (MVEB) in the applicable SIP or maintenance plan.

(b) No additional criteria are required for projects.

AMENDATORY SECTION (Amending Order 92-07, filed 1/22/93, effective 2/22/93)

WAC 173-420-070 Air quality analysis procedures.

(1) Air quality analysis for transportation plans, programs, and projects shall be modeled for criteria pollutants using EPA and the federal Department of Transportation approved methods.

(2) Air quality analysis procedures and methodology used in determining conformity for transportation plans and improvement programs shall be determined through consultation with the MPO, the United States Department of Transportation and the Environmental Protection Agency, the state departments of ecology and transportation, the local air authority, and other interested representatives of the public. The consultation procedure for SIP and maintenance plan development in the applicable SIP shall be used for the consultation process required by this section. The consultation process shall also be used for determining research and data collection efforts, and regional transportation model development, events that will trigger new conformity determinations, the status of TCMs, significant changes in project design and scope, and projects which require PM10 analysis. The specific analysis procedures and methodology selected shall comply with this chapter, the federal transportation conformity regulation (40 C.F.R. Part 51 Subpart T), and the applicable SIP. Agreement on the methods and assumptions including modeling parameters, model accuracy, and the base year against which alternatives are compared, shall be reached on all programs and plans prior to the conformity determination. Procedures, methodologies, and input parameters shall be reviewed and updated at least once every two years under the direction of the departments of ecology and transportation. Such review shall occur prior to conformity determination of transportation plan or TIP revisions.

(3) Procedures, methodologies, and assumptions for project analysis shall be consistent with those procedures, methodologies, and assumptions developed for analysis of transportation plans and improvement programs in subsection (2) of this section.

(4) Each MPO shall conduct conformity analyses of the transportation plan and improvement program developed in its region.

(5) The lead agency shall be responsible for project conformity analysis.

(6) The impact of preferred alternative transportation plans, improvement programs, and projects shall be quantified and compared for compliance to the SIP requirements, and the requirements of WAC 173-420-060, and 173-420-065. (~~When finding conformity during the period prior to~~

~~attainment of the NAAQS, if analysis consistent with subsection (2) of this section demonstrates that within the area significantly affected by the preferred alternative the highest concentration exceeds the NAAQS, but the alternative makes progress towards attaining the NAAQS through overall decreases in concentration or emissions, the preferred alternative shall be found to conform with the purpose of the state implementation plan and the requirements of the Clean Air Act (42 U.S.C. 7506(e)), provided that the requirements of WAC 173-420-060(3) are met. Additionally, projects shall conform whenever analysis demonstrates that within the area significantly affected by the preferred alternative the highest concentration is less than the NAAQS. After the date of the attainment demonstration, modeling of the preferred alternative shall not indicate any violations of the NAAQS.)~~ If modeling does not indicate that the requirements of this section are met, mitigating measures shall be required and the plan, improvement program, or project remodeled. All else being equal, the alternative with the lowest concentration shall be chosen over all other alternatives.

AMENDATORY SECTION (Amending Order 92-07, filed 1/22/93, effective 2/22/93)

WAC 173-420-080 Transportation plan conformity.

Transportation plans shall include policies and provisions that promote the reduction of criteria pollutants. Transportation plans shall identify those aspects of the existing transportation system whose modification offers the best opportunity for improving air quality. Transportation plans shall include descriptions of the existing and proposed transportation system in sufficient detail, to permit conformity determinations using the criteria in WAC 173-420-060 and 173-420-065. Plans shall be analyzed with regional emission analysis for criteria pollutants. Local plans that are consistent under RCW 47.80.030 with a conforming regional transportation plan are deemed to comply with this chapter provided that the requirements of WAC 173-420-050 are met. Upon a conformity finding by the MPO, the plan shall be submitted to the United States Department of Transportation for federal conformity determination.

AMENDATORY SECTION (Amending Order 92-07, filed 1/22/93, effective 2/22/93)

WAC 173-420-110 Exempt projects. The following types of projects because of their nature, will not affect the outcome of any air quality analyses nor add any substance to those analyses and are exempted from all conformity requirements.

(1) Safety, preservation, or maintenance projects of the following type:

- (a) Railroad/highway crossing signing;
- (b) Pavement marking that does not add lanes or capacity;
- (c) Hazard elimination program;
- (d) Off-system road safety;
- (e) Emergency relief;
- (f) Shoulder improvements;
- (g) Truck size and weight inspection stations;
- (h) Safety improvement program;
- (i) Railroad/highway crossing warning devices;

- (j) Increasing sight distance that does not require changes in horizontal or vertical alignments;
 - (k) Guardrails, median barriers, crash cushions;
 - (l) Pavement resurfacing or rehabilitation;
 - (m) Widening narrow pavements or bridges (less than one travel lane);
 - (n) Noise attenuation;
 - (o) Fencing;
 - (p) Skid treatments;
 - (q) Safety roadside rest areas;
 - (r) Truck climbing lanes outside the urbanized area;
 - (s) Lighting improvements;
 - (t) Median additions;
 - (u) Emergency truck pullovers.
- (2) Mass transit projects of the following type:
- (a) Purchase of office, shop, and operating equipment for existing facilities;
 - (b) Purchase of operating equipment for vehicles, including ferries, trains, and buses;
 - (c) Construction or renovation of power, signal, and communication systems;
 - (d) Operating assistance;
 - (e) Rehabilitation of transit vehicles, including buses, ferries, and trains;
 - (f) Reconstruction or renovation of transit buildings and structures;
 - (g) Construction of small passenger shelters and information/ticketing kiosks;
 - (h) Rehabilitation or reconstruction of track structures, track, and trackbed in existing right of way;
 - (i) Noise attenuation;
 - (j) Purchase of vehicles to replace existing vehicles or for minor expansions of fleets to provide new service (less than five percent per year);
 - (k) Construction of new vehicle storage and maintenance facilities;
 - (l) Purchase of support vehicles.
- (3) Air quality projects of the following type:
- (a) Continuation of rideshare and vanpooling promotion activities at current levels;
 - (b) Bicycle projects;
 - (c) Pedestrian facilities.
 - (4) Other projects of the following type:
 - (a) Acquisition of scenic easements;
 - (b) Planting and landscaping;
 - (c) Sign removal;
 - (d) Wetland mitigation, fish passage mitigation, and other environmental mitigation not related to air quality;
 - (e) Historical and cultural markers;
 - (f) Preliminary engineering through design, provided that funds are not expended or assurance is not made that will commit to the construction of a project;
 - (g) Access permits except when there is a break in full, modified, or partial access control;
 - (h) Advanced land acquisitions that do not influence the environmental assessment of a project, the decision of the need to construct the project, or the selection of project design or location;
 - (i) Planning and technical studies that do not commit to project implementation;
 - (j) Training and research programs;

(k) Engineering to assess social, economic, and environmental effects of the proposed action or alternatives to that action.

NEW SECTION

WAC 173-420-120 Projects exempt from regional analysis. The following types of projects because of their nature, will not affect the outcome of regional air quality emissions analyses nor add substance to those analyses and are exempted from regional conformity analysis. Project level conformity analysis is required for these types of projects.

- (1) Intersection channelization projects;
- (2) Intersection signalization projects at individual intersections;
- (3) Interchange reconfiguration projects;
- (4) Changes in vertical and horizontal alignment;
- (5) Truck size and weight inspection stations;
- (6) Bus terminals and transfer points.

WSR 95-18-026

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed August 25, 1995, 1:20 p.m., effective August 25, 1995]

Date of Adoption: August 25, 1995.

Purpose: WAC 458-40-610 is being amended to define new terms relating to the reporting of timber harvests. The amendments include definitions of "chipwood" and "small logs" that are new categories set forth in the stumpage value tables and harvest value adjustment tables contained in WAC 458-40-660.

Citation of Existing Rules Affected by this Order: Amending WAC 458-40-610.

Statutory Authority for Adoption: RCW 82.32.330 and 84.33.096.

Adopted under notice filed as WSR 95-15-066 on July 14, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 1, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The immediate effective date is necessary because this rule was previously filed as an emergency rule and that emergency rule expires August 26, 1995. The immediate effectiveness

of this rule is necessary to avoid any confusion or disruption in the administration of the timber excise tax program.

Effective Date of Rule: Immediately [August 25, 1995].

August 25, 1995

Russell W. Brubaker

Assistant Director

AMENDATORY SECTION (Amending WSR 90-14-033, filed 6/29/90, effective 7/30/90)

WAC 458-40-610 Timber excise tax—Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply to WAC 458-40-600 through 458-40-690.

(1) Codominant trees. Trees whose crowns form the general level of the crown cover and receive full light from above, but comparatively little light from the sides.

(2) Competitive sales. The offering for sale of timber which is advertised to the general public for sale at public auction under terms wherein all qualified potential buyers have an equal opportunity to bid on the sale, and the sale is awarded to the highest qualified bidder. The term "competitive sales" includes making available to the general public permits for the removal of forest products.

(3) Department. The department of revenue of the state of Washington.

(4) Dominant trees. Trees whose crowns are higher than the general level of the canopy and which receive full light from the sides as well as from above.

(5) Harvest unit. An area of timber harvest having the same forest excise tax permit number, stumpage value area, hauling distance zone, harvest adjustments, and harvester. It may include more than one section: *Provided*, A harvest unit may not overlap a county boundary.

(6) Hauling distance zone. An area with specified boundaries as shown on the state-wide stumpage value area and hauling distance zone maps contained in WAC 458-40-640, having similar accessibility to timber markets.

(7) Log grade. Those grades listed in the "Official Log Scaling and Grading Rules" handbook developed and authored by the Northwest Log Rules Advisory Group (Advisory Group). "Utility grade" means logs that do not meet the minimum requirements of peeler or sawmill grades as defined in the handbook published by the Advisory Group but are suitable for the production of firm useable chips to an amount of not less than fifty percent of the gross scale; and meeting the following minimum requirements:

Minimum gross diameter—two inches.

Minimum gross length—twelve feet.

Minimum volume—ten board feet net scale.

Minimum recovery requirements—one hundred percent of adjusted gross scale in firm useable chips.

(8) Lump sum sale. Also known as a cash sale or an installment sale, it is a sale of timber wherein the total sale price is dependent upon an estimate of the total volume of timber in the sale rather than the actual volume harvested.

~~((8))~~ (9) MBF. One thousand board feet measured in Scribner Decimal C Log Scale Rule.

~~((9))~~ (10) Noncompetitive sales. Sales of timber in which the purchaser has a preferential right to purchase the timber or a right of first refusal.

~~((10))~~ (11) Other consideration. Value given in lieu of cash as payment for stumpage, such as improvements to the land that are of a permanent nature. It may include, but is not limited to, the construction of permanent roads and the installation of permanent bridges.

~~((11))~~ (12) Permanent road. A road built as part of the harvesting operation which is intended to have a useful life subsequent to the completion of the harvest.

~~((12))~~ (13) Private timber. All timber harvested from privately owned lands, including timber on reclassified reforestation land under chapters 84.28 and 84.33 RCW.

~~((13))~~ (14) Public timber. Timber harvested from federal, state, county, municipal, or other government owned lands.

~~((14))~~ (15) Remote island. An area of land which is totally surrounded by water at normal high tide and which has no bridge or causeway connecting it to the mainland.

~~((15))~~ (16) Sale price. The amount paid for timber in cash or other consideration.

~~((16))~~ (17) Scale sale. A sale of timber in which the sale price is the product of the actual volume harvested and the unit price at the time of harvest.

~~((17))~~ (18) Species. A grouping of timber based on biological or physical characteristics. In addition to the designations of species or subclassifications defined in Agriculture Handbook No. 451 Checklist of United States Trees (native and naturalized) found in the state of Washington, the following shall be considered separate species for the purpose of harvest classification used in the stumpage value tables:

(a) Other conifer. All conifers not separately designated in the stumpage value tables. See WAC 458-40-660.

(b) Other hardwood. All hardwoods not separately designated.

~~(c) Conifer utility. All conifer logs graded as utility.~~

~~(d) Hardwood utility. All hardwood logs graded as utility or number four sawmill as defined by the current edition of the "Official Log Scaling and Grading Rules" as developed and authored by the Northwest Log Rules Advisory Group.~~

~~(e))~~ Special forest products. The following are considered to be separate species of special forest products: Christmas trees (various species), posts (various species), western redcedar flatsawn and shingle blocks, western redcedar shake blocks and boards.

~~((18))~~ (d) Chipwood. All timber processed to produce chips or chip products delivered to a designated chipwood destination that has been approved in accordance with the provisions of WAC 458-40-670 or otherwise reportable in accordance with the provisions of WAC 458-40-670 (4) or (5).

(e) Small logs. All conifer logs harvested in stumpage value areas 6 or 7 generally measuring seven inches or less in scaling diameter, delivered to and purchased by weight measure at designated small log destinations that have been approved in accordance with the provisions of WAC 458-40-670(6). Log diameter and length is determined by merchandizer scanner with length not to exceed twenty feet.

(f) Sawlog. For purposes of timber harvest in stumpage value areas 6 and 7, a sawlog is a log having a net scale of not less than 33 1/3% of gross scale, nor less than ten board feet and meeting the following minimum characteristics:

Gross scaling diameter of five inches and a gross scaling length of eight feet.

(19) Stumpage. Standing or fallen trees, live or dead, having commercial value which have not been severed from the stump.

~~((19))~~ (20) Stumpage value area (SVA). An area with specified boundaries which contains timber having similar growing, harvesting and marketing conditions.

~~((20))~~ (21) Thinning. Timber removed from a harvest unit meeting all the following conditions:

(a) Located in ~~((Western Washington))~~ stumpage value areas 1, 2, 3, 4, 5, and 10;

(b) The total volume removed is less than forty percent of the total merchantable volume of the harvest unit prior to harvest;

~~(c) ((Not more than forty percent of the total volume removed is from the dominant and codominant trees;~~

~~(d) The trees removed in the harvest operation shall be distributed over the entire harvest unit.~~

~~(21))~~ Leave a minimum of one hundred undamaged, evenly spaced, dominant or codominant trees per acre of a commercial species or combination thereof.

(22) Timber. Forest trees, standing or down, on privately or publicly owned land, and except as provided in RCW 84.33.170, includes Christmas trees.

New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.
August 25, 1995
Russell W. Brubaker
Assistant Director

AMENDATORY SECTION (Amending WSR 95-02-038, filed 12/30/94, effective 1/1/95)

WAC 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments. (1) Introduction. This section sets forth the stumpage value tables and the stumpage value adjustments that are used to calculate the amount of timber excise tax owed by a timber harvester.

(2) **Stumpage value tables.** The following stumpage value tables are hereby adopted for use in reporting the taxable value of stumpage harvested during the period ~~((January))~~ July 1 through ~~((June 30))~~ December 31, 1995:

**((TABLE 1—Stumpage Value Table
Stumpage Value Area 1
January 1 through June 30, 1995**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁴

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$927	\$920	\$913	\$906	\$899
		2	872	865	858	851	844
		3	724	717	710	703	696
		4	611	604	597	590	583
Western Redcedar ²	RC	1	1072	1065	1058	1051	1044
		2	970	963	956	949	942
		3	960	953	946	939	932
		4	442	435	428	421	414
Western Hemlock ²	WH	1	560	553	546	539	532
		2	474	467	460	453	446
		3	452	445	438	431	424
		4	337	330	323	316	309
Other Conifer	OC	1	560	553	546	539	532
		2	474	467	460	453	446
		3	452	445	438	431	424
		4	337	330	323	316	309
Red Alder	RA	1	186	179	172	165	158
		2	150	143	136	129	122
		3	47	40	33	26	19
Black Cottonwood	BC	1	159	152	145	138	131
		2	145	138	131	124	117
		3	47	40	33	26	19
Other Hardwood	OH	1	140	133	126	119	112
		2	108	101	94	87	80
		3	47	40	33	26	19
Chipwood ⁴	CHW	1	13	12	11	10	9
RC Shake Blocks	RCS	1	315	308	301	294	287
RC Shingle Blocks	RCF	1	126	119	112	105	98
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

⁴ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

WSR 95-18-027
PERMANENT RULES
DEPARTMENT OF REVENUE
[Filed August 25, 1995, 1:24 p.m.]

Date of Adoption: August 25, 1995.

Purpose: WAC 458-40-660 is being amended to comply with existing law that requires the adjustment of stumpage values every six months and to incorporate tables setting forth harvest value adjustments previously contained in WAC 458-40-670. WAC 458-40-670 is being amended to explain the process to be followed in the reporting of "chipwood" and "small logs" for the payment of timber excise tax and to eliminate the harvest value adjustment tables that are being moved to WAC 458-40-660.

Citation of Existing Rules Affected by this Order: Amending WAC 458-40-660 and 458-40-670.

Statutory Authority for Adoption: RCW 82.32.330, 84.33.096, and 84.33.200.

Adopted under notice filed as WSR 95-15-067 on July 14, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 2, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 2, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 2, repealed 0; Pilot Rule Making:

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- ² Includes Alaska Cedar.
- ³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
- ⁴ Stumpage value per ton.
- ⁵ Stumpage value per 8 lineal feet or portion thereof.
- ⁶ Stumpage value per lineal foot.

**TABLE 2—Stumpage Value Table
Stumpage Value Area 2
January 1 through June 30, 1995**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale[†]

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$858	\$851	\$844	\$837	\$830
		2	791	784	777	770	763
		3	645	638	631	624	617
		4	529	522	515	508	501
Western Redcedar ²	RC	1	1072	1065	1058	1051	1044
		2	1046	1039	1032	1025	1018
		3	636	629	622	615	608
		4	348	341	334	327	320
Western Hemlock ³	WH	1	565	558	551	544	537
		2	501	494	487	480	473
		3	476	469	462	455	448
		4	397	390	383	376	369
Other Conifer	OC	1	565	558	551	544	537
		2	501	494	487	480	473
		3	476	469	462	455	448
		4	397	390	383	376	369
Red Alder	RA	1	186	179	172	165	158
		2	150	143	136	129	122
		3	47	40	33	26	19
Black Cottonwood	BC	1	159	152	145	138	131
		2	145	138	131	124	117
		3	47	40	33	26	19
Other Hardwood	OH	1	140	133	126	119	112
		2	108	101	94	87	80
		3	47	40	33	26	19
Chipwood ⁴	CHW	1	13	12	11	10	9
RC Shake Blocks	RCS	1	315	308	301	294	287
RC Shingle Blocks	RCF	1	126	119	112	105	98
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

- [†] Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
- ² Includes Alaska Cedar.
- ³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
- ⁴ Stumpage value per ton.
- ⁵ Stumpage value per 8 lineal feet or portion thereof.
- ⁶ Stumpage value per lineal foot.

**TABLE 3—Stumpage Value Table
Stumpage Value Area 3
January 1 through June 30, 1995**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale[†]

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$846	\$839	\$832	\$825	\$818
		2	814	807	800	793	786
		3	658	651	644	637	630
		4	602	595	588	581	574
Western Redcedar ²	RC	1	1072	1065	1058	1051	1044
		2	999	992	985	978	971
		3	750	743	736	729	722
		4	463	456	449	442	435
Western Hemlock ³	WH	1	543	536	529	522	515
		2	492	485	478	471	464
		3	486	479	472	465	458
		4	384	377	370	363	356
Other Conifer	OC	1	543	536	529	522	515
		2	492	485	478	471	464
		3	486	479	472	465	458
		4	384	377	370	363	356
Red Alder	RA	1	186	179	172	165	158
		2	150	143	136	129	122
		3	47	40	33	26	19
Black Cottonwood	BC	1	159	152	145	138	131
		2	145	138	131	124	117
		3	47	40	33	26	19
Other Hardwood	OH	1	140	133	126	119	112
		2	108	101	94	87	80
		3	47	40	33	26	19
Chipwood ⁴	CHW	1	13	12	11	10	9
RC Shake Blocks	RCS	1	315	308	301	294	287
RC Shingle Blocks	RCF	1	126	119	112	105	98
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

- [†] Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
- ² Includes Alaska Cedar.
- ³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
- ⁴ Stumpage value per ton.
- ⁵ Stumpage value per 8 lineal feet or portion thereof.
- ⁶ Stumpage value per lineal foot.

**TABLE 4—Stumpage Value Table
Stumpage Value Area 4
January 1 through June 30, 1995**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale[†]

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir ²	DF	1	\$989	\$982	\$975	\$968	\$961
		2	788	781	774	767	760
		3	656	649	642	635	628
		4	530	523	516	509	502
Lodgepole Pine	LP	1	362	355	348	341	334

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Ponderosa Pine	PP	1	541	534	527	520	513
		2	364	357	350	343	336
Western Redcedar ²	RC	1	1072	1065	1058	1051	1044
		2	886	879	872	865	858
		3	796	789	782	775	768
		4	329	322	315	308	301
Western Hemlock ⁴	WH	1	543	536	529	522	515
		2	524	517	510	503	496
		3	511	504	497	490	483
		4	355	348	341	334	327
Other Conifer	OC	1	543	536	529	522	515
		2	524	517	510	503	496
		3	511	504	497	490	483
		4	355	348	341	334	327
Red Alder	RA	1	186	179	172	165	158
		2	150	143	136	129	122
		3	47	40	33	26	19
Black Cottonwood	BC	1	159	152	145	138	131
		2	145	138	131	124	117
		3	47	40	33	26	19
Other Hardwood	OH	1	140	133	126	119	112
		2	108	101	94	87	80
		3	47	40	33	26	19
Chipwood ⁵	CHW	1	13	12	11	10	9
RC Shake Blocks	RCS	1	315	308	301	294	287
RC Shingle Blocks	RCF	1	126	119	112	105	98
RC & Other Posts ⁶	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁷	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁷	TFX	1	0.50	0.50	0.50	0.50	0.50

Western Hemlock ⁴	WH	1	543	536	529	522	515
		2	492	485	478	471	464
		3	467	460	453	446	439
		4	411	404	397	390	383
Other Conifer	OC	1	543	536	529	522	515
		2	492	485	478	471	464
		3	467	460	453	446	439
		4	411	404	397	390	383
Red Alder	RA	1	186	179	172	165	158
		2	150	143	136	129	122
		3	47	40	33	26	19
Black Cottonwood	BC	1	159	152	145	138	131
		2	145	138	131	124	117
		3	47	40	33	26	19
Other Hardwood	OH	1	140	133	126	119	112
		2	108	101	94	87	80
		3	47	40	33	26	19
Chipwood ⁵	CHW	1	13	12	11	10	9
RC Shake Blocks	RCS	1	315	308	301	294	287
RC Shingle Blocks	RCF	1	126	119	112	105	98
RC & Other Posts ⁶	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁷	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁷	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁵ Stumpage value per ton.
⁶ Stumpage value per 8 lineal feet or portion thereof.
⁷ Stumpage value per lineal foot.

**TABLE 6—Stumpage Value Table
 Stumpage Value Area 6
 January 1 through June 30, 1995**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁴

Species Name	Species Code	Quality Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir ²	DF	1	\$424	\$417	\$410	\$403	\$396
Engelmann Spruce	ES	1	362	355	348	341	334
Lodgepole Pine	LP	1	362	355	348	341	334
Ponderosa Pine	PP	1	541	534	527	520	513
		2	364	357	350	343	336
Western Redcedar ²	RC	1	362	355	348	341	334
True Firs ⁴	WH	1	362	355	348	341	334
Western White Pine	WP	1	571	564	557	550	543
Hardwoods	OH	1	29	22	15	8	1
Small Logs ⁵	SML	1	32	31	30	29	28
Chipwood ⁵	CHW	1	7	6	5	4	3
RC Shake & Shingle Blocks	RCF	1	92	85	78	71	64
LP & Other Posts ⁶	LPP	1	0.35	0.35	0.35	0.35	0.35

**TABLE 5—Stumpage Value Table
 Stumpage Value Area 5
 January 1 through June 30, 1995**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁴

Species Name	Species Code	Quality Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir ²	DF	1	\$885	\$878	\$871	\$864	\$857
		2	810	803	796	789	782
		3	499	492	485	478	471
		4	498	491	484	477	470
Lodgepole Pine	LP	1	362	355	348	341	334
Ponderosa Pine	PP	1	541	534	527	520	513
		2	364	357	350	343	336
Western Redcedar ²	RC	1	1072	1065	1058	1051	1044
		2	998	991	984	977	970
		3	543	536	529	522	515
		4	542	535	528	521	514

Pine Christmas Trees ⁷	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁸	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁵ Stumpage value per ton.
⁶ Stumpage value per 8 lineal foot or portion thereof.
⁷ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁸ Stumpage value per lineal foot.

**TABLE 7—Stumpage Value Table
Stumpage Value Area 7
January 1 through June 30, 1995**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir ²	DF	1	\$354	\$347	\$340	\$333	\$326
Engelmann Spruce	ES	1	268	261	254	247	240
Lodgepole Pine	LP	1	310	303	296	289	282
Ponderosa Pine	PP	1	541	534	527	520	513
		2	364	357	350	343	336
Western Redcedar ²	RC	1	571	564	557	550	543
True Fir ⁴	WH	1	305	298	291	284	277
Western White Pine	WP	1	571	564	557	550	543
Hardwoods	OH	1	29	22	15	8	1
Small Logs ⁵	SML	1	21	20	19	18	17
Chipwood ⁵	CHW	1	7	6	5	4	3
RC Shake & Shingle Blocks	RCF	1	92	85	78	71	64
LP & Other Posts ⁶	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁷	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁸	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁵ Stumpage value per ton.
⁶ Stumpage value per 8 lineal foot or portion thereof.
⁷ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁸ Stumpage value per lineal foot.

**TABLE 8—Stumpage Value Table
Stumpage Value Area 10
January 1 through June 30, 1995**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir ²	DF	1	\$975	\$968	\$961	\$954	\$947
		2	774	767	760	753	746
		3	642	635	628	621	614
		4	516	509	502	495	488
Lodgepole Pine	LP	1	362	355	348	341	334
Ponderosa Pine	PP	1	541	534	527	520	513
		2	364	357	350	343	336
Western Redcedar ²	RC	1	1058	1051	1044	1037	1030
		2	872	865	858	851	844
		3	782	775	768	761	754
		4	315	308	301	294	287
Western Hemlock ⁴	WH	1	529	522	515	508	501
		2	510	503	496	489	482
		3	497	490	483	476	469
		4	341	334	327	320	313
Other Conifer	OC	1	529	522	515	508	501
		2	510	503	496	489	482
		3	497	490	483	476	469
		4	341	334	327	320	313
Red Alder	RA	1	172	165	158	151	144
		2	136	129	122	115	108
		3	33	26	19	12	5
Black Cottonwood	BC	1	145	138	131	124	117
		2	131	124	117	110	103
		3	22	26	19	12	5
Other Hardwood	OH	1	126	119	112	105	98
		2	94	87	80	73	66
		3	33	26	19	12	5
Chipwood ⁵	CHW	1	12	11	10	9	8
RC Shake Blocks	RCS	1	315	308	301	294	287
RC Shingle Blocks	RCF	1	126	119	112	105	98
RC & Other Posts ⁶	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁷	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁸	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁵ Stumpage value per ton.
⁶ Stumpage value per 8 lineal foot or portion thereof.
⁷ Stumpage value per lineal foot.
⁸ Stumpage value per lineal foot.

PERMANENT

TABLE 1—Stumpage Value Table
Stumpage Value Area 1
 July 1 through December 31, 1995

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$855	\$848	\$841	\$834	\$827
		2	727	720	713	706	699
		3	675	668	661	654	647
		4	473	466	459	452	445
Western Redcedar ²	RC	1	1204	1197	1190	1183	1176
		2	1204	1197	1190	1183	1176
		3	1117	1110	1103	1096	1089
		4	292	285	278	271	264
Western Hemlock ³	WH	1	570	563	556	549	542
		2	444	437	430	423	416
		3	427	420	413	406	399
		4	395	388	381	374	367
Other Conifer	OC	1	570	563	556	549	542
		2	444	437	430	423	416
		3	427	420	413	406	399
		4	395	388	381	374	367
Red Alder	RA	1	107	100	93	86	79
		2	82	75	68	61	54
		3	62	55	48	41	34
Black Cottonwood	BC	1	81	74	67	60	53
		2	66	59	52	45	38
		3	62	55	48	41	34
Other Hardwood	OH	1	80	73	66	59	52
		2	80	73	66	59	52
		3	62	55	48	41	34
Chipwood ⁴	CHW	1	18	17	16	15	14
RC Shake Blocks	RCS	1	310	303	296	289	282
RC Shingle Blocks	RCF	1	118	111	104	97	90
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Alaska-Cedar.
³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁴ Stumpage value per ton.
⁵ Stumpage value per 8 lineal feet or portion thereof.
⁶ Stumpage value per lineal foot.

TABLE 2—Stumpage Value Table
Stumpage Value Area 2
 July 1 through December 31, 1995

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$1,052	\$1,045	\$1,038	\$1,031	\$1,024
		2	753	746	739	732	725
		3	667	660	653	646	639
		4	479	472	465	458	451

Western Redcedar ²	RC	1	1204	1197	1190	1183	1176
		2	1204	1197	1190	1183	1176
		3	920	913	906	899	892
		4	277	270	263	256	249
Western Hemlock ³	WH	1	478	471	464	457	450
		2	478	471	464	457	450
		3	465	458	451	444	437
		4	399	392	385	378	371
Other Conifer	OC	1	478	471	464	457	450
		2	478	471	464	457	450
		3	465	458	451	444	437
		4	399	392	385	378	371
Red Alder	RA	1	107	100	93	86	79
		2	82	75	68	61	54
		3	62	55	48	41	34
Black Cottonwood	BC	1	81	74	67	60	53
		2	66	59	52	45	38
		3	62	55	48	41	34
Other Hardwood	OH	1	80	73	66	59	52
		2	80	73	66	59	52
		3	62	55	48	41	34
Chipwood ⁴	CHW	1	18	17	16	15	14
RC Shake Blocks	RCS	1	310	303	296	289	282
RC Shingle Blocks	RCF	1	118	111	104	97	90
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Alaska-Cedar.
³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁴ Stumpage value per ton.
⁵ Stumpage value per 8 lineal feet or portion thereof.
⁶ Stumpage value per lineal foot.

TABLE 3—Stumpage Value Table
Stumpage Value Area 3
 July 1 through December 31, 1995

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$865	\$858	\$851	\$844	\$837
		2	696	689	682	675	668
		3	651	644	637	630	623
		4	379	372	365	358	351
Western Redcedar ²	RC	1	1204	1197	1190	1183	1176
		2	1204	1197	1190	1183	1176
		3	764	757	750	743	736
		4	329	322	315	308	301
Western Hemlock ³	WH	1	506	499	492	485	478
		2	465	458	451	444	437
		3	456	449	442	435	428
		4	372	365	358	351	344
Other Conifer	OC	1	506	499	492	485	478
		2	465	458	451	444	437
		3	456	449	442	435	428
		4	372	365	358	351	344
Red Alder	RA	1	107	100	93	86	79
		2	82	75	68	61	54
		3	62	55	48	41	34

<u>Black Cottonwood</u>	<u>BC</u>	<u>1</u>	<u>81</u>	<u>74</u>	<u>67</u>	<u>60</u>	<u>53</u>
		<u>2</u>	<u>66</u>	<u>59</u>	<u>52</u>	<u>45</u>	<u>38</u>
		<u>3</u>	<u>62</u>	<u>55</u>	<u>48</u>	<u>41</u>	<u>34</u>
<u>Other Hardwood</u>	<u>OH</u>	<u>1</u>	<u>80</u>	<u>73</u>	<u>66</u>	<u>59</u>	<u>52</u>
		<u>2</u>	<u>80</u>	<u>73</u>	<u>66</u>	<u>59</u>	<u>52</u>
		<u>3</u>	<u>62</u>	<u>55</u>	<u>48</u>	<u>41</u>	<u>34</u>
<u>Chipwood⁴</u>	<u>CHW</u>	<u>1</u>	<u>18</u>	<u>17</u>	<u>16</u>	<u>15</u>	<u>14</u>
<u>RC Shake Blocks</u>	<u>RCS</u>	<u>1</u>	<u>310</u>	<u>303</u>	<u>296</u>	<u>289</u>	<u>282</u>
<u>RC Shingle Blocks</u>	<u>RCF</u>	<u>1</u>	<u>118</u>	<u>111</u>	<u>104</u>	<u>97</u>	<u>90</u>
<u>RC & Other Posts⁵</u>	<u>RCP</u>	<u>1</u>	<u>0.45</u>	<u>0.45</u>	<u>0.45</u>	<u>0.45</u>	<u>0.45</u>
<u>DF Christmas Trees⁶</u>	<u>DFX</u>	<u>1</u>	<u>0.25</u>	<u>0.25</u>	<u>0.25</u>	<u>0.25</u>	<u>0.25</u>
<u>Other Christmas Trees⁶</u>	<u>TFX</u>	<u>1</u>	<u>0.50</u>	<u>0.50</u>	<u>0.50</u>	<u>0.50</u>	<u>0.50</u>

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Alaska-Cedar.
³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁴ Stumpage value per ton.
⁵ Stumpage value per 8 lineal feet or portion thereof.
⁶ Stumpage value per lineal foot.

TABLE 4—Stumpage Value Table
Stumpage Value Area 4
 July 1 through December 31, 1995

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
<u>Douglas-Fir²</u>	<u>DF</u>	<u>1</u>	<u>\$841</u>	<u>\$834</u>	<u>\$827</u>	<u>\$820</u>	<u>\$813</u>
		<u>2</u>	<u>728</u>	<u>721</u>	<u>714</u>	<u>707</u>	<u>700</u>
		<u>3</u>	<u>667</u>	<u>660</u>	<u>653</u>	<u>646</u>	<u>639</u>
		<u>4</u>	<u>462</u>	<u>455</u>	<u>448</u>	<u>441</u>	<u>434</u>
<u>Lodgepole Pine</u>	<u>LP</u>	<u>1</u>	<u>321</u>	<u>314</u>	<u>307</u>	<u>300</u>	<u>293</u>
<u>Ponderosa Pine</u>	<u>PP</u>	<u>1</u>	<u>567</u>	<u>560</u>	<u>553</u>	<u>546</u>	<u>539</u>
		<u>2</u>	<u>442</u>	<u>435</u>	<u>428</u>	<u>421</u>	<u>414</u>
<u>Western Redcedar³</u>	<u>RC</u>	<u>1</u>	<u>1204</u>	<u>1197</u>	<u>1190</u>	<u>1183</u>	<u>1176</u>
		<u>2</u>	<u>1204</u>	<u>1197</u>	<u>1190</u>	<u>1183</u>	<u>1176</u>
		<u>3</u>	<u>911</u>	<u>904</u>	<u>897</u>	<u>890</u>	<u>883</u>
		<u>4</u>	<u>289</u>	<u>282</u>	<u>275</u>	<u>268</u>	<u>261</u>
<u>Western Hemlock⁴</u>	<u>WH</u>	<u>1</u>	<u>466</u>	<u>459</u>	<u>452</u>	<u>445</u>	<u>438</u>
		<u>2</u>	<u>443</u>	<u>436</u>	<u>429</u>	<u>422</u>	<u>415</u>
		<u>3</u>	<u>400</u>	<u>393</u>	<u>386</u>	<u>379</u>	<u>372</u>
		<u>4</u>	<u>310</u>	<u>303</u>	<u>296</u>	<u>289</u>	<u>282</u>
<u>Other Conifer</u>	<u>OC</u>	<u>1</u>	<u>466</u>	<u>459</u>	<u>452</u>	<u>445</u>	<u>438</u>
		<u>2</u>	<u>443</u>	<u>436</u>	<u>429</u>	<u>422</u>	<u>415</u>
		<u>3</u>	<u>400</u>	<u>393</u>	<u>386</u>	<u>379</u>	<u>372</u>
		<u>4</u>	<u>310</u>	<u>303</u>	<u>296</u>	<u>289</u>	<u>282</u>
<u>Red Alder</u>	<u>RA</u>	<u>1</u>	<u>107</u>	<u>100</u>	<u>93</u>	<u>86</u>	<u>79</u>
		<u>2</u>	<u>82</u>	<u>75</u>	<u>68</u>	<u>61</u>	<u>54</u>
		<u>3</u>	<u>62</u>	<u>55</u>	<u>48</u>	<u>41</u>	<u>34</u>
<u>Black Cottonwood</u>	<u>BC</u>	<u>1</u>	<u>81</u>	<u>74</u>	<u>67</u>	<u>60</u>	<u>53</u>
		<u>2</u>	<u>66</u>	<u>59</u>	<u>52</u>	<u>45</u>	<u>38</u>
		<u>3</u>	<u>62</u>	<u>55</u>	<u>48</u>	<u>41</u>	<u>34</u>
<u>Other Hardwood</u>	<u>OH</u>	<u>1</u>	<u>80</u>	<u>73</u>	<u>66</u>	<u>59</u>	<u>52</u>
		<u>2</u>	<u>80</u>	<u>73</u>	<u>66</u>	<u>59</u>	<u>52</u>
		<u>3</u>	<u>62</u>	<u>55</u>	<u>48</u>	<u>41</u>	<u>34</u>
<u>Chipwood⁵</u>	<u>CHW</u>	<u>1</u>	<u>18</u>	<u>17</u>	<u>16</u>	<u>15</u>	<u>14</u>
<u>RC Shake Blocks</u>	<u>RCS</u>	<u>1</u>	<u>310</u>	<u>303</u>	<u>296</u>	<u>289</u>	<u>282</u>
<u>RC Shingle Blocks</u>	<u>RCF</u>	<u>1</u>	<u>118</u>	<u>111</u>	<u>104</u>	<u>97</u>	<u>90</u>
<u>RC & Other Posts⁶</u>	<u>RCP</u>	<u>1</u>	<u>0.45</u>	<u>0.45</u>	<u>0.45</u>	<u>0.45</u>	<u>0.45</u>
<u>DF Christmas Trees⁷</u>	<u>DFX</u>	<u>1</u>	<u>0.25</u>	<u>0.25</u>	<u>0.25</u>	<u>0.25</u>	<u>0.25</u>
<u>Other Christmas Trees⁷</u>	<u>TFX</u>	<u>1</u>	<u>0.50</u>	<u>0.50</u>	<u>0.50</u>	<u>0.50</u>	<u>0.50</u>

<u>RC & Other Posts⁶</u>	<u>RCP</u>	<u>1</u>	<u>0.45</u>	<u>0.45</u>	<u>0.45</u>	<u>0.45</u>	<u>0.45</u>
<u>DF Christmas Trees⁷</u>	<u>DFX</u>	<u>1</u>	<u>0.25</u>	<u>0.25</u>	<u>0.25</u>	<u>0.25</u>	<u>0.25</u>
<u>Other Christmas Trees⁷</u>	<u>TFX</u>	<u>1</u>	<u>0.50</u>	<u>0.50</u>	<u>0.50</u>	<u>0.50</u>	<u>0.50</u>

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁵ Stumpage value per ton.
⁶ Stumpage value per 8 lineal feet or portion thereof.
⁷ Stumpage value per lineal foot.

TABLE 5—Stumpage Value Table
Stumpage Value Area 5
 July 1 through December 31, 1995

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
<u>Douglas-Fir²</u>	<u>DF</u>	<u>1</u>	<u>\$819</u>	<u>\$812</u>	<u>\$805</u>	<u>\$798</u>	<u>\$791</u>
		<u>2</u>	<u>743</u>	<u>736</u>	<u>729</u>	<u>722</u>	<u>715</u>
		<u>3</u>	<u>617</u>	<u>610</u>	<u>603</u>	<u>596</u>	<u>589</u>
		<u>4</u>	<u>531</u>	<u>524</u>	<u>517</u>	<u>510</u>	<u>503</u>
<u>Lodgepole Pine</u>	<u>LP</u>	<u>1</u>	<u>321</u>	<u>314</u>	<u>307</u>	<u>300</u>	<u>293</u>
<u>Ponderosa Pine</u>	<u>PP</u>	<u>1</u>	<u>567</u>	<u>560</u>	<u>553</u>	<u>546</u>	<u>539</u>
		<u>2</u>	<u>442</u>	<u>435</u>	<u>428</u>	<u>421</u>	<u>414</u>
<u>Western Redcedar³</u>	<u>RC</u>	<u>1</u>	<u>1204</u>	<u>1197</u>	<u>1190</u>	<u>1183</u>	<u>1176</u>
		<u>2</u>	<u>1204</u>	<u>1197</u>	<u>1190</u>	<u>1183</u>	<u>1176</u>
		<u>3</u>	<u>898</u>	<u>891</u>	<u>884</u>	<u>877</u>	<u>870</u>
		<u>4</u>	<u>269</u>	<u>262</u>	<u>255</u>	<u>248</u>	<u>241</u>
<u>Western Hemlock⁴</u>	<u>WH</u>	<u>1</u>	<u>496</u>	<u>489</u>	<u>482</u>	<u>475</u>	<u>468</u>
		<u>2</u>	<u>439</u>	<u>432</u>	<u>425</u>	<u>418</u>	<u>411</u>
		<u>3</u>	<u>380</u>	<u>373</u>	<u>366</u>	<u>359</u>	<u>352</u>
		<u>4</u>	<u>362</u>	<u>355</u>	<u>348</u>	<u>341</u>	<u>334</u>
<u>Other Conifer</u>	<u>OC</u>	<u>1</u>	<u>496</u>	<u>489</u>	<u>482</u>	<u>475</u>	<u>468</u>
		<u>2</u>	<u>439</u>	<u>432</u>	<u>425</u>	<u>418</u>	<u>411</u>
		<u>3</u>	<u>380</u>	<u>373</u>	<u>366</u>	<u>359</u>	<u>352</u>
		<u>4</u>	<u>362</u>	<u>355</u>	<u>348</u>	<u>341</u>	<u>334</u>
<u>Red Alder</u>	<u>RA</u>	<u>1</u>	<u>107</u>	<u>100</u>	<u>93</u>	<u>86</u>	<u>79</u>
		<u>2</u>	<u>82</u>	<u>75</u>	<u>68</u>	<u>61</u>	<u>54</u>
		<u>3</u>	<u>62</u>	<u>55</u>	<u>48</u>	<u>41</u>	<u>34</u>
<u>Black Cottonwood</u>	<u>BC</u>	<u>1</u>	<u>81</u>	<u>74</u>	<u>67</u>	<u>60</u>	<u>53</u>
		<u>2</u>	<u>66</u>	<u>59</u>	<u>52</u>	<u>45</u>	<u>38</u>
		<u>3</u>	<u>62</u>	<u>55</u>	<u>48</u>	<u>41</u>	<u>34</u>
<u>Other Hardwood</u>	<u>OH</u>	<u>1</u>	<u>80</u>	<u>73</u>	<u>66</u>	<u>59</u>	<u>52</u>
		<u>2</u>	<u>80</u>	<u>73</u>	<u>66</u>	<u>59</u>	<u>52</u>
		<u>3</u>	<u>62</u>	<u>55</u>	<u>48</u>	<u>41</u>	<u>34</u>
<u>Chipwood⁵</u>	<u>CHW</u>	<u>1</u>	<u>18</u>	<u>17</u>	<u>16</u>	<u>15</u>	<u>14</u>
<u>RC Shake Blocks</u>	<u>RCS</u>	<u>1</u>	<u>310</u>	<u>303</u>	<u>296</u>	<u>289</u>	<u>282</u>
<u>RC Shingle Blocks</u>	<u>RCF</u>	<u>1</u>	<u>118</u>	<u>111</u>	<u>104</u>	<u>97</u>	<u>90</u>
<u>RC & Other Posts⁶</u>	<u>RCP</u>	<u>1</u>	<u>0.45</u>	<u>0.45</u>	<u>0.45</u>	<u>0.45</u>	<u>0.45</u>
<u>DF Christmas Trees⁷</u>	<u>DFX</u>	<u>1</u>	<u>0.25</u>	<u>0.25</u>	<u>0.25</u>	<u>0.25</u>	<u>0.25</u>
<u>Other Christmas Trees⁷</u>	<u>TFX</u>	<u>1</u>	<u>0.50</u>	<u>0.50</u>	<u>0.50</u>	<u>0.50</u>	<u>0.50</u>

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

PERMANENT

- ⁵ Stumpage value per ton.
- ⁶ Stumpage value per 8 lineal feet or portion thereof.
- ⁷ Stumpage value per lineal foot.

TABLE 6—Stumpage Value Table
Stumpage Value Area 6
 July 1 through December 31, 1995

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$446	\$439	\$432	\$425	\$418
Engelmann Spruce	ES	1	383	376	369	362	355
Lodgepole Pine	LP	1	321	314	307	300	293
Ponderosa Pine	PP	1	567	560	553	546	539
		2	442	435	428	421	414
Western Redcedar ³	RC	1	472	465	458	451	444
True Firs ⁴	WH	1	364	357	350	343	336
Western White Pine	WP	1	498	491	484	477	470
Hardwoods	OH	1	50	43	36	29	22
Small Logs ⁵	SML	1	34	33	32	31	30
Chipwood ⁵	CHW	1	14	13	12	11	10
RC Shake & Shingle Blocks	RCF	1	92	85	78	71	64
LP & Other Posts ⁶	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁷	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁸	DFX	1	0.25	0.25	0.25	0.25	0.25

- ¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
- ² Includes Western Larch.
- ³ Includes Alaska-Cedar.
- ⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
- ⁵ Stumpage value per ton.
- ⁶ Stumpage value per 8 lineal feet or portion thereof.
- ⁷ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
- ⁸ Stumpage value per lineal foot.

TABLE 7—Stumpage Value Table
Stumpage Value Area 7
 July 1 through December 31, 1995

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$364	\$357	\$350	\$343	\$336
Engelmann Spruce	ES	1	318	311	304	297	290
Lodgepole Pine	LP	1	266	259	252	245	238
Ponderosa Pine	PP	1	439	432	425	418	411
		2	342	335	328	321	314
Western Redcedar ³	RC	1	324	317	310	303	296
True Firs ⁴	WH	1	270	263	256	249	242
Western White Pine	WP	1	439	432	425	418	411

Hardwoods	OH	1	50	43	36	29	22
Small Logs ⁵	SML	1	20	19	18	17	16
Chipwood ⁵	CHW	1	11	10	9	8	7
RC Shake & Shingle Blocks	RCF	1	92	85	78	71	64
LP & Other Posts ⁶	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁷	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁸	DFX	1	0.25	0.25	0.25	0.25	0.25

- ¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
- ² Includes Western Larch.
- ³ Includes Alaska-Cedar.
- ⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
- ⁵ Stumpage value per ton.
- ⁶ Stumpage value per 8 lineal feet or portion thereof.
- ⁷ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
- ⁸ Stumpage value per lineal foot.

TABLE 8—Stumpage Value Table
Stumpage Value Area 10
 July 1 through December 31, 1995

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$827	\$820	\$813	\$806	\$799
		2	714	707	700	693	686
		3	653	646	639	632	625
		4	448	441	434	427	420
Lodgepole Pine	LP	1	321	314	307	300	293
Ponderosa Pine	PP	1	567	560	553	546	539
		2	442	435	428	421	414
Western Redcedar ³	RC	1	1190	1183	1176	1169	1162
		2	1190	1183	1176	1169	1162
		3	897	890	883	876	869
		4	275	268	261	254	247
Western Hemlock ⁴	WH	1	452	445	438	431	424
		2	429	422	415	408	401
		3	386	379	372	365	358
		4	296	289	282	275	268
Other Conifer	OC	1	452	445	438	431	424
		2	429	422	415	408	401
		3	386	379	372	365	358
		4	296	289	282	275	268
Red Alder	RA	1	93	86	79	72	65
		2	68	61	54	47	40
		3	48	41	34	27	20
Black Cottonwood	BC	1	67	60	53	46	39
		2	52	45	38	31	24
		3	48	41	34	27	20
Other Hardwood	OH	1	66	59	52	45	38
		2	66	59	52	45	38
		3	48	41	34	27	20
Chipwood ⁵	CHW	1	18	17	16	15	14
RC Shake Blocks	RCS	1	310	303	296	289	282
RC Shingle Blocks	RCF	1	118	111	104	97	90

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RC & Other Posts ⁶	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁷	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁸	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska-Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁵ Stumpage value per ton.

⁶ Stumpage value per 8 lineal feet or portion thereof.

⁷ Stumpage value per lineal foot.

(3) Harvest value adjustments. Harvest value adjustments relating to the various logging and harvest conditions shall be allowed against the stumpage values as set forth in subsection (2) of this section for the designated stumpage value areas. See WAC 458-40-670 for more information about these adjustments.

The following harvest adjustment tables are hereby adopted for use during the period of July 1 through December 31, 1995:

TABLE 9—Harvest Adjustment Table
Stumpage Value Areas 1, 2, 3, 4, 5, and 10
July 1 through December 31, 1995

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 40 thousand board feet per acre.	\$0.00
Class 2	Harvest of 20 thousand board feet to 40 thousand board feet per acre.	-\$4.00
Class 3	Harvest of 10 thousand board feet to but not including 20 thousand board feet per acre.	-\$7.00
Class 4	Harvest of 5 thousand board feet to but not including 10 thousand board feet per acre.	-\$9.00
Class 5	Harvest of less than 5 thousand board feet per acre.	-\$10.00
II. Logging conditions		
Class 1	Most of the harvest unit has less than 30% slope. No significant outcrops or swamp barriers.	\$ 0.00
Class 2	Most of the harvest unit has slopes between 30% and 60%. Some rock outcrops or swamp barriers.	-\$17.00
Class 3	Most of the harvest unit has rough, broken ground with slopes over 60%. Numerous rock outcrops and bluffs.	-\$25.00
Class 4	For logs that are yarded from stump to landing by helicopter. This does not include special forest products.	-\$145.00
Note:	A Class 2 adjustment may be used for slopes less than 30% when cable logging is required by a duly promulgated forest practice regulation. Written documentation of this requirement must be provided by the taxpayer to the department.	
III. Remote island adjustment:		
	For timber harvested from a remote island	-\$50.00

IV. Thinning (see WAC 458-40-610(21))

Class 1	Average log volume of 50 board feet or more.	-\$25.00
Class 2	Average log volume of less than 50 board feet.	-\$125.00

TABLE 10—Harvest Adjustment Table
Stumpage Value Areas 6 and 7
July 1 through December 31, 1995

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 8 thousand board feet per acre.	\$0.00
Class 2	Harvest of 3 thousand board feet to 8 thousand board feet per acre.	-\$7.00
Class 3	Harvest of less than 3 thousand board feet per acre.	-\$10.00
II. Logging conditions		
Class 1	Most of the harvest unit has less than 30% slope. No significant rock outcrops or swamp barriers.	\$0.00
Class 2	Most of the harvest unit has slopes between 30% and 60%. Some rock outcrops or swamp barriers.	-\$20.00
Class 3	Most of the harvest unit has rough, broken ground with slopes over 60%. Numerous rock outcrops and bluffs.	-\$30.00
Class 4	For logs that are yarded from stump to landing by helicopter. This does not include special forest products.	-\$145.00
Note:	A Class 2 adjustment may be used for slopes less than 30% when cable logging is required by a duly promulgated forest practice regulation. Written documentation of this requirement must be provided by the taxpayer to the department.	

III. Remote island adjustment:

For timber harvested from a remote island	-\$50.00
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TABLE 11—Domestic Market Adjustment

Public Timber

Harvest of timber not sold by a competitive bidding process that is prohibited under the authority of state or federal law from foreign export may be eligible for the domestic market adjustment. The adjustment may be applied only to those species of timber that must be processed domestically. According to type of sale, the adjustment may be applied to the following species:

Federal Timber Sales: All species except Alaska Yellow Cedar. (Stat. Ref. - 36 CFR 223.10)

State, and Other Nonfederal, Public Timber Sales: Western Red Cedar only. (Stat. Ref. - 50 USC appendix 2406.1)

Private Timber

Harvest of private timber that is legally restricted from foreign export, under the authority of The Forest Resources Conservation and Shortage Relief Act (Public Law 101-382), (16 U.S.C. Sec. 620 et seq.); the Export Administration Act of 1979 (50 U.S.C. App. 2406(i)); a Cooperative Sustained

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Yield Unit Agreement made pursuant to the Act of March 29, 1944, (16 U.S.C. Sec. 583-583i); or Washington Administrative Code (WAC 240-15-015(2)) is also eligible for the Domestic Market Adjustment.

The adjustment amounts shall be as follows:

Class 1:	SVA's 1 through 6, and 10	\$0.00 per MBF
Class 2:	SVA 7	\$0.00 per MBF

Note: The adjustment will not be allowed on special forest products.

AMENDATORY SECTION (Amending WSR 94-14-048, filed 6/30/94, effective 7/1/94)

WAC 458-40-670 Timber excise tax—Stumpage value adjustments—Chipwood and small log destinations.

(1) Introduction. This section explains the harvest value adjustments to the stumpage value tables (WAC 458-40-660) for various logging and harvesting conditions. It also describes the procedure by which businesses that process chipwood, chipwood products, and/or small logs can become designated chipwood or small log destinations.

(2) Harvest value adjustments. Harvest value adjustments relating to the various logging and harvest conditions shall be allowed against the stumpage values as set forth in WAC 458-40-660 for the designated stumpage value areas with the following limitations:

((1)) (a) No harvest adjustment shall be allowed against special forest products, chipwood, or small logs as those terms are defined in WAC 458-40-610.

((2)) (b) Stumpage value rates for conifer and hardwoods shall be adjusted to a value no lower than one dollar per MBF.

((3)) (c) Timber harvesters planning to remove timber from areas having damaged timber may apply to the department for adjustment in stumpage values. ((Such)) The application~~(s)~~ shall contain a map with the legal descriptions of the area, a description of the damage sustained by the timber with an evaluation of the extent to which the stumpage values have been materially reduced from the values shown in the applicable tables, and a list of estimated additional costs to be incurred resulting from the removal of the damaged timber. ((Such)) The application~~(s)~~ must be received by the department before the harvest commences. Upon receipt of ((such)) an application, the department will determine the amount of adjustment allowed and notify the harvester. In the event the extent of the damage or additional costs is not known at the time the application is filed, the harvester may provide relevant information to the department for a period not exceeding ninety days following completion of the harvest unit.

~~((The following harvest adjustment tables are hereby adopted for use during the period of July 1 through December 31, 1994:~~

**TABLE 1—Harvest Adjustment Table
Stumpage Value Areas 1, 2, 3, 4, 5, and 10
July 1 through December 31, 1994**

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 40 thousand board feet per acre.	\$0.00
Class 2	Harvest of 20 thousand board feet to 40 thousand board feet per acre.	\$4.00
Class 3	Harvest of 10 thousand board feet to but not including 20 thousand board feet per acre.	\$7.00
Class 4	Harvest of 5 thousand board feet to but not including 10 thousand board feet per acre.	\$9.00
Class 5	Harvest of less than 5 thousand board feet per acre.	\$10.00
H. Logging conditions		
Class 1	Generally slopes less than 40%. No significant rock outcrops or swamp barriers.	\$0.00
Class 2	Generally slopes between 40% and 60%. Some rock outcrops or swamp barriers.	\$17.00
Class 3	Generally rough, broken ground with slopes in excess of 60%. Numerous rock outcrops and bluffs.	\$25.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include special forest products.	\$69.00
III. Remote island adjustment:		
	For timber harvested from a remote island	\$50.00
IV. Thinning (see WAC 458-40-610(20))		
Class 1	Average log volume of 50 board feet or more.	\$25.00
Class 2	Average log volume of less than 50 board feet.	\$125.00

**TABLE 2—Harvest Adjustment Table
Stumpage Value Areas 6 and 7
July 1 through December 31, 1994**

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 8 thousand board feet per acre.	\$0.00
Class 2	Harvest of 3 thousand board feet to 8 thousand board feet per acre.	\$7.00
Class 3	Harvest of less than 3 thousand board feet per acre.	\$10.00
H. Logging conditions		
Class 1	Generally slopes less than 40%. No significant rock outcrops or swamp barriers.	\$0.00
Class 2	Generally slopes between 40% and 60%. Some rock outcrops or swamp barriers.	\$20.00

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Class 3	Generally rough, broken ground with slopes in excess of 60%. Numerous rock outcrops and bluffs.	\$30.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include special forest products.	\$69.00
III. Remote island adjustment:		
	For timber harvested from a remote island	\$50.00

TABLE 3 Domestic Market Adjustment

Public Timber

Harvest of timber not sold by a competitive bidding process which is prohibited under the authority of state or federal law from foreign export may be eligible for the domestic market adjustment. The adjustment may be applied only to those species of timber which must be processed domestically. According to type of sale, the adjustment may be applied to the following species:

Federal Timber Sales: All species except Alaska Yellow Cedar. (Stat. Ref. 36 CFR 223.10)

State, and Other Nonfederal, Public Timber Sales: Western Red Cedar only. (Stat. Ref. 50 USC appendix 2406.1)

Private timber

Harvest of private timber which is legally restricted from foreign export, under the authority of The Forest Resources Conservation and Shortage Relief Act (Public Law 101 382), (16 U.S.C. Sec. 620 et seq.); the Export Administration Act of 1979 (50 U.S.C. App. 2406(i); a Cooperative Sustained Yield Unit Agreement made pursuant to the Act of March 29, 1944, (16 U.S.C. Sec. 583-583i); or Washington Administrative Code (WAC 240 15 015(2)) is also eligible for the Domestic Market Adjustment.

The adjustment amounts shall be as follows:

Class 1:	SVA's 1 through 6, and 10	\$0.00 per MBF
Class 2:	SVA 7	\$0.00 per MBF

Note: The adjustment will not be allowed on special forest products.)

(d) The harvest adjustment tables are set forth in WAC 458-40-660(3).

(3) Chipwood destinations. Businesses that process logs to produce chips or chip products may be designated as approved "chipwood destinations." Logs delivered to the log yards designated as "chipwood destinations" for the purpose of being chipped may be reported as chipwood and have the volume measured by weight.

(a) The department of revenue will maintain a current list of approved chipwood destinations. This list will be updated as necessary and will be formally reviewed by the department at least twice a year. A list of approved chipwood destinations is available from the special programs division, forest tax section of the department.

(b) A log processor in the business of processing logs to produce chips or chip products that has not been designated as an approved destination may file an application to be listed as an approved chipwood destination. The application should be submitted to the Department of Revenue, Forest Tax Section, P. O. Box 47472, Olympia, Washington 98504-7472, to be included in this listing. To qualify as an approved destination, not less than ninety percent of the

weight volume of logs delivered to and purchased by the log processor at a specified log yard or location must be processed to produce chips or chip products.

(c) Any applicant seeking administrative review of the department's decision made under (b) of this subsection may appeal the decision in accordance with WAC 458-20-100.

(4) **Logs chipped in the woods.** Logs chipped in the woods may also be reported as chipwood. Volume shall be measured in net weight of green chips.

(5) **Other chipwood processing locations.** Logs processed at locations other than those listed on the approved list of chipwood destinations maintained by the department and other than as provided in subsection (4) of this section may be reported as chipwood volume when scaled as utility grade logs, based on log scaling or upon approved sample log scaling methods.

If a harvester reports chipwood volume that was delivered to a location that is not listed as an approved chipwood destination and there has been no log scaling or approved sample log scaling, the chipwood volume so reported will be converted by the department to the appropriate sawlog volume in accordance with WAC 458-40-684 and 458-40-686 for purposes of timber excise taxation.

(6) **Small log destinations.** Businesses that process small logs as defined in WAC 458-40-610 may be designated as approved "small log destinations."

(a) The department of revenue will maintain a current list of approved small log destinations. This list will be updated as necessary and will be formally reviewed by the department at least twice a year. A list of approved small log destinations is available from the special programs division, forest tax section of the department.

(b) A log processor in the business of processing small logs that has not been designated as an approved destination may file an application to be listed as an approved small log destination. The application should be submitted to the Department of Revenue, Forest Tax Section, P. O. Box 47472, Olympia, Washington 98504-7472, to be included in this listing.

(c) Any applicant seeking administrative review of the department's decision made under (b) of this subsection may appeal the decision in accordance with WAC 458-20-100.

WSR 95-18-033

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Order 5082—Filed August 28, 1995, 3:06 p.m.]

Date of Adoption: August 28, 1995.

Purpose: Add definition of powdery mildew to hop disease quarantine rules.

Citation of Existing Rules Affected by this Order: Amending WAC 16-497-005 and 16-497-030.

Statutory Authority for Adoption: RCW 17.24.041.

Adopted under notice filed as WSR 95-15-098 on July 19, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

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Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 2, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 2, repealed 0.

Effective Date of Rule: Thirty-one days after filing.
August 28, 1995
James M. Jesernig
Director

AMENDATORY SECTION (Amending Order 2077, filed 3/27/91, effective 4/27/91)

WAC 16-497-005 Hop disease quarantine—Definitions. (1) "Director" means the director of the Washington state department of agriculture or the director's authorized representative.

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

(3) "Iilar viruses" means a grouping of viruses, including Apple Mosaic Virus and Prunus Necrotic Ringspot, which share common characteristics including spherical in shape, with genetic material in three different particles and commonly inducing ring spots in hosts.

(4) "Verticillium wilt" means the disease caused by *Verticillium albo-atrum* Reinke & Berth, or hop strains of this organism.

(5) "Powdery mildew" means the disease caused by *Sphaerotheca macularis* (WALLR.: FR) Lind = *Sphaerotheca humuli* (DC) Burrill.

AMENDATORY SECTION (Amending Order 2077, filed 3/27/91, effective 4/27/91)

WAC 16-497-030 Regulations—Conditions governing the movement of regulated articles. Hop plants and all parts thereof will be admitted into the state of Washington: *Provided*, That the following provisions are complied with.

(1) The hop plant or parts thereof have been certified in accordance with the regulations of an official state agency, which certification program requires at least two field inspections during the growing season, and requires that certification tolerances shall not exceed: Powdery mildew, Verticillium wilt((;-)) (albo atrum (dm))₂ and Iilar viruses, zero percent: *And provided further*, That all shipments of such hop planting stock shall be apparently free of insect pests and shall be accompanied by a certificate issued by an official agency of the state of origin certifying that the hop planting stock was produced under official certification regulations and meets official standards.

(2) All shipments of hop planting stock shall be plainly marked with the contents on the outside of the package or container.

(3) Persons shipping or transporting regulated articles into this state from areas under quarantine shall notify the department's plant certification branch of the nature and quantity of each shipment, the expected date of arrival at

destination, the name of the intended receiver and the destination. The person to whom the articles are shipped shall hold the same until they are inspected and/or released by the department.

WSR 95-18-034

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Order 5083—Filed August 28, 1995, 3:08 p.m.]

Date of Adoption: August 28, 1995.

Purpose: Hop rootstock: Add powdery mildew to definitions and field standards.

Citation of Existing Rules Affected by this Order: Amending WAC 16-354-005, 16-354-010, and 16-354-070.

Statutory Authority for Adoption: RCW 15.14.030 (2), (5).

Adopted under notice filed as WSR 95-15-099 on July 19, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 3, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 3, repealed 0.

Effective Date of Rule: Thirty-one days after filing.
August 28, 1995
James M. Jesernig
Director

AMENDATORY SECTION (Amending Order 2077, filed 3/27/91, effective 4/27/91)

WAC 16-354-005 Hop rootstock—General. (1) Rootstocks of hops (*Humulus Lupulus L.*) may be designated as foundation stock, registered stock and certified stock when inspected, tested and found to be discernibly free from Iilar viruses and virus-like diseases, downy mildew, powdery mildew, verticillium wilt, crown gall, rootknot nematode, hop cyst nematode or other serious pests, by procedures and inspections outlined in this program.

(2) The issuance of a state of Washington certified plant tag or stamp under this chapter affirms only that the tagged or stamped hop rootstock has been subjected to certification procedures to determine compliance with standards by the department. The department disclaims all express or implied warranties, including without limitation, implied warranties of merchantability and fitness for particular purpose, regarding all plants, plant parts, and plant materials under this chapter.

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(3) The department is not responsible for disease, genetic disorders, off-type, failure of performance, mislabeling, or otherwise, in connection with this chapter. No grower, nursery dealer, government official, or other person is authorized to give any expressed or implied warranty, or to accept financial responsibility on behalf of the department regarding this chapter.

(4) Participation in the hop rootstock certification program shall be voluntary.

AMENDATORY SECTION (Amending Order 2077, filed 3/27/91, effective 4/27/91)

WAC 16-354-010 Definitions. (1) "Ilar virus" means a grouping of viruses, including Apple Mosaic Virus and Prunus Necrotic Ringspot, which share common characteristics including spherical in shape, with genetic material in three different particles and commonly inducing ring spots in hosts.

(2) "Virus-like" means a transmissible disorder of unknown cause.

(3) "Index" means to determine virus infection by means of inoculation from the plant to be tested to an indicator plant or by any other method.

(4) "Foundation rootstock" means slips or rhizomes, cuttings and rooted plants taken from hop stocks established and maintained by Washington State University, that are indexed, and believed to be free from known viruses and which will be genetically uniform. Cuttings or rooted plants, which shall be used to establish certified mother blocks shall be furnished to the applicant for a fee determined by Washington State University.

(5) "Certified mother block" means a planting of hop stocks established from foundation rootstock.

(6) "Certified rootstock" means rootstock produced from certified mother blocks and meeting the requirements as herein provided.

(7) "Verticillium wilt" means the disease caused by *Verticillium albo-atrum* Reinke & Berth. or hop strains of this organism.

(8) "Downy mildew and/or black rot" means the disease caused by *Pseudoperonospora humuli* Miy. & Tak., G. W. Wils. Black roots caused by this disease shall not be permitted.

(9) "Powdery mildew" means the disease caused by *Sphaerotheca humuli* (DC) Burrill = *Sphaerotheca macularis* (WALLR.: FR) Lind.

(10) "Crown gall" means the disease caused by *Agrobacterium tumefaciens* E. F. Sm. & Towns., Conn.

~~((10))~~ (11) "Rootknot nematode" means the nematode *Meloidogyne* sp.

~~((11))~~ (12) "Hop cyst nematode" means the nematode *Heterodera humuli* Filipjev.

~~((12))~~ (13) "Crown" means a slip or layered stem cutting with visible buds, that has been grown for one or two years.

~~((13))~~ (14) "Fairly fresh" means that the roots or cuttings are not excessively wilted.

~~((14))~~ (15) "Firm" means that the plant parts are not soft or spongy, although they may yield to slight pressure.

~~((15))~~ (16) "Moist" means that the plant parts are reasonably turgid and not dried to a degree that would affect normal growth.

~~((16))~~ (17) "Fairly clean" means that the plant parts are not matted or caked with dirt.

~~((17))~~ (18) "Free from damage caused by mold" means that the plants shall be free from excessive mold or decay. Plants slightly affected by mold shall be allowed.

~~((18))~~ (19) "Free from damage caused by freezing injury" means that the roots shall be of a normal color and only moderately affected by discolored roots which affect the normal growth of the plant.

~~((19))~~ (20) "Broken or mutilated rootstock" means the breaking of the root section or splitting of the plant part or other mechanical injury that would affect the normal growth of the plant.

~~((20))~~ (21) "Department" means the Washington state department of agriculture.

~~((21))~~ (22) "Director" means the director of the Washington state department of agriculture or the director's authorized representative.

AMENDATORY SECTION (Amending Order 2077, filed 3/27/91, effective 4/27/91)

WAC 16-354-070 Hop rootstock field standards. (1) The unit of certification shall be the entire lot within the field standing at the time of inspection.

(2) Specific requirements. (Percentage tolerances)

	<u>Certified</u>
Downy mildew	1%
Nematodes (visible)	1%
Verticillium wilt	0
Ilar viruses	0
<u>Powdery mildew</u>	<u>0</u>

**WSR 95-18-041
PERMANENT RULES
HIGHER EDUCATION
COORDINATING BOARD**
[Filed August 29, 1995, 2:24 p.m.]

Date of Adoption: July 13, 1995.

Purpose: To implement chapter 205, Laws of 1994, by extending the running start program rules which are limited to attendance at community and technical colleges to extend attendance to Central Washington University, Eastern Washington University and Washington State University.

Citation of Existing Rules Affected by this Order: Amending WAC 250-79-010.

Statutory Authority for Adoption: RCW 28A.300.390, 28A.150.260, and 28A.150.290.

Adopted under notice filed as WSR 95-10-061 on May 3, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 1, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

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Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

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

August 23, 1995

Elson S. Floyd
Executive Director

AMENDATORY SECTION (Amending WSR 94-14-064, filed 7/1/94)

WAC 250-79-010 Adopting running start rules by reference. WAC 392-169-005 through 392-169-125, inclusive of the 1995 amendment thereto and repeal of WAC 392-169-035, are hereby adopted.

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.

NEW SECTION

WAC 250-79-020 Public access to running start program rules. Copies of chapter 392-169 WAC are available in the offices of the higher education coordinating board, the state board for community and technical colleges and the superintendent of public instruction located in Olympia, Washington.

**WSR 95-18-046
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 3886—Filed August 29, 1995, 3:18 p.m., effective September 1, 1995]

Date of Adoption: August 29, 1995.

Purpose: To assure SSI clients access to healthy options managed care. To address enrollment of the Indian population eligible for healthy options managed care. To refine the process for clients not to be enrolled in the program. Repeals obsolete WAC.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-86-009 and 388-86-00902; and amending chapter 388-538 WAC, Managed care.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: ESHB 1410.

Adopted under notice filed as WSR 95-15-023 on July 10, 1995.

Changes Other than Editing from Proposed to Adopted Version: Revisions to chapter 388-538 WAC.

WAC 388-538-060(3) Eligible client.

(3) The department shall enroll an Indian, as defined under 25 U.S.C. 1603 (c)-(d), in a plan when such plan includes an Indian health service direct care clinic, a tribally-

operated clinic, or urban Indian health center and the Indian resides in the plan service area. If an Indian selects another plan or requests an exemption, this subsection shall not apply.

(4) The department shall not enroll Medicare beneficiaries in managed care.

WAC 388-538-080 Managed care exemptions.

(1)(b)(v) The client is an Indian, as defined under 25 U.S.C. 1603 (c)-(d).

WAC 388-538-110 Client grievances.

(3) The client may request a fair hearing at the same time a grievance is filed when:

(a) The plan denies medical care that a client indicates is urgently needed ((medical care;)) and the client ((concurrently)) requests a grievance in writing; or

(b) The subject matter of the grievance is one for which a client has a fair hearing right under chapters 34.05 RCW, 388-08 WAC, or this chapter.

WAC 388-538-130 Enrollment termination and disenrollments.

(1)(c) Client requests disenrollment and is an Indian, as defined under 25 U.S.C. 1603 (c)-(d).

The principal reasons for adopting the changes are as follows: Comments received from interested persons.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 12, repealed 2.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 12, repealed 2.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Please file this WAC to be effective September 1, 1995. The basis of this request is that this program will be effective as of that date. To delay the effective date will deny client access to medical care. For lack of medical care would jeopardize the client's health and would be considered an imminent peril to the public health, safety, or welfare. This filing is per RCW 34.05.380.

Effective Date of Rule: September 1, 1995.

August 29, 1995

Jeanette Sevedge-App
Acting Chief
Office of Vendor Services

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-86-009 Voluntary prepaid health plans.

PERMANENT

WAC 388-86-00902 Mandatory prepaid health care plans.

AMENDATORY SECTION (Amending Order 3621, filed 8/11/93, effective 9/11/93)

WAC 388-538-050 Definitions. For the purpose of this chapter:

(1) ~~("Coordinated care" means a comprehensive system of medical and health care delivery including preventative, primary, specialty, and ancillary services. Coordinated care involves having clients enrolled with or assigned to a primary care provider, in a plan or with an independent provider, responsible for arranging or delivering all contracted medical care.~~

(2) ~~"Enrolled client" means a client eligible for Medicaid and receiving services from a health care plan or primary care case management provider who has a contract with the department.~~

(3) ~~"Emergency services" shall mean medical or other health services which are rendered for a medical condition (including emergency labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in:~~

- (a) Placing the patient's health in serious jeopardy;
- (b) Serious impairment to bodily functions; or
- (c) Serious dysfunction of any bodily organ or part.

~~((4)) (2) "Enrolled client" means a client eligible for Medicaid and receiving services from a health care plan or primary care case management provider who has a contract with the department.~~

(3) ~~"Health care plan" or "plan" means an organization contracting with the department (offering a health care plan that provides and/or pays) to provide managed care to the client by providing and/or paying for medical services (provided) covered by the department to an eligible enrolled client in exchange for a (department prepaid monthly set) contracted rate or management fee. (A health care plan shall be referred to in this chapter as "a plan.")~~

(4) ~~"Managed care" means a comprehensive system of medical and health care delivery including preventive, primary, specialty, and ancillary services. Managed care involves having clients enrolled:~~

- (a) With or assigned to a primary care provider;
- (b) With or assigned to a plan; or
- (c) With an independent provider, who is responsible for arranging or delivering all contracted medical care.

(5) ~~"Persons with special health care needs" means persons having ongoing health conditions that:~~

- (a) Have a biologic, psychologic, or cognitive basis;
- (b) Have lasted or are virtually certain to last for at least one year; and
- (c) Produce one or more of the following sequelae:
 - (i) Significant limitation in areas of physical, cognitive, or emotional function;
 - (ii) Dependency on medical or assistive devices to minimize limitation of function or activities;
 - (iii) In addition for children:
 - (A) Significant limitation in social growth or developmental function;

(B) Need for psychologic, educational, medical or related services over and above the usual for the child's age; or

(C) Special ongoing treatments such as medications, special diets, interventions or accommodations at home or at school.

(6) ~~"Primary care provider (PCP)" means a provider who has responsibility for supervising, coordinating, and providing initial and primary care to clients, initiating referrals for specialist care, and maintaining the continuity of patient care. A primary care provider shall be either:~~

(a) A physician, who meets the criteria under WAC 388-87-007;

(b) An advanced registered nurse practitioner (ARNP), who meets the criteria under WAC 388-87-007; or

(c) A licensed physician assistant((s)).

(7) ~~"Primary care case management (PCCM)" means a model of health care where a physician, ARNP, physician assistant, community/migrant health center, health department, or clinic agrees to provide primary health care services and to arrange and coordinate other preventative, specialty, and ancillary health care in exchange for a (monthly case management fee) contracted payment for each client managed. (Primary care case management shall be referred to in this section as "PCCM.")~~

(8) ~~"Timely provision of services" means a client has the right to receive medically necessary health care without unreasonable delay.~~

AMENDATORY SECTION (Amending Order 3621, filed 8/11/93, effective 9/11/93)

WAC 388-538-060 Eligible client. (1) The department shall require a client, eligible for certain designated medical program categories, to enroll in ~~((a plan or under PCCM))~~ managed care when the client resides in the contracted managed care service area ~~((of a plan or PCCM))~~, except as provided in WAC 388-538-080.

(2) The department shall assign a client to a plan or a PCCM provider when the client does not choose a plan or PCCM.

(3) The department shall enroll an Indian, as defined under 25 U.S.C. 1603 (c)-(d), in a plan when such plan includes an Indian health service direct care clinic, a tribally-operated clinic, or urban Indian health center and the Indian resides in the plan service area. If an Indian selects another plan or requests an exemption, this subsection shall not apply.

(4) The department shall not enroll Medicare beneficiaries in managed care.

AMENDATORY SECTION (Amending Order 3621, filed 8/11/93, effective 9/11/93)

WAC 388-538-070 Managed care payment. The department shall pay ~~((a))~~ for managed care as follows:

(1) Under a capitated system, a set rate to a plan for contracted health care provided to the client; ((and))

(2) Under a PCCM model in which the contract is between the department and the health care provider, a monthly management fee ((under PCCM)) in addition to a fee for covered services provided to the client;

(3) Under a PCCM model in which the contract is between the department and a plan, a monthly management fee to the plan to be divided between the plan and the primary care provider, in addition to a fee to the health care provider for covered services provided to the client.

AMENDATORY SECTION (Amending Order 3621, filed 8/11/93, effective 9/11/93)

WAC 388-538-080 Managed care exemptions. (1) ~~The department shall not require a client to enroll ((or to continue enrollment in a contracted plan or PCCM)) in managed care when:~~

~~(a) Disruption of care in an established treatment plan with a health care provider, who is not in managed care, would adversely affect the client's health status; or~~

~~(b) Medically necessary care is not reasonably available and accessible ((to the client)) under ((any of the plans)) managed care offered((-~~

~~(2) In making the exemption determination,)) to the client. The department shall consider medically necessary ((services)) care not reasonably available and accessible when:~~

~~((a)) (i) The limited English-speaking or hearing-impaired client can communicate in the client's primary language with a health provider not participating in a plan or under PCCM;~~

~~((b) The nature of the client's health care needs is specialized and/or complex, such that available plans or PCCM are unable to adequately meet those needs, including but not limited to persons with special health care needs as defined in WAC 388-538-050;~~

~~((c)) (ii) The distance is over twenty-five miles one-way, travel time greater than forty-five minutes one-way, or other transportation difficulties make it unreasonably difficult for a client to obtain primary medical care ((from a plan or)) under ((PCCM)) managed care;~~

~~((d)) (iii) The client is homeless or is expected to reside in temporary housing or a shelter for less than ((sixty)) one hundred and twenty days from date the client requests the exemption;~~

~~((e) The client's treating provider is not a member of a plan, or a PCCM provider and the treating provider has determined that the established treatment plan or plan of care is essential to the client's physical or mental health; or~~

~~((f)) (iv) Before enrollment, a pregnant woman has started prenatal care with an obstetrical provider who is not ((a member of a plan or)) available under ((PCCM. (3)) managed care;~~

~~(v) The client is an Indian, as defined under 25 U.S.C. 1603 (c)-(d); or~~

~~(vi) The client's circumstances, as evaluated by the department on a case-by-case basis, supports the client's claim that medically necessary care is not reasonably available and accessible under managed care, as offered to the client.~~

~~(2) A client requesting an exemption from enrolling in ((a plan or under PCCM)) managed care shall make a request to the department. The department shall timely notify the client of the exemption decision and the reasons therefor before enrolling the client in managed care. If the department denies the request for exemption, the department~~

shall provide notice containing the following information before enrolling the client in managed care:

(a) Action the department intends to take;

(b) Reasons for the intended action;

(c) The specific rule or regulation supporting the action;

(d) Client's right to request a fair hearing, including the circumstances under which the fee-for-service status is continuing, if a hearing is requested; and

(e) Full translation into the primary language of the limited English proficient recipient.

The client shall remain exempted until a decision is made on the exemption request by the department. The client may request a fair hearing when the client is not satisfied with the department's decision as described under WAC ((388-81-040)) 388-526-2610.

(3) If an exemption is authorized as a result of a time-limited circumstance, the department may limit the time period for which the exemption is granted to the period of time that the circumstance is expected to continue.

(4) The department may offer a client who qualifies for an exemption the option to participate in PCCM with a contracted PCCM provider of the client's choice.

AMENDATORY SECTION (Amending Order 3621, filed 8/11/93, effective 9/11/93)

WAC 388-538-090 Client's choice of primary care provider. (1) Each client enrolled in managed care shall have a primary care provider (PCP).

(2) A client shall have an opportunity to choose a PCP from available providers.

(3) A plan shall assign a client to a PCP when the client enrolls in a plan and does not choose PCP in the plan.

(4) A client in ((a plan)) managed care shall have the right to change a PCP:

(a) One time during a twelve-month period for any reason; and

(b) For subsequent changes during the twelve-month period, only for documented good cause. If the client is enrolled in managed care with a plan, the client shall notify ((a)) the plan of the((-

((+)) desired change including the name of the new PCP((+)), and ((+)) the reason for the desired change. If the client is enrolled in a PCCM which does not involve a plan, then the client shall notify the department of the desired change, including the name of the new PCP, and the reason for the desired change.

(5) ((A client enrolled with a PCCM shall have the right to change PCCM for any reason)) A client whose request to change PCP is denied may submit a grievance with the plan under WAC 388-538-110 or, if the decision was made by the department, may request a fair hearing under WAC 388-526-2610.

AMENDATORY SECTION (Amending Order 3621, filed 8/11/93, effective 9/11/93)

WAC 388-538-095 Medical services. The department shall pay separately, on a fee-for-service basis, only for medical services covered under the department's medical care programs that a managed care contract does not cover. ~~((Such services include transportation as described under WAC 388-86-085.))~~

AMENDATORY SECTION (Amending Order 3826, filed 1/24/95, effective 2/1/95)

WAC 388-538-100 Managed care emergency services. (1) The department shall exempt emergencies and emergency transportation services from routine medical care authorization procedures of ~~((a plan or under primary care case management (PCCM)))~~ managed care.

(2) A client shall not be responsible for determining if an emergency exists or for the cost of such determination. For nonemergency conditions, hospital reimbursement for PCCM under WAC 388-87-072(4) shall be limited to a medical evaluation fee as established by the department.

(3) In a medical emergency, the client shall not be financially responsible for covered managed care services provided.

(4) When an emergency does not exist, and the client's ~~((plan primary care provider (PCP)))~~ PCP ~~((s))~~ does not authorize services, the client shall be financially responsible for further services received only when the client is informed and agrees, in writing, to the responsibility before receiving the services as described under WAC 388-87-010.

AMENDATORY SECTION (Amending Order 3701, filed 1/26/94, effective 2/26/94)

WAC 388-538-110 Client grievances. (1) A client aggrieved by a decision of a ~~((plan, PCCM,))~~ managed care contractor or the department shall have the right to a fair hearing as required under WAC 388-81-040.

(2) A client enrolled in a plan ~~((shall))~~:

(a) Shall exhaust a plan's grievance procedure before requesting a fair hearing, except as provided in subsection ~~((3)(b) and))~~ (2)(c) of this section; ~~((and))~~

(b) Shall receive a written decision ~~((from the plan stating the basis for the grievance decision))~~ containing the following information:

(i) Action the plan intends to take;

(ii) Reasons for the intended action;

(iii) The specific information supporting the action;

(iv) Client's right to request a fair hearing;

(v) Full translation into the primary language of the limited English proficient recipient.

~~((3))~~ (c) A client ~~((A client))~~ (c) May request a fair hearing ~~((s))~~ when a:

(i) Grievance decision is adverse;

~~((b))~~ (ii) Plan does not respond in writing within thirty days from the date the client requests the grievance ~~((s))~~.

~~((e))~~ (3) The client may request a fair hearing at the same time a grievance is filed when ~~((the))~~:

(a) The plan denies medical care that a client indicates is urgently needed ~~((medical care,))~~ and the client ~~((concurrently))~~ requests a grievance in writing; or

(b) The subject matter of the grievance is one for which a client has a fair hearing right under chapters 34.05 RCW, 388-08 WAC, or this chapter.

(4) The ~~((plan or PCCM))~~ managed care contractor shall advise a client of the client's right to request a fair hearing at the time the ~~((plan or PCCM))~~ contractor notifies the client of the grievance decision.

AMENDATORY SECTION (Amending Order 3621, filed 8/11/93, effective 9/11/93)

WAC 388-538-120 Client request for a second medical opinion. (1) The client enrolled in ~~((a plan))~~ managed care shall have the right to a second opinion by another physician or specialist ~~((participating in the client's assigned plan))~~:

(a) When the client needs more information as to the medical necessity of medical treatment recommended by the PCP; or

(b) If the client believes the PCP is not authorizing medically necessary care.

(2) If the client is enrolled in a plan, the second opinion physician or specialist shall be a participating provider in the plan. If the client is enrolled with a PCCM, which does not involve a plan, the client shall have the right to a second opinion by another provider or specialist ~~((the same as in (1)(a) or (b) of this section))~~, who is a medical assistance provider.

(3) When medically necessary, the client shall be promptly referred to:

(a) Another participating physician or specialist of a plan, when enrolled in a plan; or

(b) Another provider or specialist when enrolled under PCCM, which does not involve a plan.

AMENDATORY SECTION (Amending Order 3621, filed 8/11/93, effective 9/11/93)

WAC 388-538-130 Enrollment termination and disenrollments. (1) The department may terminate enrollment of a client in managed care when a:

~~((1))~~ (a) Client loses eligibility for a medical eligibility category which requires enrollment;

~~((2))~~ (b) Client requests and ~~((medical assistance administration (MAA)))~~ the department approves disenrollment under the ~~((same considerations as))~~ conditions for granting exemptions under WAC 388-538-080; ~~((or))~~

(c) Client requests disenrollment and is an Indian, as defined under 25 U.S.C. 1603 (c)-(d); or

(d) Client is a Medicare beneficiary.

(2) When a client requests disenrollment under subsection (1)(b) of this section, the client shall remain enrolled in managed care until the decision is made on the disenrollment request unless continuing in managed care pending the decision would adversely affect the client's health status.

(3) ~~((Plan or PCCM))~~ Managed care contractors may request ~~((s))~~ in writing to MAA disenrollment of the client and:

~~((a))~~ A plan or PCCM establishes that the client's behavior is:

~~((1))~~ a client be disenrolled if the managed care contractor establishes, in writing, to the department's satisfaction that:

(a) The client's behavior is inconsistent with ~~((a plan's or PCCM's))~~ the managed care contractor's rules and regulations, such as intentional misconduct; ~~((or~~

~~((1))~~ (b) The behavior is such that it has become medically infeasible to safely or prudently provide medical care; and

~~((2))~~ MAA approves a plan's or PCCM's request:

~~((1))~~ (c) The managed care contractor has offered to the client, in writing, the opportunity to utilize the grievance

procedure described in WAC 388-538-110, unless the client's conduct presents the threat of imminent harm to others.

(4) When a managed care contractor makes a request to disenroll a client as described in subsection (3) of this section, the client shall not be disenrolled until the department approves the contractor's request. The department shall make a decision on the request within ~~(fifteen)~~ thirty days from the day of receipt of the request ~~(; and~~

(ii) ~~Notifies~~) after contacting the client, if possible, to learn the client's perspective. The department shall notify the client ten days in advance of the effective date of disenrollment.

(5) Managed care contractors shall not request disenrollment of a client solely due to an adverse change in the client's health or the cost of meeting the client's health care needs.

AMENDATORY SECTION (Amending Order 3621, filed 8/11/93, effective 9/11/93)

WAC 388-538-140 Quality of care. The department shall require:

(1) A plan to appoint a medical director or designee who:

(a) Shall be responsible for the plan's quality assurance program and shall review all plan grievances; and

(b) Furnishes MAA with a copy of all grievances and a plan's response to such grievances.

(2) A PCCM not involving a plan to provide adequate documentation for quality assurance review.

(3) A plan or PCCM to have in place a method to assure consideration of the unique needs of persons with special health care needs as defined in WAC 388-538-050 and to assist with:

(a) Early identification of persons with special health care needs;

(b) Timely access to health care; and

(c) Coordination of health service delivery and community linkages.

(4) The department shall conduct outreach of various types to accommodate the unique communication needs of some members of the populations served.

(5) The department shall ensure that clients are given the most important relevant information and a variety of ways to enroll or request exemptions and disenrollments.

(6) The plan or PCCM shall make reasonable and appropriate accommodations as required under the Americans with Disabilities Act (ADA) for clients who have a mental, physical, or sensory impairment or another limitation which affects the clients' abilities to understand written notices and/or other types of communications.

AMENDATORY SECTION (Amending Order 3621, filed 8/11/93, effective 9/11/93)

WAC 388-538-150 Managed care medical audit. (1) At least once a year, the department shall conduct a medical audit of ~~((a plan or PCCM))~~ managed care contractors to ensure the quality and accessibility of health care services provided or arranged by ~~((a plan or PCCM))~~ the contractors for enrolled clients.

(2) ~~((A plan or PCCM))~~ Managed care contractors shall permit such medical audit.

(3) The department may conduct or contract independently for such medical audit.

**WSR 95-18-050
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Order 95-04—Filed August 30, 1995, 10:55 a.m.]

Date of Adoption: August 25, 1995.

Purpose: The purpose is to amend chapter 392-141 WAC to implement ESHB 1410 which establishes requirements for school districts related to hazardous walking condition route stops.

Citation of Existing Rules Affected by this Order: Repealing WAC 392-141-145; and amending WAC 392-141-115, 392-141-135, 392-141-170, and 392-141-185.

Statutory Authority for Adoption: ESHB 1410.

Other Authority: RCW 28A.150.290.

Adopted under notice filed as WSR 95-15-075 on July 17, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 2, amended 4, repealed 1.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 2, amended 4, repealed 1; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

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

August 25, 1995
Judith A. Billings
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 92-03, filed 3/23/92, effective 4/23/92)

WAC 392-141-115 Definition—Eligible student. As used in this chapter, "eligible student" means any student served by a school district transportation program either by bus, district car, or individual arrangements meeting one or more of the following criteria:

(1) Students whose route stop is more than one radius mile from the student's destination school site or learning center;

(2) Students whose route stop is established because of hazardous walking conditions in accordance with WAC 392-141-175 and whose route stop is less than one radius mile from the student's destination school site or learning center

and for which the school district is making a good faith effort to alleviate the hazard; or

(3) Students whose handicap is defined by RCW 28A.155.020 and who is either not ambulatory or capable of protecting his or her own welfare while traveling to or from schools or agencies where special education services are provided and whose route stop is one radius mile or less from the destination school site or learning center.

AMENDATORY SECTION (Amending Order 92-03, filed 3/23/92, effective 4/23/92)

WAC 392-141-135 Definition—Prorated bus. As used in this chapter, "prorated bus" means a whole or fractional bus calculated by dividing the total number of each type of route by the total of all routes run by each individual bus.

NEW SECTION

WAC 392-141-151 Definition—Good faith efforts. As used in this chapter, "good faith efforts" mean documented evidence that school districts are making an effort to communicate and work with local, state or federal agencies to alleviate hazardous walking conditions.

AMENDATORY SECTION (Amending Order 92-03, filed 3/23/92, effective 4/23/92)

WAC 392-141-170 Factors used to determine allocation. The method of determining the transportation operation allocation for each district shall be based on the following factors:

- (1) The number of eligible students transported as defined in WAC 392-141-115;
- (2) The radius mile distances from route stops to the destination schools, transfer route stops, learning centers, or agencies;
- (3) A basic or special transportation distance weighting factor per radius mile interval as listed below:

Distance Weighting Factors Per Radius Miles

Miles	Basic	Special
1	2.85	4.75
2	3.20	4.89
3	3.55	5.05
4	3.90	5.19
5	4.25	5.34
6	4.60	5.49
7	4.97	5.64
8	5.30	5.78
9	5.65	5.94
10	6.00	6.08
11	6.36	6.23
12	6.71	6.38
13	7.07	6.53
14	7.43	6.67
15	7.79	6.83
16	8.13	6.97
17 and over	8.50	7.13

(4) The basic average load which is calculated by dividing the total number of basic and transit tripper students by the total number of prorated basic buses;

(5) A minimum load factor for districts with a basic average load of less than seventy-four students transported per bus for all home to school routes, except routes designed exclusively for handicapped or kindergarten students. This factor is calculated by dividing the whole number seventy-four by the basic average load and subtracting the whole number one;

(6) The special education average load is derived by dividing the total number of home to school special education students by the total number of special education prorated buses; and

(7) ~~((A small fleet maintenance allocation rate as defined in WAC 392-141-115; and~~

~~(8)))~~ A special education load factor is based on the special education average load. To determine the special education load factor, use the following chart:

Special Average Load

From	To	Factor
0.01	1.24	24.42
1.25	1.49	22.94
1.50	1.74	21.46
1.75	1.99	19.98
2.00	2.24	18.50
2.25	2.49	17.89
2.50	2.74	17.27
2.75	2.99	16.67
3.00	3.24	16.04
3.25	3.49	15.73
3.50	3.74	15.42
3.75	3.99	15.11
4.00	4.24	14.80
4.25	4.49	14.43
4.50	4.74	14.06
4.75	4.99	13.69
5.00	5.24	13.32
5.25	5.49	12.92
5.50	5.74	12.52
5.75	5.99	12.11
6.00	6.24	11.71
6.25	6.49	11.32
6.50	6.74	10.93
6.75	6.99	10.55
7.00	7.24	10.14
7.25	7.49	9.85
7.50	7.74	9.56
7.75	7.99	9.26
8.00	8.24	8.97
8.25	8.49	8.74
8.50	8.74	8.51
8.75	8.99	8.28
9.00	9.24	8.05
9.25	9.49	7.87
9.50	9.74	7.69
9.75	9.99	7.50
10.00	10.49	7.32
10.50	10.99	7.02
11.00	11.49	6.72
11.50	11.99	6.47

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12.00	12.49	6.22
12.50	12.99	6.01
13.00	13.49	5.80
13.50	13.99	5.62
14.00	14.49	5.43
14.50	14.99	5.28
15.00	15.54	5.12
15.55	16.54	4.85
16.55	17.54	4.61
17.55	18.54	4.39
18.55	19.54	4.20
19.55	20.54	4.03
20.55	21.54	3.87
21.55	22.54	3.69
22.55	23.54	3.53
23.55	24.54	3.38
24.55	25.54	3.25
25.55	26.54	3.12
26.55	27.54	3.01
27.55	28.54	2.90
28.55	29.54	2.80
29.55	30.54	2.70
30.55	31.54	2.61
31.55	32.54	2.54
32.55	33.54	2.46
33.55	34.54	2.38
34.55	35.54	2.32
35.55	36.54	2.25
36.55	37.54	2.20
37.55	38.54	2.13
38.55	39.54	2.07
39.55	40.54	2.03
40.55	41.54	1.98
41.55	42.54	1.93
42.55	43.54	1.89
43.55	44.54	1.84
44.55	45.54	1.80
45.55	46.54	1.76
46.55	47.54	1.72
47.55	48.54	1.69
48.55	49.54	1.66
49.55	50.54	1.62
50.55	51.54	1.59
51.55	52.54	1.56
52.55	53.54	1.52
53.55	54.54	1.50
54.55	55.54	1.47
55.55	56.54	1.45
56.55	57.54	1.41
57.55	58.54	1.39
58.55	59.54	1.37
59.55	60.54	1.35
60.55	61.54	1.33
61.55	62.54	1.30
62.55	63.54	1.28
63.55	64.54	1.26
64.55	65.54	1.24
65.55	66.54	1.23
66.55	67.54	1.21
67.55	68.54	1.18
68.55	69.54	1.17
69.55	70.54	1.15

NEW SECTION

WAC 392-141-176 Alleviating hazardous walking conditions. As a condition of funding for school bus stops located within one radius mile, school districts shall make a good faith effort to alleviate hazardous walking conditions. Good faith efforts shall include but are not limited to:

- (1) A written letter at least annually to appropriate agencies responsible for alleviating the hazard;
- (2) A second follow up letter if there is no response or communication from the first letter;
- (3) Meetings at which minutes are taken that document the efforts being made between the school district and appropriate agencies; or
- (4) Completed studies.

AMENDATORY SECTION (Amending Order 92-03, filed 3/23/92, effective 4/23/92)

WAC 392-141-185 Operation allocation computation. The computation of the transportation operation allocation shall be as follows:

- (1) All basic and transit tripper students defined in WAC 392-141-115 who are transported to school shall be measured by radius mile intervals between the bus route stop and the destination sites in accordance with WAC 392-141-170(3) and multiplied by two to yield the round trip totals in each distance interval;
- (2) All midday and basic shuttle students transported shall be measured by radius mile intervals between the bus route stop and the destination school in accordance with WAC 392-141-170(3);
- (3) The total students in subsections (1) and (2) of this section in each distance interval, multiplied by the applicable distance weighting factor contained in WAC 392-141-170(3) shall equal the weighted student units in each distance interval. Midday transportation students whose schedule is one day per week shall have the weighted student units multiplied by twenty percent;
- (4) The district's minimum load factor, if applicable, is calculated pursuant to WAC 392-141-170(5). This factor is multiplied by the total weighted student units generated by basic and tripper students. This total is the additional weighted units attributable to the district's small average bus load;
- (5) The sum of the cumulative weighted student units calculated in subsections (3) and (4) of this section, if applicable, less the weighted units for students who do not qualify under WAC 392-141-175 equals the total basic transportation weighted units;
- (6) The basic allocation is the total basic transportation weighted units calculated in subsection (5) of this section multiplied by the standard student mile allocation rate (~~the small fleet maintenance allocation rate, if applicable, shall be added to the standard student mile allocation rate before calculating the basic allocation~~);

PERMANENT

(7) All special students defined in RCW 28A.155.020 transported on special transportation bus routes to school or agencies for related services shall be measured by radius mile intervals between their bus route stops and destinations sites in accordance with WAC 392-141-170(3) and multiplied by two to yield the round trip total in each distance interval;

(8) All special shuttle students transported between schools or agencies less frequently than five days a week shall be measured by radius mile intervals between the bus route stop and destination sites in accordance with WAC 392-141-170(3);

(9) The total students in subsections (7) and (8) of this section in each distance interval multiplied by the applicable distance weighting factor contained in WAC 392-141-170(3) shall equal the weighted student units in each distance interval. Special shuttle transportation whose schedule is less than five days a week shall have the weighted units multiplied by the appropriate percent shown in the table below:

<u>No. of days per week</u>	<u>Percent factor</u>
1	20%
2	40%
3	60%
4	100%

(10) The district's special transportation load factor, if applicable, is calculated pursuant to WAC 392-141-170. The factor is multiplied by the total weighted student units generated by special students (not special shuttle students);

(11) The weighted student units calculated in subsections (9) and (10) of this section, if applicable, equals the total special transportation weighted units;

(12) The special allocation is the total special transportation weighted units calculated in subsection (11) of this section, multiplied by the standard student mile allocation rate (~~(—The small fleet maintenance allocation rate, if applicable, shall be added to the standard student mile allocation rate before calculating the special allocation);~~);

(13) The district car allocation is computed for each vehicle and then totaled to equal the district car allocation. The computation is based on one hundred eighty days and fifty mile increments multiplied by the appropriate district car operation and depreciation rates published by the superintendent of public instruction. All vehicles traveling over two hundred fifty miles receive only the depreciation rate for miles in excess of two hundred fifty for the one hundred eighty day period;

(14) The district's annual allocation for transportation operation is the total of the calculations made in subsections (6), (12), and (13) of this section;

(15) When a district submits a revised report pursuant to WAC 392-141-165, to the extent funds are available, the district's operation allocation shall be recalculated. Any increase in operations allocations shall be prorated for the remainder of the annual school term or until termination of activities before the end of the scheduled school term. The date that the district documents first meeting the ten percent increase in eligible students transported shall be used to

prorate any increase in annual transportation operation allocations.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 392-141-145 Definition—Small fleet maintenance allocation rate.

WSR 95-18-051

PERMANENT RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Order 95-05—Filed August 30, 1995, 10:58 a.m.]

Date of Adoption: August 25, 1995.

Purpose: Specify procedures for providing funding for student learning improvement activities and for other educational enhancement as provided in the 1995-97 Biennial Operating Appropriations Act.

Statutory Authority for Adoption: RCW 28A.150.400.

Adopted under notice filed as WSR 95-15-054 on July 14, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 20, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 20, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 20, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 20, amended 0, repealed 0.

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

August 25, 1995
Judith A. Billings
Superintendent of
Public Instruction

1995-97 LOCAL ENHANCEMENT FUNDING INCLUDING THE STUDENT LEARNING IMPROVEMENT BLOCK GRANT

NEW SECTION

WAC 392-140-570 1995-97 Local enhancement funding—Applicable provisions. WAC 392-140-570 through 392-140-594 apply to the distribution of moneys to school districts for student learning improvement block grants and local program enhancement block grants pursuant to the 1995-97 State Operating Appropriations Act.

PERMANENT

NEW SECTION

WAC 392-140-571 1995-97 Local enhancement funding—Definition—Student learning improvement block grants. As used in WAC 392-140-570 through 392-140-594 student learning improvement block grants means that portion of total local enhancement funding which is allocated to school districts for distribution to school buildings for building based planning, staff development, and other activities to improve student learning, consistent with the student learning goals in RCW 28A.150.210 and 28A.630.885.

NEW SECTION

WAC 392-140-572 1995-97 Local enhancement funding—Definition—Other activities to improve student learning. As used in WAC 392-140-570 through 392-140-594, "other activities to improve student learning" means those activities such as program design and curriculum alignment which directly relate to the building plan to attain the student learning goals as set forth in RCW 28A.150.210, the essential academic learning requirements and the state assessment system as set forth in RCW 28A.630.885.

NEW SECTION

WAC 392-140-573 1995-97 Local enhancement funding—Definition—Local program enhancement block grants. As used in WAC 392-140-570 through 392-140-594 local program enhancement block grants means that portion of total local enhancement funding which is allocated to school districts for meeting other educational needs as identified by the school district.

NEW SECTION

WAC 392-140-574 1995-97 Local enhancement funding—Definition—Essential academic learning requirements. As used in WAC 392-140-570 through 392-140-594, the essential academic learning requirements means those specific academic and technical skills and knowledge based on the student learning goals set forth in RCW 28A.630.885 (3)(a) and adopted by the commission on student learning. Such requirements shall not limit the instructional strategies used by schools or school districts or require the use of specific curricula.

NEW SECTION

WAC 392-140-575 1995-97 Local enhancement funding—Definition—Assessment system. As used in WAC 392-140-570 through 392-140-594, assessment system means a series of assessments pursuant to RCW 28A.630.885 used to determine if students have successfully learned the essential academic learning requirements as developed by the commission on student learning.

NEW SECTION

WAC 392-140-576 1995-97 Local enhancement funding—Definition—Fiscal year. As used in WAC 392-140-570 through 392-140-594 "fiscal year" means the period beginning July 1 and ending the following June 30.

NEW SECTION

WAC 392-140-577 1995-97 Local enhancement funding—Definition—School year. As used in WAC 392-140-570 through 392-140-594 "school year" means the period beginning September 1 and ending the following August 31.

NEW SECTION

WAC 392-140-578 1995-97 Local enhancement funding—Definition—School district. As used in WAC 392-140-570 through 392-140-594 "school district" means the following:

(1) For purposes of student learning improvement block grants, "school district" means the same as defined in WAC 392-140-069 and the Washington state school for the deaf and the Washington state school for the blind; and

(2) For purposes of local program enhancement block grants "school district" means the same as defined in WAC 392-140-069.

NEW SECTION

WAC 392-140-580 1995-97 Local enhancement funding—Definition—Building plan. As used in WAC 392-140-570 through 392-140-594, building plan means a written document developed by the school building for a multiyear period which sets forth the goals, objectives, procedures, tasks, and timelines for attaining the student learning goals, as set forth in RCW 28A.150.210, the essential academic learning requirements, and the state assessment system as it is developed pursuant to RCW 28A.630.885. Such building plan shall be developed and kept on file by the end of the 1995-96 school year.

NEW SECTION

WAC 392-140-581 1995-97 Local enhancement funding—Definition—Annual performance report. As used in WAC 392-140-570 through 392-140-594, the annual performance report means that report referenced in RCW 28A.320.205 which requires each school to annually publish and deliver such report to each parent with children enrolled in the school and to make the report available to the community served by the school.

NEW SECTION

WAC 392-140-582 1995-97 Local enhancement funding—Definition—Allocation enrollment. As used in WAC 392-140-570 through 392-140-588, "allocation enrollment" means the school district's annual average full-time equivalent students as defined in WAC 392-121-133 plus running start enrollment except in the following cases:

(1) For a school district enrolling less than one hundred annual average full-time equivalent students, allocation enrollment means the sum of the following:

(a) The greater of sixty or the annual average full-time equivalent students enrolled in kindergarten through sixth grade;

(b) The greater of twenty or the annual average full-time equivalent students enrolled in seventh through eighth grade; and

(c) The greater of sixty or the annual average full-time equivalent students enrolled in ninth through twelfth grade.

(2) For a school district operating small school plants designated remote and necessary, allocation enrollment means the sum of the following:

(a) The school district's annual average full-time equivalent enrollment as defined in WAC 392-121-133 plus running start enrollment minus the annual average full-time equivalent enrollment in the small school plants designated remote and necessary; plus

(b) For the small school plant designated remote and necessary:

(i) The greater of sixty or the annual average full-time equivalent students enrolled in kindergarten through sixth grade;

(ii) The greater of twenty or the annual average full-time equivalent students enrolled in seventh through eighth grade; and

(iii) The greater of sixty or the annual average full-time equivalent students enrolled in ninth through twelfth grade.

(3) For student learning improvement block grants only, the allocation enrollment for the Washington state school for the deaf and the Washington state school for the blind shall be the annual average September through May full-time equivalent enrollment reported by those schools to the superintendent of public instruction.

NEW SECTION

WAC 392-140-583 1995-97 Local enhancement funding—Definition—Form SPI 1129. "Form SPI 1129" means the various forms provided by the superintendent of public instruction on which school districts report expenditures of local education enhancement funding and provide a narrative of results and benefits for the school year.

NEW SECTION

WAC 392-140-584 1995-97 Local enhancement funding—Definition—Enrolled as a Medicaid service provider. Enrolled as a Medicaid service provider means having applied for and received a core provider agreement number pursuant to WAC 388-78-007 from the department of social and health services medical assistance administration office of provider services.

NEW SECTION

WAC 392-140-585 1995-97 Local enhancement funding—Actively pursuing federal matching funds for medical services provided through special education programs. The superintendent of public instruction shall find that a district is actively pursuing federal matching funds if the district is enrolled as a Medicaid service provider, and:

(1) That the district is billing for Medicaid eligible services provided to Medicaid eligible students in its special education program conducted pursuant to chapter 392-171 WAC; or

(2) That the district participates in a special education cooperative and the serving district(s) is billing for all Medicaid eligible services provided to all Medicaid eligible students in the cooperative; or

(3) That the Medicaid eligibility of the students enrolled in special education programs has been verified and none of the district's students enrolled in the district's special education program are eligible for Medicaid; or

(4) That the school district does not have any students needing special education.

NEW SECTION

WAC 392-140-586 1995-97 Local enhancement funding—Conditions of receipt of moneys. School districts shall comply with the following conditions in order to receive local enhancement funding:

(1) Receipt by a school district of one-fourth of the district's local enhancement funding allocation shall be conditioned on a finding by the superintendent of public instruction that:

(a) The school district is enrolled as a Medicaid service provider;

(b) The school district is actively pursuing federal matching funds for medical services provided through special education programs, pursuant to chapter 149, Laws of 1993, during the school year in which local enhancement funding is received.

(2) Receipt by a school district of student learning improvement block grant funding shall be conditioned on the school district having adopted a policy regarding the involvement of school staff, parents and community members in instructional decisions.

NEW SECTION

WAC 392-140-588 1995-97 Local enhancement funding—Allocation of moneys. From moneys appropriated by the legislature for local enhancement funding, the superintendent of public instruction shall apportion money to each eligible school district as follows:

(1) The school district's student learning improvement block grant allocation for a fiscal year shall equal the school district's allocation enrollment times a uniform state-wide rate of up to either \$36.69 for school districts meeting the conditions of receipt of moneys in WAC 392-140-586(1) or \$27.52 for districts not meeting the conditions of receipt of moneys in WAC 392-140-586(1); and

(2) The school district's local program enhancement block grant allocation for a school year shall equal the school district's allocation enrollment times a uniform state-wide rate of up to either \$26.30 for school districts meeting the conditions of receipt of moneys in WAC 392-140-586(1) or \$19.73 for districts not meeting the conditions of receipt of moneys in WAC 392-140-586(1).

(3) The school district's student learning improvement block grant allocation shall be paid to the school district in the same manner as provided in WAC 392-121-400 except that payments shall be made according to the following schedule:

September	24%
October through May	8% each month
June	12%

(4) The school district's local program enhancement block grant allocation shall be paid to the school district in the same manner as provided in WAC 392-121-400.

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(5) In January of the following year or thereafter, the school district's student learning improvement block grant allocation and the school district's local program enhancement block grant allocation shall be adjusted to reflect any recovery made pursuant to WAC 392-140-594.

NEW SECTION

WAC 392-140-590 1995-97 Local enhancement funding—Conditions and limitations on expenditures. Expenditure of moneys allocated pursuant to WAC 392-140-570 through 392-140-594 is subject to the following conditions and limitations:

(1) The student learning improvement block grant allocation pursuant to WAC 392-140-588(1) shall be expended in school buildings for building based planning, staff development and other activities to improve student learning consistent with the student learning goals in RCW 28A.150.210 and 28A.630.885; further, schools shall, by the end of the 1995-96 school year, develop and keep on file a building plan to attain the learning goals and essential academic learning requirements and to implement the assessment system as it is developed.

(2) The local education program enhancement block grant allocation pursuant to WAC 392-140-588(2) may be expended to meet other education needs identified by the district.

(3) The school district shall account for expenditure of the student learning improvement block grant allocation and for expenditure of the local education program enhancement block grant allocation separately in expenditure Program 75, local educational program enhancement.

(4) The student learning improvement block grant allocation shall be expended during the period beginning July 1 of the fiscal year and ending on or before June 30 of the fiscal year.

(5) The local education program enhancement block grant allocation shall be expended during the period beginning September 1 and ending on or before August 31 of the school year.

(6) The school district shall report to the superintendent of public instruction as provided in WAC 392-140-592.

NEW SECTION

WAC 392-140-592 1995-97 Local enhancement funding—School district reporting. School districts receiving local enhancement funding shall report to the superintendent of public instruction as follows:

(1) Beginning with the 1995-96 school year each school receiving a student learning improvement block grant shall include information in the annual performance report required in RCW 28A.320.205 on how the grant moneys were spent and what results were achieved. Prior to November 2 of the following school year, each school district shall file the annual performance reports for all such schools with the superintendent of public instruction.

(2) Prior to November 2 of the following school year school districts shall report in the format prescribed by the superintendent of public instruction, the student learning improvement block grant allocation direct expenditures and other necessary information for the fiscal year to the superintendent of public instruction.

(3) Prior to November 2 of the following school year, the school district shall report in the format prescribed by the superintendent of public instruction, the local program enhancement block grant allocation direct expenditures and other necessary information for the school year to the superintendent of public instruction.

NEW SECTION

WAC 392-140-594 1995-97 Local enhancement funding—Recovery of moneys. In January of the following school year or thereafter, the superintendent of public instruction shall compare:

(1) The school district's student learning improvement block grant allocation enhancement funding allocation made pursuant to WAC 392-140-588(1) and the school district's direct expenditures reported pursuant to WAC 392-140-592(2). If the allocation exceeds expenditures, the difference shall be recovered; and

(2) The school district's local program enhancement block grant allocation made pursuant to WAC 392-140-588(2) and the school district's direct expenditures reported pursuant to WAC 392-140-592(3). If the allocation exceeds expenditures, the difference shall be recovered.

WSR 95-18-055

PERMANENT RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed August 31, 1995, 10:52 a.m.]

Date of Adoption: August 31, 1995.

Purpose: WAC 192-04-090, implements a court settlement agreement. WAC 192-04-170(4), requires information needed to process pleadings, and limits those pleadings to five pages. All other changes are housekeeping amendments to conform to current practice.

Citation of Existing Rules Affected by this Order: Amending WAC 192-04-060, 192-04-090, and 192-04-170; and new sections WAC 192-04-063 and 192-04-175.

Statutory Authority for Adoption: RCW 50.12.010 and [50.12.]040; and RCW 34.05.310 et seq.

Adopted under notice filed as WSR 95-15-063 on July 14, 1995.

Changes Other than Editing from Proposed to Adopted Version: Several examples, included for illustrative purposes in the proposed rule, were omitted from the final rule. The agency received comments that the examples were not helpful. The changes do not change the substance or meaning of the rule.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 1, repealed 0.

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Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 4, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 5, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.
August 31, 1995
Teresa M. Morris
Director, OMR

AMENDATORY SECTION (Amending WSR 89-24-030, filed 11/30/89, effective 1/1/90)

WAC 192-04-060 Appeals—Petitions for hearing—Petitions for review—Time limitation—Forms. Any interested party who is aggrieved by any decision of the department set forth in WAC 192-04-050 may file a written appeal or petition for hearing ((with)) in person at, or by mailing it to, any job service center or district tax office or the unemployment compensation agency in any other state or territory in which he or she then resides. ((Such)) The appeal or petition for hearing shall be filed within thirty days of the date ((such)) the decision is delivered or mailed, whichever is the earlier. If the appeal and/or petition for hearing is mailed, it shall be filed in accordance with the provisions of RCW 50.32.025.

Any interested party who is aggrieved by a decision of the office of administrative hearings, other than an order approving a withdrawal of appeal, an order approving a withdrawal of a petition for hearing, a consent order, or an interim order, may file a written petition for review in accordance with the provisions of WAC 192-04-170. ((Such)) The petition for review shall be filed within thirty days of the date of delivery or mailing of ((such)) the decision of the office of administrative hearings, whichever is the earlier. If the petition for review is mailed it shall be filed in accordance with the provisions of RCW 50.32.025.

At the request of ((such)) an interested, aggrieved party, the employment security department shall furnish forms for the filing of a notice of appeal, petition for hearing, or petition for review, but the use of such forms is not a jurisdictional requirement.

NEW SECTION

WAC 192-04-063 Aggrieved party. An aggrieved party is a claimant or an employer who receives an adverse decision of the department set forth in WAC 192-04-050 or an adverse decision of the office of administrative hearings.

AMENDATORY SECTION (Amending WSR 89-24-030, filed 11/30/89, effective 1/1/90)

WAC 192-04-090 Untimely appeals—Petitions for hearing or petitions for review—Good cause. (1) The following factors shall be considered in determining whether good cause exists under RCW 50.32.075 for the late filing of an appeal, petition for hearing or petition for review:

- (a) The length of the delay;
- (b) The excusability of the delay, and
- (c) Whether acceptance of the late filed appeal, petition for hearing, or petition for review will result in prejudice to other interested parties, including the department.

(2) In determining the excusability for the late filing of an appeal, petition for hearing or petition for review, the office of administrative hearings or the commissioner's review office shall take into account any physical, mental, educational or linguistic limitations of the appealing or petitioning party, including any lack of facility with the English language.

AMENDATORY SECTION (Amending WSR 89-24-030, filed 11/30/89, effective 1/1/90)

WAC 192-04-170 Decision of commissioner—Petition for review—Filing—Reply. (1) The written petition for review shall be filed ((with)) in person at any job service center or by mailing it to the agency records center of the ((E))employment ((S))security ((D))department((-212 Maple Park Drive, Olympia, WA, 98504, or the unemployment compensation agency in any other state or territory. Such petition for review shall be filed within thirty days of the date of the mailing or delivery of the decision of the Office of Administrative Hearings, whichever is the earlier.)) within thirty days of the date of mailing or delivery of the decision of the office of administrative hearings, whichever is the earlier. Out-of-state residents may file the petition for review in person at the unemployment compensation agency of the state or territory in which they then reside or by mailing it to the agency records center of the employment security department within thirty days of the date of the mailing or delivery of the decision of the office of administrative hearings, whichever is the earlier.

(2) Any written argument in support of the petition for review must be attached to the petition for review and be filed contemporaneously therewith. The commissioner's review office will acknowledge receipt of the petition for review ((and mail a copy of such acknowledgement to the petitioning party and his or her representative of record, if any.)) by assigning a review number to the case, entering the review number on the face of the petition for review, and setting forth the acknowledgement date on the petition for review. The commissioner's review office will also mail copies of the acknowledge~~(ment,))~~d petition for review and attached argument in support thereof to the petitioning party, nonpetitioning part~~(ies of record))~~y and their representatives of record, if any.

(3) Any reply to the petition for review and any argument in support thereof by the nonpetitioning party shall be filed ((within fifteen days of the date of mailing of the acknowledgment of the petition for review)) in person at, or mailed to, the commissioner's review office. ((It shall be mailed or delivered to the commissioner's review office, Employment Security Department, 212 Maple Park Drive, Olympia, WA, 98504, and to all other parties and their representatives.)) The reply must be received by the commissioner's review office within fifteen days of the date of mailing of the acknowledged petition for review. An informational copy shall be mailed by the nonpetitioning party to all other parties of record and their representatives, if any.

(4) The petition for review and argument in support thereof and the reply to the petition for review and argument in support thereof shall:

(a) Be captioned as such, set forth the docket number of the decision of the office of administrative hearings, and be signed by the party submitting it or by his or her representative.

(b) Be legible, reproducible and five (5) pages or less.
 (((4))) (5) Arrangements for representation and requests for copies of the hearing record and exhibits will not extend the period for the filing of a petition for review, argument in support thereof, or a reply to the petition for review.

((5)) (6) Any argument in support of the petition for review or in reply thereto not submitted in accordance with the provisions of this regulation shall not be considered in the disposition of the case absent a showing that failure to comply with these provisions was beyond the reasonable control of the individual seeking relief.

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.

NEW SECTION

WAC 192-04-175 Advisement order. On behalf of the commissioner, the commissioner's review office may prevent finality of any decision of the office of administrative hearings and take jurisdiction of the proceedings for review thereof by issuing an order so providing and mailing a copy of the advisement order to the parties of record and their representatives within the same period allowed for the filing of a petition for review. The parties of record will be given fifteen days to submit argument in support of or in opposition to the decision of the office of administrative hearings, as well as in response to any departmental memorandum suggesting to the commissioner's review office that it consider taking a decision of the office of administrative hearings under advisement. That argument and/or response from the parties of record must be hand delivered or mailed to the commissioner's review office and received by that office within fifteen days from the date of mailing of the order taking the decision of the office of administrative hearings under advisement.

**WSR 95-18-065
 PERMANENT RULES
 FISH AND WILDLIFE
 COMMISSION
 (Wildlife)**

[Order 95-119—Filed September 1, 1995, 9:55 a.m.]

Date of Adoption: August 12, 1995.

Purpose: To amend WAC 232-28-514 1994-95 and 1995-96 Trapping seasons and regulations.

Citation of Existing Rules Affected by this Order:
 Amending WAC 232-28-514.

Statutory Authority for Adoption: RCW 77.12.040.

Adopted under notice filed as WSR 95-14-102 on June 30, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or

Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

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

August 29, 1995
 Mitchell Johnson
 Chairman

AMENDATORY SECTION [(Amending Order 94-59, filed 8/30/94)]

WAC 232-28-514 1994-95 and 1995-96 Trapping seasons and regulations

TRAPPING REGULATIONS

IT SHALL BE UNLAWFUL TO: Trap for wild animals before October 1, and after

March 15, in western Washington; EXCEPTION: trapping of unclassified wild animals causing damage or predation on private property by the owner or person legally controlling said property (or his designee) is permitted.

IT SHALL BE UNLAWFUL TO: Place traps or establish drowning wire and weights prior to 7:00 a.m. on the opening of the trapping season.

The fox season is closed within the exterior boundaries of the Mount Baker, Snoqualmie, Okanogan, Wenatchee, and Gifford Pinchot National Forests; and closed in San Juan, Island, Skagit, and Whatcom counties.

Federal lands within the Ross Lake and Lake Chelan National Recreation Areas are CLOSED to trapping.

Licenses will be issued only to trappers who have submitted their mandatory Trappers Report of Catch postmarked on or before April 10 of the previous year.

Trappers who fail to submit a report of catch must wait one year before purchasing another trapping license. False reports will be considered the same as no Report of Catch being filed.

To be issued a trapping license, new trappers must meet trapper education requirements.

Certain areas have extended, shortened, or closed seasons for listed species. Refer to the general season, then look for special seasons and exceptions in the trapping zone in which you wish to trap. All opening and closing dates are inclusive. Trapping season starts at 7 a.m. on opening dates.

EASTERN WASHINGTON

General Seasons For All Eastern Washington

For purposes of this regulation, all of Klickitat County will have the same general seasons as Eastern Washington.

- Bobcat Dec. 15, 1994-Jan. 15, 1995 and Dec. 15, 1995-Jan. 15, 1996
- Beaver, River Otter, Badger, Fox Nov. 8, 1994-Feb. 28, 1995 and Nov. 8, 1995-Feb. 28, 1996
- Muskrat Nov. 8, 1994-Mar. 15, 1995 and Nov. 8, 1995-Mar. 15, 1996
- River Otter Season bag limit is two (2)
- Northern Zone (Chelan, Ferry, Okanogan, Pend Oreille, Spokane, and Stevens counties)
- Weasel, Raccoon, Nov. 15, 1994-Jan. 31, 1995 and Mink Nov. 15, 1995-Jan. 31, 1996
- Marten Dec. 15, 1994-Jan. 15, 1995 and Dec. 15, 1995-Jan. 15, 1996

A permit is required to trap on the Little Pend Oreille National Wildlife Refuge. Contact Little Pend Oreille Refuge Headquarters to obtain permits.

EXCEPTIONS:

CHELAN

- Beaver Closed in Swakane and Mudd Creek

OKANOGAN

- Marten Dec. 1, 1994-Jan. 31, 1995 and Dec. 1, 1995-Jan. 31, 1996

PEND OREILLE COUNTY

- Marten Closed west of the Pend Oreille River

SPOKANE COUNTY

- River Otter, Marten CLOSED

STEVENS COUNTY

- Marten Closed east of the Columbia River
- Southern Zone (Adams, Asotin, Benton, Columbia, Douglas, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Walla Walla, Whitman, and Yakima counties)

River Otter open only in Klickitat, Kittitas, and Yakima counties, as well as the Snake and Walla Walla Rivers and their tributaries (season bag limit 2 Otter).

- Weasel, Raccoon, Nov. 15, 1994-Feb. 28, 1995 and Mink Nov. 15, 1995-Feb. 28, 1996

- Marten Dec. 1, 1994-Jan. 31, 1995 and Dec. 1, 1995-Jan. 31, 1996

EXCEPTIONS:

KITTITAS COUNTY

BEAVER closed in the north fork of Tarpiscan Creek, and the Umtanum Creek drainage.

WESTERN WASHINGTON

Certain areas have extended, shortened, or closed seasons for listed species. Refer to the general season, then look for special seasons and exceptions. All opening and closing dates are inclusive. Trapping season starts at 7 a.m. on opening dates.

General Seasons For All Western Washington

- Beaver, Otter Dec. 8, 1994-Jan. 31, 1995 and Dec. 8, 1995-Jan. 31, 1996

- Muskrat, Mink, Raccoon, Marten, Weasel Nov. 21, 1994-Jan. 31, 1995 and Nov. 21, 1995-Jan. 31, 1996

- Bobcat, Fox Nov. 21, 1994-Feb. 15, 1995 and Nov. 21, 1995-Feb. 15, 1996

EXCEPTIONS:

COWLITZ COUNTY

Game Management Unit 522 (Loo-wit) closed to all trapping.

LEWIS COUNTY

Green River closed to trapping above confluence of Elk Creek except bobcat and coyote. Game Management Unit 522 (Loo-wit) closed to all trapping.

MASON COUNTY

Agate Peninsula (near Shelton) west of the Grunert Road and Agate Loop Road to Campbell Creek are open for the use of cage traps only.

~~((PIERCE COUNTY~~

~~Marten Closed within the following described boundary: Beginning at intersection of State Highway 410 and USFS Road #70, then east along USFS Road #70 to the Pacific Crest Trail (Pierce/Yakima county line), then south along the Pacific Crest Trail to USFS Road #7174, then west along USFS Road #7174 to State Highway 410, then north along State Highway 410 to the point of beginning.))~~

SKAGIT COUNTY

- Beaver Dec. 1, 1994-Feb. 28, 1995 and Dec. 1, 1995-Feb. 28, 1996 in that part of Skagit County west of I-5.

Trappers should note that the Illabot Slough and Barnaby Slough posted areas, within the Skagit Bald Eagle Natural Area, are closed to trespass to protect eagle roosting sites.

SKAMANIA COUNTY

Smith Creek, Bean Creek, Clearwater Creek, above USFS 83 Road on Pine Creek, above the confluence of Bean Creek on the Muddy River, CLOSED to all trapping except for bobcat and coyote. Game Management Unit 522 (Loo-wit) CLOSED to all trapping.

THURSTON COUNTY

- Raccoon Season extended for cage traps only. Feb. 1, 1995-Feb. 15, 1995 and Feb. 1, 1996-Feb. 15, 1996

PERMANENT

URBAN TRAPPING AREAS

Trap Restrictions

The following described areas are closed to the taking of classified furbearing animals, and coyote, opossum, nutria, and skunk, by the use of foot-hold, instant kill, or snare traps except muskrat and mink may be taken with a number one foot-hold drowning set or a 110 instant kill trap during lawful trapping seasons as established by the Fish and Wildlife Commission.

Thurston County, within the established city limits (including county islands) of Lacey, Olympia, and Tumwater.

Within Snohomish, King, and Pierce counties. Beginning at the confluence of the Snohomish River and the Puget Sound; then east up the Snohomish River to Interstate 5 (I-5); then south on I-5 to Interstate 405 (I-405); then south on I-405 to I-5; then south on I-5 to its junction with Pioneer Way; then east along Pioneer Way to Waller Road; then south along Waller Road to SR 512; then west along SR 512 to I-5; then north and west to Puget Sound; then north along the coast to the mouth of the Snohomish River and point of beginning.

In the described area Raccoon season is open (cage traps only) Nov. 21, 1994-Feb. 15, 1995 and Nov. 21, 1995-Feb. 15, 1996

48 Hour Trap Check Time

In the following described areas all traps or devices, not capable of drowning the animal (land sets), must be checked and the animal removed within 48 hours.

Thurston County, within the established city limits (including county islands), of Lacey, Olympia, and Tumwater.

Within Snohomish, King, and Pierce counties. Beginning at the mouth of the Snohomish River; then south and east up the Snohomish River to Highway 9; then south on Highway 9 to the Woodinville-Duvall Road; then east on Woodinville-Duvall Road to Avondale Road; then south on Avondale Road to Highway 202; then east on Highway 202 to Duthie Hill Road; then southwest on Duthie Hill Road to its junction with the Issaquah-Fall City Road; then southwest on Issaquah-Fall City Road to East Lake Sammamish Parkway; then south on East Lake Sammamish Parkway to Front Street; then south on Front Street to Issaquah-Hobart Road; then southeast on Issaquah-Hobart Road to Highway 18; then southwest on Highway 18 to Highway 167; then south on Highway 167 to Highway 161; then south on Highway 161 to 224th Street E.; then west on 224th Street E. to Highway 7; then northwest on Highway 7 to Highway 507; then southwest on Highway 507 to Pierce County line; then west along the county line to Puget Sound; then north along the coast to the mouth of the Snohomish River and point of beginning.

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

WSR 95-18-066
PERMANENT RULES
FISH AND WILDLIFE
COMMISSION
 (Wildlife)

[Order 95-120—Filed September 1, 1995, 9:56 a.m.]

Date of Adoption: August 12, 1995.

Purpose: To amend WAC 232-16-380 Sprague Lake Game Reserve.

Citation of Existing Rules Affected by this Order: Amending WAC 232-16-380 Sprague Lake Game Reserve.

Statutory Authority for Adoption: RCW 77.12.040.

Adopted under notice filed as WSR 95-14-107 on June 30, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 1, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

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

August 29, 1995

Mitchell Johnson

Chairman

AMENDATORY SECTION [(Amending Order 3, filed 4/20/70)]

WAC 232-16-380 Sprague Lake Game Reserve: Beginning at the point where the easterly right of way line of Interstate Highway No. 90 crosses the Lincoln-Adams county line; then southwesterly along the easterly right of way line of the freeway to the ((Keystone Road to Old U.S. Highway No. 10)) easterly boundary of Section 11 (T20N, R37E); thence southerly along the section line to Cow Creek; thence southerly along Cow Creek to Danekas Road; thence easterly and northerly along ((Old U.S. Highway No. 10)) Danekas Road to the point where it crosses the Adams-Lincoln County Line; thence westerly along said county line across Sprague Lake to the easterly right of way line of the freeway and point of beginning.

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

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 95-18-067
PERMANENT RULES
FISH AND WILDLIFE
COMMISSION
 (Wildlife)

[Order 95-121—Filed September 1, 1995, 10:02 a.m.]

Date of Adoption: August 12, 1995.

Purpose: To amend WAC 232-28-02202 Game management units (GMUs)—Special areas—Boundary descriptions—Region two.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-02202.

Statutory Authority for Adoption: RCW 77.12.040.

Adopted under notice filed as WSR 95-14-101 on June 30, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

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

August 29, 1995

Mitchell Johnson
Chairman

AMENDATORY SECTION [(Amending Order 94-135, filed 1/10/95)]

WAC 232-28-02202 Game management units (GMUs)—Special game areas—Boundary descriptions—Region two.

GMU 200-TUNK (Okanogan and Ferry counties): Beginning at Tonasket and State Highway 20; then east on State Highway 20 to Republic and State Highway 21; then south on State Highway 21 to the north boundary of the Colville Indian Reservation; then west on the reservation boundary to the Okanogan River; then north along the Okanogan River to Tonasket and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 203-PASAYTEN (Okanogan and Whatcom counties): Beginning at the western boundary of the Pasayten Wilderness (~~(junction of the Pacific Crest Trail)~~) and the Washington-Canadian border; near Princess Creek; then east along the Canadian border to the eastern boundary of the Pasayten Wilderness near Goodenough Peak; then south on the Pasayten Wilderness Boundary to Trail 341; then west and south on Trail 341 to its junction with Trail 533 and Trail 343; then west on Trail 343 to Trail 342; then southwest on Trail 342 to the Pasayten Wilderness Boundary; then west on the wilderness boundary to the Hidden Lakes Trail

477; then west on Hidden Lakes Trail to Drake Creek; then southwest along Drake Creek to the Lost River Gorge; then southwest along the Lost River Gorge to the Pasayten Wilderness Boundary; then west on the Pasayten Wilderness Boundary to the Robinson Creek Trail 478; then north on the Robinson Creek Trail to the Ferguson Lake Trail; then west to Silver Lake and west to the West Fork of the Pasayten River; then west to Oregon Basin and the western boundary of the Pasayten Wilderness (~~(Jim Pass on the Pacific Crest Trail)~~); then north on the wilderness boundary (~~(Pacific Crest Trail)~~) to the Washington-Canadian border near Princess Creek and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 206-BONAPARTE (Okanogan and Ferry counties): Beginning on the eastern shore of Osoyoos Lake and the Washington-Canadian border; then east on the border to the Kettle River near Ferry customs office; then south along the Kettle River to the mouth of Toroda Creek at Toroda; then west along Toroda Creek to the Toroda Creek Road (County Roads 502 and 9495); then west and south on the Toroda Creek Road to State Highway 20 at Wauconda; then west on State Highway 20 to the Okanogan River at Tonasket; then north along the Okanogan River and the eastern shore of Osoyoos Lake to the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 209-WANNACUT (Okanogan County): Beginning at the Canadian border station near Nighthawk on the Washington-Canadian border; then east on the border to the west shore of Lake Osoyoos; then south along the west shore of Lake Osoyoos and the Okanogan River to the bridge at Tonasket and County Road 7 (9400); then south on County Road 7 to the North Pine Creek-Aeneas Lake Road (9437) then southwest on the Pine Creek-Aeneas Lake Road to the Horse Springs Coulee Road (4371); then north on the Horse Springs Coulee Road to the Loomis-Oroville Highway (9425) near Spectacle Lake; then west on the Loomis-Oroville Highway to Loomis; then north on the Loomis-Oroville Highway past Palmer Lake to Nighthawk and the Allemandi Road; then north on the Allemandi Road to the Similkameen Road; then north on the Similkameen Road to the border station on the Washington-Canadian border and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 215-SINLAHEKIN (Okanogan County): Beginning at the eastern boundary of the Pasayten Wilderness and the Washington-Canadian border; then east on the border to the border station near Nighthawk and the Similkameen Road; then southeast on the Similkameen Road to the Allemandi Road; then south on the Allemandi Road to Nighthawk and the Loomis-Oroville Road (USFS Road 9425); then south on the Loomis-Oroville Road through Loomis to the Horse Springs Coulee Road (USFS Road 4371) near Spectacle Lake; then south on the Horse Springs Coulee Road to the Aeneas Lake-Pine Creek Road (USFS Road 9400); then northeast on the Aeneas Lake-Pine Creek Road to the Okanogan River; then south along the Okanogan River to the town of Riverside and U.S. Highway 97; then north on U.S. Highway 97 to the South Pine Creek-Fish Lake Road (USFS Road 9410); then west on the South Pine Creek-Fish Lake Road along the south shore of Fish Lake to the Conconully-

Sinlahekin Road (USFS Road 4015); then southwest on the Conconully-Sinlahekin Road along the north shore of Conconully Lake to Conconully and the Salmon Creek North Fork Road (USFS Roads 2361, 38, and 2820); then north on the Salmon Creek North Fork Road over Lone Frank Pass to USFS Road 39; then north on USFS Road 39 to Long Swamp and the Middle Fork Toats Coulee Road; then east on the Middle Fork Toats Coulee Road (USFS Road 39) to Iron Gate Road (USFS Road 500); then northwest on Iron Gate Road to its end; then north and east on Trails 533 and 341 to the eastern boundary of the Pasayten Wilderness; then north on the wilderness boundary to the Washington-Canadian border and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 218-CHEWUCH (Okanogan County): Beginning at Oregon Basin and Jim Pass on the Pacific Crest Trail; then east to Silver Lake; then east to the Ferguson Lake Trail and the Middle Fork Trail 478; then south on the Trail 478 to the Pasayten Wilderness Boundary; then east on the wilderness boundary to Lost River; then northeast along Lost River and Drake Creek to Hidden Lake Trail 477; then east on the Hidden Lake Trail 477 to the Pasayten Wilderness Boundary at Eightmile Pass; then northeast on the wilderness boundary to Trail 342 near Hicky Hump; then north on Trail 342 to Trail 343 at Two Bear camp; then east on Trail 343 to the Iron Gate Road (USFS Road 500); then south on the Iron Gate Road to the Middle Fork Toats Coulee Creek (USFS Road 39); then west and south on the Middle Fork Toats Coulee Creek Road past Long Swamp to the Boulder Creek Road (USFS Road 37); then southwest on Boulder Creek Road to the East Chewuch River Road (USFS Road 9137); then south on the East Chewuch River Road to Winthrop and State Highway 20; then northwest on State Highway 20 to the Pacific Crest Trail crossing on Highway 20; then north on the Pacific Crest Trail to Jim Pass and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 224-PEARRYGIN (Okanogan County): Beginning at the North Fork Boulder Creek Road (USFS Road 39) and USFS Road 3820; then south on Road 3820 through Lone Frank Pass to the North Fork Salmon Creek Road (USFS Road 38); then southeast on the North Fork Salmon Creek Road to the County Road 2361; then southeast on County Road 2361 to County Road 2017 at Conconully; then southwest on County Road 2017 to the North Summit Road (USFS Road 42); then southwest on the North Summit Road to State Highway 20 at Loup Loup Summit; then west on State Highway 20 through Twisp to the East Chewuch River Road at Winthrop; then north on the East Chewuch River Road to the Boulder Creek Road (USFS Road 37); then northeast on the Boulder Creek Road to the Middle Fork Boulder Creek Road (USFS Road 39); then northeast on the Middle Fork Boulder Creek Road to USFS Road 3820 and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 231-GARDNER (Okanogan County): Beginning where the Pacific Crest Trail crosses State Highway 20; then south and east on State Highway 20; south through the Methow Valley, south through Winthrop to the Twisp River Road at Twisp; then west on the Twisp River Road to North

Fork Twisp River Trail 432; then north on Trail 432 to Trail 426; then north and west on Trail 426 to the Pacific Crest Trail; then north on the Pacific Crest Trail to State Highway 20 and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 233-POGUE (Okanogan County): Beginning at the town of Conconully; then north on the Sinlahekin Road (USFS Road 4015) to the Fish Lake Road; then east on the Fish Lake Road along the south end of Fish Lake to the South Pine Creek Road (USFS Road 9410); then east on the South Pine Creek Road to U.S. Highway 97; then south on U.S. Highway 97 to the town of Riverside and the Okanogan River; then south along the Okanogan River through Omak to the town of Okanogan and State Highway 20; then west on State Highway 20 near Loup Loup Summit and the North Summit Road (USFS Road 42); then north on the North Summit Road to County Road 2017; then north on County Road 2017 to Conconully and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 239-CHILIWIST (Okanogan County): Beginning at the intersection of State Highway 153 and State Highway 20 south of the town of Twisp; then east on State Highway 20 past Loup Loup Summit to the town of Okanogan and the Okanogan River; then south along the Okanogan River to the Columbia River and the Okanogan County south boundary; then west along the Columbia River to Pateros and State Highway 153; then north on State Highway 153 to State Highway 20 and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 242-ALTA (Okanogan County): Beginning at the junction of the Pacific Crest Trail and Trail 426; then east and south along Trail 426 to Trail 432; then east on Trail 432 to Roads End Campground and the Twisp River Road (County Road 9114 and USFS Road 4440); then east on the Twisp River Road to Twisp and State Highway 153; then south on State Highway 153 to Pateros and the Columbia River; then south along Lake Pateros to Wells Dam and U.S. Highway 97; then south on U.S. Highway 97 to Apple Acres Road (USFS Road 8140); then west on Apple Acres Road to Antoine Creek Road (USFS Road 8140); then northwest on the Antoine Creek Road to USFS Road 8020; then north on the USFS Road 8020 to its junction with the South Navarre Road and the South Fork Gold Creek Road (USFS Road 8200 and 4330); then north on the South Fork Gold Creek Road to the Okanogan-Chelan County line; then northwest on the Okanogan-Chelan County line to the intersection of Trail 426 and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 248-BIG BEND (Douglas and Grant counties): Beginning on State Highway 17 at the Chalk Hills Road (Road K N.E.); then north on the Chalk Hills Road (K & L N.E.) for 4 miles to the east line of Range 26 East; then north on the east line of Range 26 to the Columbia River; then east along the Columbia River to Grand Coulee Dam and the Feeder Canal; then southwest along the Feeder Canal to Banks Lake; then south along the west shore of Banks Lake to a point due east from Mold Road (Road 9 N.E.); then west from that point on Mold Road through Mold to State Highway 17; then north along State Highway 17 to Sim's Corner and State Highway 172; then west on State

Highway 172 through Mansfield to Mathieson Road (Road B N.E.); then north on the Mathieson Road and the West Foster Creek Road (Bridgeport Hill Road) to State Highway 17; then east on State Highway 17 to the Chalk Hills Road (Road K N.E.) and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 254-SAINT ANDREWS (Douglas and Grant counties): Beginning at Mansfield on State Highway 172; then east on State Highway 172 to Sim's Corner and State Highway 17; then south on State Highway 17 to Buckeye Road (Road 9 N.E.); then east on the Buckeye Road to Mold and the Mold Road; then east on the Mold Road and continuing due east to the west shore of Banks Lake; then south along the west shore of Banks Lake to U.S. Highway 2; then west on U.S. Highway 2 to Farmer and State Highway 172; then north and east on State Highway 172 to Mansfield and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 260-FOSTER CREEK (Douglas County): Beginning at Brewster and the Douglas-Okanogan County line; then east on the county line (Columbia River) past Bridgeport to the east line of Range 26 East; then south on the east line of Range 26 East to Road L N.E.; then south on Road L N.E. to the Chalk Hills Road (K & L N.E.); then southwest on the Chalk Hills Road to State Highway 17; then west on State Highway 17 to the Bridgeport Hill Road; then south on the Bridgeport Hill Road to the Dyer Hill Road; then north on the Dyer Hill Road to Dyer and the Bonita Flat Road; then west on the Bonita Flat Road to the Columbia River (opposite the Okanogan-Chelan County line); then north along the river to Brewster and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 262-WITHROW (Douglas County): Beginning at Dyer and the Dyer Hill Road; then south on the Dyer Hill Road to the Bridgeport Hill Road; then south 3/4 mile on the Bridgeport Hill Road to Road 18 N.E.; then east on Road 18 N.E. to the Mathieson Road (B N.E.); then south on the Mathieson Road to State Highway 172; then west and south on State Highway 172 to Farmer and U.S. Highway 2; then west on U.S. Highway 2 through Waterville to Orondo and the Douglas-Chelan County line; then north on the county line (Columbia River) past the Wells Dam to the Bonita Flat Road (opposite the Okanogan-Chelan County line); then east on the Bonita Flat Road to Dyer and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 266-BADGER (Douglas County): Beginning at Orondo and U.S. Highway 2; then east on U.S. Highway 2 through Waterville and Douglas to the Westerman Road (K S.W.); then south on the Westerman Road to Alston and the Alston Road; then west on the Alston Road to the Titchenal Canyon Road; then southwest on the Titchenal Canyon Road to the Sheehan Road; then south on the Sheehan Road to the Rock Island Grade Road; then southwest on the Rock Island Grade Road to the Rock Island Dam and the Douglas-Chelan County line (Columbia River); then north on the county line through Wenatchee to Orondo and the point of beginning, (includes Turtle Rock Island). (See Washington Atlas & Gazetteer)

GMU 269-MOSES COULEE (Douglas and Grant counties): Beginning on U.S. Highway 2 and the Westerman Road (K S.W.); then east on U.S. Highway 2 to the Moses Coulee Road; then south on the Moses Coulee Road to the Grant-Douglas County line and the Sagebrush Flat Road; then south on the Sagebrush Flat Road to J.N.W. Road; then south on J.N.W. to 20 N.W. Road; then west on 20 N.W. Road to the Overen Road; then southwest on the Overen Road to the Baird Springs Road; then southwest on the Baird Springs Road across State Highway 28 to the Crescent Bar Road; then south along the Crescent Bar Road to the Douglas-Kittitas County line (Columbia River); then north on the county line to the Rock Island Dam and the Rock Island Grade Road; then north on Rock Island Grade Road to the Sheehan Road; then north on the Sheehan Road to the Titchenal Canyon Road; then north on the Titchenal Canyon Road to the Alston Road; then east on the Alston Road through Alston to the Westerman Road (K S.W.); then north on the Westerman Road to U.S. Highway 2 and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 272-BEEZLEY (Grant and Douglas counties): Beginning at the junction of Grant, Lincoln and Okanogan County lines near the town of Grand Coulee; then south on the Grant County line to Interstate 90; then west on Interstate 90 to the Grant-Kittitas County line (Columbia River); then north on the county line to the Crescent Bar Road; then northeast on the Crescent Bar Road to the Baird Springs Road near Trinidad; then northeast on the Baird Springs Road across State Highway 28 to the Overen Road; then northeast on the Overen Road to the 20 N.W. Road; then east on the 20 N.W. Road to the J.N.W. Road; then north on the J.N.W. Road to the Sagebrush Flats Road; then north on the Sagebrush Flats Road to the Grant-Douglas County line and the Moses Coulee Road; then north on the Moses Coulee Road to U.S. Highway 2; then east on U.S. Highway 2 to the west shore of Banks Lake; then north along the west shore of Banks Lake to the feeder canal and to Grand Coulee Dam; then up river to the Grant-Lincoln County line and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 278-WAHLUKE (Grant and Adams counties): Beginning at the Vantage Bridge on Interstate 90 and the Grant-Kittitas County line (Columbia River); then northeast and east on Interstate 90 to the Grant-Adams County line; then south and west along the Grant-Adams County line to State Highway 17; then south on State Highway 17 to State Highway 26; then west on State Highway 26 to State Highway 24; then south and west on State Highway 24 to the Vernita Bridge and the Columbia River (Grant County line); then west and north along the Columbia River to the Vantage Bridge on Interstate 90 and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 281-RINGOLD (Franklin, Adams and Grant counties): Beginning at the Vernita Bridge on the west shore of the Columbia River and State Highway 24; then north and east on State Highway 24 to State Highway 26 at Othello; then east on State Highway 26 to State Highway 17; then south on State Highway 17 to U.S. Highway 395; then south on U.S. Highway 395 through Pasco and the west

shore of the Columbia River (Franklin-Benton County line); then north along the Columbia River (including all islands) to the Vernita Bridge and the point of beginning. The Hanford Nuclear Site and the Saddle Mountain National Wildlife Refuge are closed to unauthorized public entry. (See Washington Atlas & Gazetteer)

GMU 284-KAHLOTUS (Adams and Franklin counties): Beginning on State Highway 17 and the Adams-Grant County line (12 S.E. Road); then east on the county line (12 S.E. Road) and north (X S.E. Road); then east on the Adams-Lincoln County line (Davis Road) to the Whitman County line; then south on the Adams-Whitman County line (Palouse River); then south on the Franklin-Whitman County line (Palouse River) to the Franklin-Columbia-Walla Walla County line (Snake River); then west on the Franklin-Walla Walla County line (Snake River) to the Walla Walla-Benton County line (Columbia River); then northwest on the county line to the U.S. Highway 395 bridge between Pasco and Kennewick; then north on U.S. Highway 395 to State Highway 17; then north on State Highway 17 to the Adams-Grant County line (12 S.E. Road) and the point of beginning. (See Washington Atlas & Gazetteer)

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

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 95-18-068
PERMANENT RULES
FISH AND WILDLIFE
COMMISSION
(Wildlife)

[Order 95-122—Filed September 1, 1995, 10:04 a.m.]

Date of Adoption: August 12, 1995.

Purpose: To adopt WAC 232-28-419 1995-96 Migratory waterfowl seasons and regulations; and to repeal WAC 232-28-418 1994-95 Migratory waterfowl seasons and regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-418 Migratory waterfowl seasons and regulations.

Statutory Authority for Adoption: RCW 77.12.040.

Adopted under notice filed as WSR 95-14-103 on June 30, 1995.

Changes Other than Editing from Proposed to Adopted Version: (1) Duck bag and possession limits were changed to eliminate the special restriction on mallards; (2) references to "either sex" were dropped from the pintail bag and possession limits; (3) western Washington Goose Management Area 2 zones and holiday closures were modified to be consistent with last year; (4) Cackling Canada goose bag/possession limits were raised from 1/2 to 2/4 westside goose area 2; (5) Dusky Canada goose quotas were reduced from 90 to 67, and individual area quotas were modified in westside goose area 2, along with a closure on part of Ridgefield NWR; (6) the Canada goose season was extended

for a late season period during Feb. 6 - Mar. 10 in Clark and south Cowlitz counties; (7) a portion of Fir Island was closed to provide a sanctuary for snow geese; and (8) falconry season dates for ducks and coots in western Washington were changed from Oct. 14 - Jan. 28 to Oct. 14 - Jan. 14 and Jan. 24 - Feb. 6.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 1, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 1, amended 0, repealed 0.

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

August 29, 1995
Mitchell Johnson
Chairman

NEW SECTION

WAC 232-28-419 1995-96 Migratory waterfowl seasons and regulations

DUCKS

Western Washington

8:00 a.m. Oct. 14, 1995 - Jan. 14, 1996

Daily bag limit: 6 ducks—to include not more than 1 hen mallard, not more than 2 pintails, not more than 2 redheads, and not more than 1 canvasback.

Possession limit: 12 ducks—to include not more than 2 hen mallards, not more than 4 pintails, not more than 4 redheads, and not more than 2 canvasbacks.

Eastern Washington

Noon Oct. 14, 1995 - Jan. 21, 1996

Daily bag limit: 6 ducks—to include not more than 1 hen mallard, not more than 2 pintails, not more than 2 redheads, and not more than 1 canvasback.

Possession limit: 12 ducks—to include not more than 2 hen mallards, not more than 4 pintails, not more than 4 redheads, and not more than 2 canvasbacks.

COOT (Mudhen)

Same areas, dates, and shooting hours as the general duck season.

Daily bag limit: 25 coots.

Possession limit: 25 coots.

COMMON SNIPE

Same areas, dates, and shooting hours as the general duck season.

Daily bag limit: 8 snipe.

Possession limit: 16 snipe.

GEESE (except Brant and Aleutian Canada Geese)

WESTERN WASHINGTON

Western Washington Goose Management Area 1

Island, Skagit, Snohomish counties

8 a.m. Oct. 14 - Dec. 31, 1995

Daily bag limit: 3 geese.

Possession limit: 6 geese.

WRITTEN AUTHORIZATION REQUIRED TO HUNT SNOW GEESE.

All persons hunting snow geese in this season are required to obtain a written authorization and Harvest Report from the Washington Department of Fish and Wildlife. Hunters who held a 1994 authorization and returned the Harvest Report prior to the deadline will be mailed a 1995 authorization in early October. Hunters who did not possess a 1994 authorization must fill out an application (available at Washington Department of Fish and Wildlife Olympia and regional offices). Application forms must be delivered to a Department office no later than September 25 or postmarked on or before September 25, after which applicants will be mailed a 1995 authorization in early October. **Late applications will not be accepted.** Immediately after taking a snow goose into possession, hunters must record in ink the information required on the Harvest Report. Return of the Harvest Report is mandatory. Those hunters not returning the Harvest Report to the Washington Department of Fish and Wildlife by January 15, 1996 will be ineligible to participate in the 1996 snow goose season.

Western Washington Goose Management Area 2

Clark, Cowlitz, Pacific, and Wahkiakum counties

Open in Cowlitz County south of the Kalama River and Clark County on the following dates from 8:00 a.m. to 4:00 p.m.:

Nov. 26, 1995

Dec. 2, 10, 16, 24, 30, 1995

Jan. 6, 14, 20, 1996

Open in Cowlitz County north of the Kalama River, Pacific, and Wahkiakum counties on the following dates from 8:00 a.m. to 4:00 p.m.:

Saturdays, Sundays, and Wednesdays only, Nov. 25, 1995-Jan. 21, 1996, except closed Dec. 24 and Dec. 31, 1995.

Bag limits for all of Western Washington Goose Management Area 2:

Daily bag limit: 4 geese, to include not more than 3 Canada geese, not more than 1 dusky Canada goose, not more than 2 cackling Canada geese, and not more than 3 white geese (snow, Ross', blue).

Possession limit: 8 geese, to include not more than 6 Canada geese, not more than 1 dusky Canada goose, and not more than 4 cackling Canada geese, and not more than 6 white geese (snow, Ross', blue).

Season limit: 1 dusky Canada goose.

The Canada goose season for Clark, Cowlitz, Pacific, and Wahkiakum counties will be closed early if dusky Canada

goose harvests exceed area quotas which collectively total 67 geese. The Fish and Wildlife Commission has authorized the Director to implement emergency area closures in accordance with the following quotas: a total of 67 dusks, to be distributed 24 for Clark County private lands, 10 for Ridgefield NWR (part of Ridgefield NWR closed for 1995-96 season), 13 for Cowlitz County south of the Kalama River, 10 for Cowlitz County north of the Kalama River and Wahkiakum County, and 10 for Pacific County.

Hunting only by written authorization from the Washington Department of Fish and Wildlife. Hunters who maintained a valid 1994 written authorization will be mailed a 1995 authorization card prior to the 1995 season. Hunters who did not maintain a valid 1994 authorization must attend a goose identification class at a Washington Department of Fish and Wildlife office to receive authorization. **Beginning with the 1996-97 season, goose identification classes will be offered only through October 31.**

With written authorization, hunters will receive a hunter activity and Harvest Report. Hunters must carry the authorization card and Harvest Report while hunting. Immediately after taking a Canada goose (dusky, lesser/Taverner, cackling, or other subspecies) into possession, hunters must record in ink the information required on the Harvest Report. Hunters must go directly to the nearest check station and have geese tagged when leaving a hunt site. If a hunter takes the season bag limit of one dusky Canada goose or does not comply with requirements listed above regarding checking of birds and recording harvest on the Harvest Report, written authorization will be revoked and the hunter will not be able to hunt in Western Washington Goose Management Area 2 for the remainder of the season.

Special Late Canada Goose Season

OPEN TO WDFW ADVANCED HUNTER EDUCATION PROGRAM GRADUATES ONLY THROUGH SPECIAL WRITTEN AUTHORIZATION ISSUED BY WDFW Cowlitz County south of the Kalama River and Clark County

Open in Cowlitz County south of the Kalama River and Clark County on the selected dates within the following period from 8:00 a.m. to 4:00 p.m.:

February 5 - March 10, 1996

Cackling Canada goose season is closed during the Special Lake Canada Goose Season.

Daily bag limit: 4 geese, to include not more than 3 Canada geese, not more than 1 dusky Canada goose, and not more than 3 white geese (snow, Ross', blue).

Possession limit: 8 geese, to include not more than 6 Canada geese, not more than 1 dusky Canada goose, and not more than 6 white geese (snow, Ross', blue).

Season limit: 1 dusky Canada goose.

The Fish and Wildlife Commission has authorized the Director to implement an emergency closure if the harvest of dusky Canada geese exceeds 5 in the Special Lake Canada Goose Season. Hunting only by written authorization from the Washington Department of Fish and Wildlife. With written authorization, hunters will receive a hunter activity and Harvest Report. Hunters must carry the authorization

card and Harvest Report while hunting. Immediately after taking a Canada goose (dusky, lesser/Taverner, or other subspecies) into possession, hunters must record in ink the information required on the Harvest Report. Hunters must go directly to the nearest check station and have geese tagged when leaving a hunt site. If a hunter takes the season bag limit of one dusky Canada goose or does not comply with requirements listed above regarding checking of birds and recording harvest on the Harvest Report, written authorization will be revoked and the hunter will not be able to hunt in the Special Lake Canada Goose Season for the remainder of the season.

Western Washington Goose Management Area 3

Includes all parts of western Washington not included in Western Washington Goose Management Areas 1 and 2.

8 a.m. Oct. 14, 1995-Jan. 21, 1996

Daily bag limit: 4 geese, to include not more than 3 white geese (snow, Ross', blue).

Possession limit: 8 geese, to include not more than 6 white geese (snow, Ross', blue)

EASTERN WASHINGTON

(see area descriptions below)

Eastern Washington Goose Management Area 1

Saturdays, Sundays, and Wednesdays only, from noon Oct. 14, 1995-Jan. 14, 1996; Nov. 10, 23, 24, Dec. 25, 1995, and Jan. 1, 1996; and every day Jan. 15-21, 1996.

Eastern Washington Goose Management Area 2

Saturdays, Sundays, Tuesdays, and Wednesdays only, from noon Oct. 14, 1995-Jan. 14, 1996; Nov. 10, 23, 24, Dec. 25, 28, 29, 1995, and Jan. 1, 1996; and every day Jan. 15-21, 1996.

Eastern Washington Goose Management Area 3

Noon Oct. 14, 1995-Jan. 21, 1996.

Bag limits for all Eastern Washington Goose Management Areas:

Daily bag limit: 4 geese, to include not more than 3 white geese (snow, Ross', blue).

Possession limit: 8 geese, to include not more than 6 white geese (snow, Ross', blue).

BRANT

Open in Skagit and Pacific counties only, on the following dates:

Dec. 9, 10, 11, 13, 15, 16, 17, 19, 21, 23, 24, 1995.

WRITTEN AUTHORIZATION REQUIRED: All hunters participating in this season are required to obtain a written authorization and Harvest Report from the Washington Department of Fish and Wildlife. Hunters who held a 1994 authorization and returned the Harvest Report prior to the deadline will be mailed a 1995 authorization in early December. Hunters who did not possess a 1994 authorization must fill out an application (available at Washington Department of Fish and Wildlife regional offices). Application forms must be delivered to a Department office no later than 5:00 p.m. on November 10 or postmarked on or before November 10, after which applicants will be mailed a 1995 authorization in

early December. **Late applications will not be accepted.** Immediately after taking a brant into possession, hunters must record in ink the information required on the Harvest Report. Return of the Harvest Report is mandatory. Those hunters not returning the Harvest Report to the Washington Department of Fish and Wildlife by January 15, 1996 will be ineligible to participate in the 1996 brant season.

Daily bag limit: 2 brant.

Possession limit: 4 brant.

ALEUTIAN CANADA GEESE AND SWANS

Season closed statewide.

EASTERN WASHINGTON GOOSE MANAGEMENT AREA DESCRIPTIONS

Eastern Washington Goose Management Area 1

All of Lincoln, Spokane, and Walla Walla counties, and those parts of the following counties listed below:

Grant County: Those parts east of line beginning at the Douglas-Lincoln County line on State Highway 174, southwest on State Highway 174 to State Highway 155, south on State Highway 155 to U.S. Highway 2, southwest on U.S. Highway 2 to the Pinto Ridge Road, south on Pinto Ridge Road to State Highway 28, east on State Highway 28 to the Stratford Road, south on the Stratford Road to State Highway 17, south on State Highway 17 to the Grant-Adams County line.

Adams County: Those parts east of State Highway 17.

Franklin County: Those parts east and south of a line beginning at the Adams-Franklin County line on State Highway 17, south on State Highway 17 to U.S. Highway 396, south on U.S. Highway 396 to U.S. Interstate I-182, west on U.S. Interstate I-182 to the Franklin-Benton County line.

Benton County: Those parts south of U.S. Interstates I-182 and I-82.

Klickitat County: Those parts east of U.S. Highway 97.

Eastern Washington Goose Management Area 2

All of Okanogan, Douglas, and Kittitas counties and those parts of Grant, Adams, Franklin, and Benton counties not included in Eastern Washington Goose Management Area 1.

Eastern Washington Goose Management Area 3

All other parts of eastern Washington not included in Eastern Washington Goose Management Areas 1 and 2.

SPECIAL CLOSURES AND REGULATIONS

Special Closures

Columbia River:

It is unlawful to hunt waterfowl, coot, or snipe on or within one-fourth mile of the Columbia River in the following areas:

—Between Chief Joseph Dam and the mouth of Nespelem Creek in Okanogan and Douglas counties.

—Between Rock Island Dam and the Chelan County substation at Winesap in Chelan County and between

Rock Island Dam and a point in Douglas County perpendicular to the Chelan County substation at Winesap.

—From the old Hanford townsite (wooden tower) powerline crossing in Sec. 30, T13N, R28E, to Vernita Bridge (Highway 24).

—On or within one-fourth mile of Badger and Foundation Islands in Walla Walla County.

—Between the railroad bridge at Wishram and east along the Columbia River to the grain elevator at Roosevelt.

It is unlawful to hunt waterfowl, coot, or snipe on waters and land below the mean high water mark of Bachelor Island Slough of the Columbia River in Clark County. Bachelor Island Slough is further defined as those waters starting at the south end of the slough at its confluence with the Columbia River, running north along the eastern shore of Bachelor Island to the confluence with Lake River.

It is unlawful to hunt game birds on the Columbia River or from any island in the Columbia River in the following areas:

—From the mouth of Glade Creek (River Marker 57) to the old townsite of Paterson (River Marker 67) in Benton County, except the hunting of game birds is permitted from the main shoreline of the Columbia River in this area. (Check with Umatilla National Wildlife Refuge for other federal regulations for this area.)

—Between the public boat launch at Sunland Estates in Grant County (Wanapum Pool) and a point perpendicular in Kittitas County; upstream to the posted marker 200 yards north of Quilomene Bay and a point perpendicular in Grant County, including islands.

The U.S. Department of Energy retains security closures on the Hanford Reservation along the Columbia River.

Snake River

It is unlawful to hunt waterfowl, coot, or snipe in the following areas:

—On or within one-half mile of the Snake River from the Highway 12 bridge upriver to Lower Monumental Dam.

—On or within one-fourth mile of the Snake River between the Interstate Highway 12 bridges at Clarkston, downstream to the Lower Granite Dam.

Yakima River

It is unlawful to hunt waterfowl, coot, or snipe within one-fourth mile of the Yakima River in the following areas:

—From the Sunnyside-Mabton Road bridge downstream to the Euclid Road bridge (4 miles).

—From the Grant Avenue bridge (steel bridge) north of Prosser downstream 2-1/2 miles, to the powerline.

I-82 Ponds

It is unlawful to hunt waterfowl, coot, or snipe in the following area:

—Those waters under Washington Department of Fish and Wildlife ownership known as Ponds 1, 2, 3, and 6 north and east of Interstate 82 and south and east of S.R. 12 from the city limits of Union Gap to the Zillah/Toppenish Road.

Padilla Bay

It is unlawful to hunt waterfowl, coot, or snipe in the following areas:

—Swinomish Spit Game Reserve—Beginning at the Burlington Northern railroad tracks on the west shoreline of the Swinomish Channel; then in a northwesterly direction along the west side of the Swinomish Channel to the red channel mark buoy N "20" (as indicated on Navigation Map #18427, 13th Ed., July 16, 1983); then 6,000 feet ENE (east-northeast); then 3,300 feet SSE (south-southeast); then 4,200 feet SW (southwest) to the dike at the south end of Padilla Bay; then continue westerly along said dike to the intersection of the Burlington Northern railroad tracks and the east shoreline of the Swinomish Channel; then continue along said railroad tracks (across swing bridge) to the west shoreline of the Swinomish Channel and the point of beginning.

—Bayview Game Reserve—Beginning at a point on the Bayview-Edison Road 750 feet south of the intersection of the Bayview Cemetery Entrance road; then 4,000 feet WNW (west-northwest); then 5,750 feet NNW (north-northwest); then 3,750 feet ENE (east-northeast) to the northwest corner of Padilla Bay Tract No. 532; then east to the northeast corner of Padilla Bay Tract No. 532; then SSE (south-southeast) to the Bayview-Edison Road; then southerly along said road to the point of beginning.

Skagit Bay

It is unlawful to hunt waterfowl, coot, or snipe in the following area:

—Beginning at the intersection of Fir Island Road and the east bank of Brown's Slough; then east along Fir Island Road (95 feet) to Brown's Slough Dike; then southerly and easterly along Browns Slough Dike to the Fir Island Farms access road; then north along the Fir Island Farms access road to Fir Island Road; then east along Fir Island Road to the northeast corner of Section 22 (T33N, R3E); then south along the east line of Section 22 (T33N, R3E) to Dry Slough; then westerly and south along the west bank of Dry Slough to the intersection with Dike #13(1); then westerly along the Skagit Bay side of Dike #13(1) to the east bank of Brown's Slough; then north along the east bank of Brown's Slough to the intersection with the Fir Island Road and the point of beginning.

Special Regulations

Skagit Wildlife Area Shotgun Shell Restriction

It is unlawful to have in possession more than 15 shotgun shells or to fire more than 15 shells in one day on the farmed island segment of the Skagit public hunting area, between the south fork of the Skagit River and Fresh Water Slough.

It is unlawful to hunt waterfowl from a moving boat or any free-floating device that is not in a fixed position which is either anchored or secured to shore in Port Susan Bay, Skagit Bay, Padilla Bay, and Samish Bay.

Belfair - Hood Canal

It is unlawful to hunt waterfowl in Lynch Cove and the Union River except in designated blinds. The western and southern boundaries of this closure are posted with red steel markers. (This includes all of the Washington Department of Fish and Wildlife and Thelar Wetlands lands.)

FALCONRY SEASONS

A falconry license and a current hunting license are required for hunting with a raptor. In addition, an Eastern Washington Upland Bird Permit or a Western Washington Upland Bird Permit is required to hunt pheasant, quail, and partridge; and federal and state waterfowl stamps for hunting waterfowl are required. A 1996 hunting license, 1996 falconry license, and a 1996 Eastern or Western Washington Upland Bird Permit are required to hunt pheasant, partridge, and grouse after December 31.

Ducks and Coots (Falconry)

(Bag limits include geese, snipe, and mourning doves.)

Western Washington

Oct. 14, 1995-Jan. 14, 1996; Jan. 24-Feb. 6, 1996
Daily bag limit: 3, straight or mixed bag with geese, snipe, and mourning doves during established seasons.
Possession limit: 6, straight or mixed bag with geese, snipe, and mourning doves during established seasons.

Eastern Washington

Oct. 14, 1995-Jan. 21, 1996; Mar. 4-10, 1996
Daily bag limit: 3, straight or mixed bag with geese, snipe, and mourning doves during established seasons.
Possession limit: 6, straight or mixed bag with geese, snipe, and mourning doves during established seasons.

Geese (Falconry)

(Bag limits include ducks, coot, snipe, and mourning doves)

Oct. 14, 1995-Jan. 28, 1996, statewide.
Daily bag limit: 3, straight or mixed bag with ducks, coot, snipe, and mourning doves during established seasons.
Possession limit: 6, straight or mixed bag with ducks, coot, snipe, and mourning doves during established seasons.

Snipe (Falconry)

(Bag limits include ducks, coots, geese, and mourning doves)

Oct. 1, 1995-Jan. 15, 1996, statewide
Daily bag limit: 3, straight or mixed bag with ducks, coots, geese and mourning doves during established seasons.
Possession limit: 6, straight or mixed bag with ducks, coots, geese and mourning doves during established seasons.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-418 1994-95 Migratory waterfowl seasons and regulations. (94-82)

WSR 95-18-069
PERMANENT RULES
FISH AND WILDLIFE
COMMISSION
(Wildlife)

[Order 95-123—Filed September 1, 1995, 10:08 a.m., effective September 1, 1995]

Date of Adoption: August 12, 1995.

Purpose: To amend WAC 232-28-24102 1995-96 Official hunting hours for migratory game birds and 1995-96 and 1996-97 Official hunting hours for other game species.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-24102 Official hunting hours.

Statutory Authority for Adoption: RCW 77.12.040.

Adopted under notice filed as WSR 95-14-104 on June 30, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 1, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Waiting thirty-one days for the rule to become effective would be contrary to the public welfare by creating confusion in the regulations for hunters in early September.

Effective Date of Rule: September 1, 1995.

August 29, 1995
Mitchell Johnson
Chairman

AMENDATORY SECTION [(Amending Order 94-147, filed 1/10/95)]

WAC 232-28-24102 1995-96 and 1996-97 Official hunting hours for migratory game birds and 1995-96 and 1996-97 Official hunting hours for other game species

1995-96 OFFICIAL HUNTING HOURS FOR MIGRATORY GAME BIRDS*

September 1, 1995 to January 31, 1996

Dates (Inclusive)				West Slope Zone (Seattle times)		Coastal Zone (Tatoosh Is. times)	
				A.M. to	P.M.	A.M. to	P.M.
				Daylight Savings Time			
Fri.	Sept. 1	-	Sun. Sept. 3	5:57	7:48	6:07	7:59
Mon.	Sept. 4	-	Sun. Sept. 10	6:04	7:38	6:13	7:48
Mon.	Sept. 11	-	Sun. Sept. 17	6:14	7:24	6:23	7:34
Mon.	Sept. 18	-	Sun. Sept. 24	6:23	7:09	6:33	7:19
Mon.	Sept. 25	-	Sun. Oct. 1	6:33	6:55	6:43	7:04
Mon.	Oct. 2	-	Sun. Oct. 8	6:42	6:41	6:53	6:50
Mon.	Oct. 9	-	Fri. Oct. 13	6:51	6:29	7:01	6:38
Opening			Sat. Oct. 14	8:00	6:23	8:00	6:32
Weekend**			Sun. Oct. 15	6:57	6:21	7:07	6:30
Mon.	Oct. 16	-	Sun. Oct. 22	7:02	6:14	7:14	6:22
Mon.	Oct. 23	-	Sat. Oct. 28	7:12	6:02	7:24	6:11
				Pacific Standard Time			
			Sun. Oct. 29	6:17	4:57	6:29	5:05
Mon.	Oct. 30	-	Sun. Nov. 5	6:23	4:50	6:35	4:58
Mon.	Nov. 6	-	Sun. Nov. 12	6:34	4:40	6:46	4:48
Mon.	Nov. 13	-	Sun. Nov. 19	6:45	4:32	6:57	4:39
Mon.	Nov. 20	-	Sun. Nov. 26	6:55	4:25	7:07	4:32
Mon.	Nov. 27	-	Sun. Dec. 3	7:04	4:20	7:15	4:27
Mon.	Dec. 4	-	Sun. Dec. 10	7:12	4:18	7:25	4:24
Mon.	Dec. 11	-	Sun. Dec. 17	7:18	4:18	7:32	4:24
Mon.	Dec. 18	-	Sun. Dec. 24	7:23	4:19	7:37	4:26
Mon.	Dec. 25	-	Sun. Dec. 31	7:26	4:24	7:39	4:31
Mon.	Jan. 1	-	Sun. Jan. 7	7:26	4:31	7:39	4:38
Mon.	Jan. 8	-	Sun. Jan. 14	7:24	4:39	7:37	4:46
Mon.	Jan. 15	-	Sun. Jan. 21	7:20	4:48	7:33	4:56
Mon.	Jan. 22	-	Sun. Jan. 28	7:13	4:58	7:26	5:06
Mon.	Jan. 29	-	Wed. Jan. 31	7:08	5:06	7:20	5:14

Dates (Inclusive)				East Slope Zone (Yakima times)		Far East Zone (Spokane times)	
				A.M. to	P.M.	A.M. to	P.M.
				Daylight Savings Time			
Fri.	Sept. 1	-	Sun. Sept. 3	5:52	7:40	5:39	7:29
Mon.	Sept. 4	-	Sun. Sept. 10	5:59	7:30	5:45	7:19
Mon.	Sept. 11	-	Sun. Sept. 17	6:08	7:16	5:55	7:05
Mon.	Sept. 18	-	Sun. Sept. 24	6:17	7:02	6:04	6:50
Mon.	Sept. 25	-	Sun. Oct. 1	6:26	6:48	6:14	6:36
Mon.	Oct. 2	-	Sun. Oct. 8	6:35	6:34	6:23	6:22
Mon.	Oct. 9	-	Fri. Oct. 13	6:43	6:23	6:32	6:10
Opening			Sat. Oct. 14	12:00 noon	6:18	12:00 noon	6:04
Weekend**			Sun. Oct. 15	6:48	6:16	6:38	6:02
Mon.	Oct. 16	-	Sun. Oct. 22	6:54	6:08	6:44	5:55
Mon.	Oct. 23	-	Sat. Oct. 28	7:03	5:57	6:53	5:43
				Pacific Standard Time			
			Sun. Oct. 29	6:08	4:52	5:58	4:38
Mon.	Oct. 30	-	Sun. Nov. 5	6:14	4:45	6:05	4:31
Mon.	Nov. 6	-	Sun. Nov. 12	6:25	4:36	6:15	4:22

PERMANENT

Mon.	Nov. 13	-	Sun.	Nov. 19	6:35	4:28	6:26	4:15
Mon.	Nov. 20	-	Sun.	Nov. 26	6:44	4:21	6:36	4:08
Mon.	Nov. 27	-	Sun.	Dec. 3	6:53	4:17	6:45	4:01
Mon.	Dec. 4	-	Sun.	Dec. 10	7:01	4:15	6:53	3:59
Mon.	Dec. 11	-	Sun.	Dec. 17	7:08	4:15	7:00	3:58
Mon.	Dec. 18	-	Sun.	Dec. 24	7:13	4:17	7:05	4:01
Mon.	Dec. 25	-	Sun.	Dec. 31	7:15	4:21	7:07	4:05
Mon.	Jan. 1	-	Sun.	Jan. 7	7:15	4:28	7:07	4:12
Mon.	Jan. 8	-	Sun.	Jan. 14	7:13	4:36	7:05	4:20
Mon.	Jan. 15	-	Sun.	Jan. 21	7:09	4:45	7:01	4:29
Mon.	Jan. 22	-	Sun.	Jan. 28	7:03	4:55	6:54	4:40
Mon.	Jan. 29	-	Wed.	Jan. 31	6:58	5:02	6:49	4:47

West Slope Zone: (~~East from I-5 to the Pacific Crest Trail~~) All areas of western Washington not included in the Coastal Zone.

Coastal Zone: From the west coast of Washington, east to (~~I-5~~) the eastern boundary of Clallam County at the Canadian border, south on the county line to U.S. Highway 101, south on U.S. Highway 101 to I-5, and south on I-5 to the Oregon border.

East Slope Zone: East from the Pacific Crest Trail to Highway 21 where it intersects with the Canadian border, south on Highway 21 to its junction with Highway 395, south on Highway 395 to the Oregon border.

Far East Zone: From the East Slope Zone boundary (Highway 21 from Canadian border to its junction with Highway 395, south on Highway 395 to Oregon border) to the Idaho border.

*Migratory game birds include ducks, geese, coots, snipe, and mourning doves. The lawful hunting hours for game animals and all other game birds during established seasons are one-half hour before sunrise to one-half hour after sunset. For these species, hunters can use the Hunting Hour table for AM time and just add 30 minutes for PM time.

**Opening Day - In Eastern Washington, upland bird, duck, goose, coot, and snipe seasons open at noon. In Western Washington; upland bird, duck, goose, coot, and snipe seasons open at 8:00 a.m.

Exceptions:

- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. on designated pheasant release sites.
- 2) Western Washington - Cottontail and snowshoe hare (Washington hare) hunting hours are 8:00 a.m. to 4:00 p.m. during the pheasant hunting season on designated pheasant release sites.
- 3) Bobcat and raccoons are exempt from hunting hour restrictions during established bobcat and raccoon season except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- 4) Hunting hours for falconry seasons are exempt from these hunting hours except on designated pheasant release sites.

1996-97 OFFICIAL HUNTING HOURS FOR MIGRATORY GAME BIRDS*

September 1, 1996 to January 31, 1997

				West Slope Zone (Seattle times)		Coastal Zone (Tatoosh Is. times)		
Dates (Inclusive)				A.M. to	P.M.	A.M. to	P.M.	
				Daylight Savings Time				
		-	Sun.	Sept. 1	5:56	7:50	6:05	8:01
Mon.	Sept. 2	-	Sun.	Sept. 8	6:01	7:42	6:11	7:53
Mon.	Sept. 9	-	Sun.	Sept. 15	6:11	7:28	6:20	7:38
Mon.	Sept. 16	-	Sun.	Sept. 22	6:20	7:14	6:30	7:23
Mon.	Sept. 23	-	Sun.	Sept. 29	6:30	6:59	6:40	7:09
Mon.	Sept. 30	-	Sun.	Oct. 6	6:39	6:45	6:50	6:54
Mon.	Oct. 7	-	Fri.	Oct. 11	6:48	6:33	6:59	6:42
Opening			Sat.	Oct. 12	8:00	6:27	8:00	6:36
Weekend**			Sun.	Oct. 13	6:54	6:25	7:04	6:34
Mon.	Oct. 14	-	Sun.	Oct. 20	7:00	6:17	7:11	6:26
Mon.	Oct. 21	-	Sat.	Oct. 26	7:09	6:06	7:20	6:14
				Pacific Standard Time				
			Sun.	Oct. 27	6:14	5:00	6:26	5:08
Mon.	Oct. 28	-	Sun.	Nov. 3	6:20	4:53	6:32	5:01
Mon.	Nov. 4	-	Sun.	Nov. 10	6:31	4:43	6:43	4:50
Mon.	Nov. 11	-	Sun.	Nov. 17	6:42	4:34	6:54	4:41

Mon.	Nov. 18	-	Sun.	Nov. 24	6:52	4:27	7:05	4:34
Mon.	Nov. 25	-	Sun.	Dec. 1	7:01	4:21	7:13	4:28
Mon.	Dec. 2	-	Sun.	Dec. 8	7:10	4:18	7:23	4:25
Mon.	Dec. 9	-	Sun.	Dec. 15	7:17	4:18	7:30	4:24
Mon.	Dec. 16	-	Sun.	Dec. 22	7:22	4:19	7:36	4:25
Mon.	Dec. 23	-	Sun.	Dec. 29	7:25	4:23	7:39	4:29
Mon.	Dec. 30	-	Sun.	Jan. 5	7:26	4:29	7:40	4:36
Mon.	Jan. 6	-	Sun.	Jan. 12	7:25	4:37	7:38	4:43
Mon.	Jan. 13	-	Sun.	Jan. 19	7:21	4:46	7:34	4:53
Mon.	Jan. 20	-	Sun.	Jan. 26	7:15	4:56	7:28	5:03
Mon.	Jan. 27	-	Fri.	Jan. 31	7:09	5:04	7:21	5:13

East Slope Zone
(Yakima times)

Far East Zone
(Spokane times)

Dates (Inclusive)				A.M. to	P.M.	A.M. to	P.M.	
				Daylight Savings Time				
			Sun.	Sept. 1	5:51	7:42	5:37	7:31
Mon.	Sept. 2	-	Sun.	Sept. 8	5:56	7:34	5:43	7:23
Mon.	Sept. 9	-	Sun.	Sept. 15	6:05	7:20	5:52	7:09
Mon.	Sept. 16	-	Sun.	Sept. 22	6:14	7:06	6:02	6:54
Mon.	Sept. 23	-	Sun.	Sept. 29	6:23	6:52	6:11	6:40
Mon.	Sept. 30	-	Sun.	Oct. 6	6:32	6:38	6:21	6:26
Mon.	Oct. 7	-	Fri.	Oct. 11	6:40	6:27	6:29	6:14
Opening			Sat.	Oct. 12	12:00	6:21	12:00	6:08
					noon		noon	
Weekend**			Sun.	Oct. 13	6:46	6:20	6:35	6:06
Mon.	Oct. 14	-	Sun.	Oct. 20	6:51	6:12	6:41	5:58
Mon.	Oct. 21	-	Sat.	Oct. 26	7:01	6:00	6:50	5:47
				Pacific Standard Time				
			Sun.	Oct. 27	6:05	4:55	5:55	4:41
Mon.	Oct. 28	-	Sun.	Nov. 3	6:12	4:48	6:02	4:34
Mon.	Nov. 4	-	Sun.	Nov. 10	6:22	4:38	6:12	4:24
Mon.	Nov. 11	-	Sun.	Nov. 17	6:32	4:30	6:23	4:17
Mon.	Nov. 18	-	Sun.	Nov. 24	6:42	4:23	6:33	4:10
Mon.	Nov. 25	-	Sun.	Dec. 1	6:51	4:18	6:43	4:03
Mon.	Dec. 2	-	Sun.	Dec. 8	6:59	4:15	6:51	3:59
Mon.	Dec. 9	-	Sun.	Dec. 15	7:06	4:15	6:58	3:58
Mon.	Dec. 16	-	Sun.	Dec. 22	7:11	4:16	7:04	4:00
Mon.	Dec. 23	-	Sun.	Dec. 29	7:15	4:20	7:07	4:04
Mon.	Dec. 30	-	Sun.	Jan. 5	7:15	4:26	7:07	4:10
Mon.	Jan. 6	-	Sun.	Jan. 12	7:14	4:34	7:06	4:17
Mon.	Jan. 13	-	Sun.	Jan. 19	7:11	4:42	7:03	4:27
Mon.	Jan. 20	-	Sun.	Jan. 26	7:05	4:52	6:56	4:37
Mon.	Jan. 27	-	Fri.	Jan. 31	6:59	5:01	6:50	4:46

West Slope Zone: (~~East from I-5 to the Pacific Crest Trail~~) All areas of western Washington not included in the Coastal Zone.

Coastal Zone: From the west coast of Washington, east to (~~I-5~~) the eastern boundary of Clallam County at the Canadian border, south on the county line to U.S. Highway 101, south on U.S. Highway 101 to I-5, and south on I-5 to the Oregon border.

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**Opening Day - In Eastern Washington, upland bird, duck, goose, coot, and snipe seasons open at noon. In Western Washington, upland bird, duck, goose, coot, and snipe seasons open at 8:00 a.m.

PERMANENT

Exceptions:

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1995-96 OFFICIAL HUNTING HOURS FOR ALL GAME ANIMALS AND BIRDS EXCEPT MIGRATORY GAME BIRDS*

September 1, 1995 to January 31, 1996

				West Slope Zone (Seattle times)		Coastal Zone (Tatoosh Is. times)	
Dates (Inclusive)				A.M. to	P.M.	A.M. to	P.M.
				Daylight Savings Time			
Fri.	Sept. 1	-	Sun. Sept. 3	5:57	8:18	6:07	8:29
Mon.	Sept. 4	-	Sun. Sept. 10	6:04	8:08	6:13	8:18
Mon.	Sept. 11	-	Sun. Sept. 17	6:14	7:54	6:23	8:04
Mon.	Sept. 18	-	Sun. Sept. 24	6:23	7:39	6:33	7:49
Mon.	Sept. 25	-	Sun. Oct. 1	6:33	7:25	6:43	7:34
Mon.	Oct. 2	-	Sun. Oct. 8	6:42	7:11	6:53	7:20
Mon.	Oct. 9	-	Fri. Oct. 13	6:51	6:59	7:01	7:08
Opening			Sat. Oct. 14	6:56	6:53	7:06	7:02
Weekend**			Sun. Oct. 15	6:57	6:51	7:07	7:00
Mon.	Oct. 16	-	Sun. Oct. 22	7:02	6:44	7:14	6:52
Mon.	Oct. 23	-	Sat. Oct. 28	7:12	6:32	7:24	6:41
				Pacific Standard Time			
			Sun. Oct. 29	6:17	5:27	6:29	5:35
Mon.	Oct. 30	-	Sun. Nov. 5	6:23	5:20	6:35	5:28
Mon.	Nov. 6	-	Sun. Nov. 12	6:34	5:10	6:46	5:18
Mon.	Nov. 13	-	Sun. Nov. 19	6:45	5:02	6:57	5:09
Mon.	Nov. 20	-	Sun. Nov. 26	6:55	4:55	7:07	5:02
Mon.	Nov. 27	-	Sun. Dec. 3	7:04	4:50	7:15	4:57
Mon.	Dec. 4	-	Sun. Dec. 10	7:12	4:48	7:25	4:54
Mon.	Dec. 11	-	Sun. Dec. 17	7:18	4:48	7:32	4:54
Mon.	Dec. 18	-	Sun. Dec. 24	7:23	4:49	7:37	4:56
Mon.	Dec. 25	-	Sun. Dec. 31	7:26	4:54	7:39	5:01
Mon.	Jan. 1	-	Sun. Jan. 7	7:26	5:01	7:39	5:08
Mon.	Jan. 8	-	Sun. Jan. 14	7:24	5:09	7:37	5:16
Mon.	Jan. 15	-	Sun. Jan. 21	7:20	5:18	7:33	5:26
Mon.	Jan. 22	-	Sun. Jan. 28	7:13	5:28	7:26	5:36
Mon.	Jan. 29	-	Wed. Jan. 31	7:08	5:36	7:20	5:44
				East Slope Zone (Yakima times)		Far East Zone (Spokane times)	
Dates (Inclusive)				A.M. to	P.M.	A.M. to	P.M.
				Daylight Savings Time			
Fri.	Sept. 1	-	Sun. Sept. 3	5:52	8:10	5:39	7:59
Mon.	Sept. 4	-	Sun. Sept. 10	5:59	8:00	5:45	7:49
Mon.	Sept. 11	-	Sun. Sept. 17	6:08	7:46	5:55	7:35
Mon.	Sept. 18	-	Sun. Sept. 24	6:17	7:32	6:04	7:20
Mon.	Sept. 25	-	Sun. Oct. 1	6:26	7:18	6:14	7:06
Mon.	Oct. 2	-	Sun. Oct. 8	6:35	7:04	6:23	6:52
Mon.	Oct. 9	-	Fri. Oct. 13	6:43	6:53	6:32	6:40
Opening			Sat. Oct. 14	6:47	6:48	6:37	6:34
Weekend**			Sun. Oct. 15	6:48	6:46	6:38	6:32
Mon.	Oct. 16	-	Sun. Oct. 22	6:54	6:38	6:44	6:25
Mon.	Oct. 23	-	Sat. Oct. 28	7:03	6:27	6:53	6:13

PERMANENT

Pacific Standard Time

			Sun.	Oct. 29	6:08	5:22	5:58	5:08
Mon.	Oct. 30	-	Sun.	Nov. 5	6:14	5:15	6:05	5:01
Mon.	Nov. 6	-	Sun.	Nov. 12	6:25	5:06	6:15	4:52
Mon.	Nov. 13	-	Sun.	Nov. 19	6:35	4:58	6:26	4:45
Mon.	Nov. 20	-	Sun.	Nov. 26	6:44	4:51	6:36	4:38
Mon.	Nov. 27	-	Sun.	Dec. 3	6:53	4:47	6:45	4:31
Mon.	Dec. 4	-	Sun.	Dec. 10	7:01	4:45	6:53	4:29
Mon.	Dec. 11	-	Sun.	Dec. 17	7:08	4:45	7:00	4:28
Mon.	Dec. 18	-	Sun.	Dec. 24	7:13	4:47	7:05	4:31
Mon.	Dec. 25	-	Sun.	Dec. 31	7:15	4:51	7:07	4:35
Mon.	Jan. 1	-	Sun.	Jan. 7	7:15	4:58	7:07	4:42
Mon.	Jan. 8	-	Sun.	Jan. 14	7:13	5:06	7:05	4:50
Mon.	Jan. 15	-	Sun.	Jan. 21	7:09	5:15	7:01	4:59
Mon.	Jan. 22	-	Sun.	Jan. 28	7:03	5:25	6:54	5:10
Mon.	Jan. 29	-	Wed.	Jan. 31	6:58	5:32	6:49	5:17

West Slope Zone: (~~East from I-5 to the Pacific Crest Trail.~~) All areas of western Washington not included in the Coastal Zone.

Coastal Zone: From the west coast of Washington, east to (~~I-5.~~) the eastern boundary of Clallam County at the Canadian border, south on the county line to U.S. Highway 101, south on U.S. Highway 101 to I-5, and south on I-5 to the Oregon border.

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1996-97 OFFICIAL HUNTING HOURS FOR ALL GAME ANIMALS AND BIRDS EXCEPT MIGRATORY GAME BIRDS*

September 1, 1996 to January 31, 1997

Dates (Inclusive)		West Slope Zone (Seattle times)		Coastal Zone (Tatoosh Is. times)			
		A.M. to	P.M.	A.M. to	P.M.		
		Daylight Savings Time					
		- Sun.	Sept. 1	5:56	8:20	6:05	8:31
Mon.	Sept. 2	- Sun.	Sept. 8	6:01	8:12	6:11	8:23
Mon.	Sept. 9	- Sun.	Sept. 15	6:11	7:58	6:20	8:08
Mon.	Sept. 16	- Sun.	Sept. 22	6:20	7:44	6:30	7:53
Mon.	Sept. 23	- Sun.	Sept. 29	6:30	7:29	6:40	7:39
Mon.	Sept. 30	- Sun.	Oct. 6	6:39	7:15	6:50	7:24
Mon.	Oct. 7	- Fri.	Oct. 11	6:48	7:03	6:59	7:12
Opening		Sat.	Oct. 12	6:53	6:57	7:03	7:06
Weekend**		Sun.	Oct. 13	6:54	6:55	7:04	7:04
Mon.	Oct. 14	- Sun.	Oct. 20	7:00	6:47	7:11	6:56
Mon.	Oct. 21	- Sat.	Oct. 26	7:09	6:36	7:20	6:44

PERMANENT

Pacific Standard Time

		Sun.	Oct. 27	6:14	5:30	6:26	5:38
Mon.	Oct. 28	-	Sun.	Nov. 3	6:20	5:23	5:31
Mon.	Nov. 4	-	Sun.	Nov. 10	6:31	5:13	5:20
Mon.	Nov. 11	-	Sun.	Nov. 17	6:42	5:04	5:11
Mon.	Nov. 18	-	Sun.	Nov. 24	6:52	4:57	5:04
Mon.	Nov. 25	-	Sun.	Dec. 1	7:01	4:51	4:58
Mon.	Dec. 2	-	Sun.	Dec. 8	7:10	4:48	4:55
Mon.	Dec. 9	-	Sun.	Dec. 15	7:17	4:48	4:54
Mon.	Dec. 16	-	Sun.	Dec. 22	7:22	4:49	4:55
Mon.	Dec. 23	-	Sun.	Dec. 29	7:25	4:53	4:59
Mon.	Dec. 30	-	Sun.	Jan. 5	7:26	4:59	5:06
Mon.	Jan. 6	-	Sun.	Jan. 12	7:25	5:07	5:13
Mon.	Jan. 13	-	Sun.	Jan. 19	7:21	5:16	5:23
Mon.	Jan. 20	-	Sun.	Jan. 26	7:15	5:26	5:33
Mon.	Jan. 27	-	Fri.	Jan. 31	7:09	5:34	5:43

East Slope Zone
(Yakima times)

Far East Zone
(Spokane times)

Dates (Inclusive)			Daylight Savings Time		A.M. to P.M.		A.M. to P.M.	
		Sun.	Sept. 1	5:51	8:12	5:37	8:01	
Mon.	Sept. 2	-	Sun.	Sept. 8	5:56	8:04	7:53	
Mon.	Sept. 9	-	Sun.	Sept. 15	6:05	7:50	7:39	
Mon.	Sept. 16	-	Sun.	Sept. 22	6:14	7:36	7:24	
Mon.	Sept. 23	-	Sun.	Sept. 29	6:23	7:22	7:10	
Mon.	Sept. 30	-	Sun.	Oct. 6	6:32	7:08	6:56	
Mon.	Oct. 7	-	Fri.	Oct. 11	6:40	6:57	6:44	
Opening		Sat.	Oct. 12	6:45	6:51	6:34	6:38	
Weekend**		Sun.	Oct. 13	6:46	6:50	6:35	6:36	
Mon.	Oct. 14	-	Sun.	Oct. 20	6:51	6:42	6:28	
Mon.	Oct. 21	-	Sat.	Oct. 26	7:01	6:30	6:17	

Pacific Standard Time

		Sun.	Oct. 27	6:05	5:25	5:55	5:11
Mon.	Oct. 28	-	Sun.	Nov. 3	6:12	5:18	5:04
Mon.	Nov. 4	-	Sun.	Nov. 10	6:22	5:08	4:54
Mon.	Nov. 11	-	Sun.	Nov. 17	6:32	5:00	4:47
Mon.	Nov. 18	-	Sun.	Nov. 24	6:42	4:53	4:40
Mon.	Nov. 25	-	Sun.	Dec. 1	6:51	4:48	4:33
Mon.	Dec. 2	-	Sun.	Dec. 8	6:59	4:45	4:29
Mon.	Dec. 9	-	Sun.	Dec. 15	7:06	4:45	4:28
Mon.	Dec. 16	-	Sun.	Dec. 22	7:11	4:46	4:30
Mon.	Dec. 23	-	Sun.	Dec. 29	7:15	4:50	4:34
Mon.	Dec. 30	-	Sun.	Jan. 5	7:15	4:56	4:40
Mon.	Jan. 6	-	Sun.	Jan. 12	7:14	5:04	4:47
Mon.	Jan. 13	-	Sun.	Jan. 19	7:11	5:12	4:57
Mon.	Jan. 20	-	Sun.	Jan. 26	7:05	5:22	5:07
Mon.	Jan. 27	-	Fri.	Jan. 31	6:59	5:31	5:16

West Slope Zone: (~~East from I-5 to the Pacific Crest Trail~~) All areas of western Washington not included in the Coastal Zone.

Coastal Zone: From the west coast of Washington, east to (~~I-5~~) the eastern boundary of Clallam County at the Canadian border, south on the county line to U.S. Highway 101, south on U.S. Highway 101 to I-5, and south on I-5 to the Oregon border.

East Slope Zone: East from the Pacific Crest Trail to Highway 21 where it intersects with the Canadian border,

south on Highway 21 to its junction with Highway 395, south on Highway 395 to the Oregon border.

Far East Zone: From the East Slope Zone boundary (Highway 21 from Canadian border to its junction with Highway 395, south on Highway 395 to Oregon border) to the Idaho border.

*Migratory game birds include ducks, geese, coots, snipe, and mourning doves. The lawful hunting hours for game animals and all other game birds during established seasons are one-half hour before sunrise to one-half hour after sunset. For migratory game birds, hunters can use the

PERMANENT

Hunting Hour table for AM time and just subtract 30 minutes for PM time.

****Opening Day** - In Eastern Washington, upland bird, duck, goose, coot, and snipe seasons open at noon. In Western Washington, upland bird, duck, goose, coot, and snipe seasons open at 8:00 a.m.

Exceptions:

- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. on designated pheasant release sites.
- 2) Western Washington - Cottontail and snowshoe hare (Washington hare) hunting hours are 8:00 a.m. to 4:00 p.m. during the pheasant hunting season on designated pheasant release sites.
- 3) Bobcat and raccoons are exempt from hunting hour restrictions during established bobcat and raccoon season except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- 4) Hunting hours for falconry seasons are exempt from these hunting hours except on designated pheasant release sites.

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

**WSR 95-18-070
PERMANENT RULES
FISH AND WILDLIFE
COMMISSION**

(Wildlife)

[Order 95-124—Filed September 1, 1995, 10:14 a.m.]

Date of Adoption: August 12, 1995.

Purpose: To adopt WAC 232-28-258 Washington auction permit hunts.

Statutory Authority for Adoption: RCW 77.12.040.

Other Authority: RCW 77.12.700.

Adopted under notice filed as WSR 95-14-105 on June 30, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 1, amended 0, repealed 0.

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

August 29, 1995
Mitchell Johnson
Chairman

NEW SECTION

WAC 232-28-258 Washington auction permit hunts.

The Fish and Wildlife Commission, in consultation with the Director, may authorize auction permit hunts for big game animals.

(1) The Department of Fish and Wildlife or a nonprofit wildlife conservation organization (registered 5013c) may recommend an auction hunt(s), specifying species, location of hunt, time and manner of hunting to the Fish and Wildlife Commission.

(2) When an auction hunt(s) is/are adopted by the Commission the Director shall solicit nonprofit wildlife conservation organizations to market the hunt and conduct a public auction for the special auction hunt permit.

(3) The wildlife conservation organization interested in auctioning a special auction hunt permit shall submit a proposal outlining their experience and plans to conduct a public auction. The Department of Fish and Wildlife solicits bids consistent with established state competitive bid rules. The proposal shall include:

(a) Name of the nonprofit wildlife conservation organization, articles of incorporation, and contact person.

(b) The date, time and place of the public auction.

(c) The approximate number of people expected to attend.

(d) Past experience in conducting auctions and special functions.

(e) Other marketing strategies to be used.

(f) Portion of funds to be retained by the organization.

(4) The Department of Fish and Wildlife Director will select an organization to conduct an auction.

(a) Revenue potential to the Department will be a key criterion in applicant selection.

(b) The Department shall enter into a contract with the auctioning organization identifying specific terms of the contract.

(5) The organization conducting the auction shall notify the public about auction hunts and offer tickets to the public for attending the auction.

(a) The auctioning organization shall award the permit to the highest qualified bidder.

(b) The auctioning organization shall notify the Department of the name and address of the successful bidder within ten days of the auction.

(c) The Department's share of the auction revenue shall be returned to the Department within 30 days of the auction.

(6) All revenue to the Department from the auction funds will be used to fund high priority projects for that species.

(7) The hunter shall comply with all applicable hunting rules and regulations. The hunting license and tag fees for the appropriate species shall be considered part of the auction price and be deducted from the auction revenue. A hunting license and tag will be sent to the auction tag buyer.

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

PERMANENT

WSR 95-18-071
PERMANENT RULES
FISH AND WILDLIFE
COMMISSION
 (Wildlife)

[Order 95-125—Filed September 1, 1995, 10:15 a.m., effective January 1, 1996]

Date of Adoption: August 12, 1995.

Purpose: To adopt WAC 232-28-259 Electronic tree switches.

Statutory Authority for Adoption: RCW 77.12.040.

Adopted under notice filed as WSR 95-14-129 on July 5, 1995.

Changes Other than Editing from Proposed to Adopted Version: A change was made in the effective date from July 1, 1996, to January 1, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 1, amended 0, repealed 0.

Effective Date of Rule: January 1, 1996.

August 29, 1995
 Mitchell Johnson
 Chairman

NEW SECTION

WAC 232-28-259 Electronic tree switches Effective January 1, 1996, electronic dog retrieval collars containing functioning treeing switches (devices consisting of a mercury switch mechanism that results in a change in the transmitted signals when the dog raises its head to a treed animal) are prohibited.

WSR 95-18-072
PERMANENT RULES
FISH AND WILDLIFE
COMMISSION
 (Wildlife)

[Order 95-126—Filed September 1, 1995, 10:18 a.m.]

Date of Adoption: August 12, 1995.

Purpose: To adopt WAC 232-12-068 Nontoxic shot requirement for waterfowl, coot, and snipe hunting.

Statutory Authority for Adoption: RCW 77.12.040.

Adopted under notice filed as WSR 95-14-106 on June 30, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal

Rules or Standards: New 1, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 1, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 1, amended 0, repealed 0.

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

August 29, 1995
 Mitchell Johnson
 Chairman

NEW SECTION

WAC 232-12-068 Nontoxic shot requirement for waterfowl, coot, and snipe hunting It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading) other than steel shot or other shot approved by U.S. Fish and Wildlife Service, while hunting for waterfowl, coot, or snipe.

WSR 95-18-074
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed September 1, 1995, 10:44 a.m.]

Date of Adoption: August 31, 1995.

Purpose: To amend WAC 392-122-900 to allow school districts to carryover up to ten percent of learning assistance program funds from one school year to another.

Citation of Existing Rules Affected by this Order: Amending WAC 392-122-900.

Statutory Authority for Adoption: Section 519 of ESHB 1410.PL.

Adopted under notice filed as WSR 95-15-029 on July 11, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 1, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective date of rule: Thirty-one days after filing.

PERMANENT

August 31, 1995
Judith A. Billings
Superintendent of
Public Instruction

1994-95 allocation. Carryover moneys shall be expended solely for learning assistance program purposes.

AMENDATORY SECTION (Amending Order 92-08, filed 9/21/92, effective 10/22/92)

WAC 392-122-900 General provision—Carryover prohibition. Categorical apportionment moneys shall not be carried over by a school district from one school district fiscal year to another, except for learning assistance program moneys as provided in subsection (4) of this section.

(1) The superintendent of public instruction shall recover categorical program allocations made pursuant to this chapter which are not expended by the school district during the school year for allowable program costs:

(a) Moneys recovered at the end of the school year beginning during the first year of each biennium shall be available for reallocation by the superintendent of public instruction.

(b) Moneys recovered at the end of the school year beginning during the second year of each biennium shall revert to the state treasurer: *Provided*, That if prior to recovery, insufficient moneys are available to fully fund those programs operating in the second year of the biennium, any moneys recovered shall first be allocated to fully fund these programs.

(2) Except as provided in subsection (3) of this section, the amount recovered pursuant to subsection (1) of this section shall be determined as follows:

(a) Determine the state allocation for the categorical program;

(b) Determine the district's expenditures for the program including indirect expenditures and abatements deemed allowable by the superintendent of public instruction as reported on Year-End Financial Statement F-196, Part III or such other document filed by the district pursuant to instructions provided by the superintendent of public instruction;

(c) If the amount of (a) of this subsection exceeds the amount of (b) of this subsection, the difference shall be recovered.

(3) The amount recovered pursuant to subsection (1) of this section for the institutional education program for the 1992-93 school year and thereafter shall be determined as follows:

(a) Determine the state allocation for the institutional education program excluding any amount provided for indirect costs;

(b) Determine the district's direct expenditures for the institutional education program as reported on Year-End Financial Statement F-196 or such other document filed by the district pursuant to instructions provided by the superintendent of public instruction;

(c) If the amount of (a) of this subsection exceeds the amount of (b) of this subsection, the difference shall be recovered.

(4) Notwithstanding other provisions of this section to the contrary, a school district may carry over from one school district fiscal year to the next up to ten percent of the preceding fiscal year's learning assistance program state allocation commencing with the carryover of a district's

WSR 95-18-097
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Filed September 6, 1995, 11:12 a.m.]

Date of Adoption: September 6, 1995.

Purpose: WAC 392-121-107, 392-121-182, and 392-121-188 to correct section WAC 392-121-107 reference; provide sufficient options and requirements for alternative learning experiences in WAC 392-121-182, and clarifying requirements in WAC 392-121-188.

Citation of Existing Rules Affected by this Order: Amending WAC 392-121-107, 392-121-182, and 392-121-188.

Statutory Authority for Adoption: RCW 28A.150.290.
Adopted under notice filed as WSR 95-14-140 on July 5, 1995.

Changes Other than Editing from Proposed to Adopted Version: Per comments received redrafted WAC 392-121-182 to make less prescriptive, provide more flexibility for school districts and to clarify claiming enrollment.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 3, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 3, repealed 0.

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

September 6, 1995
Judith A. Billings
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending WSR 95-01-013, filed 12/8/94, effective 1/8/95)

WAC 392-121-107 Definition—Course of study. As used in this chapter, "course of study" means those activities for which students enrolled pursuant to chapters 180-16, 180-50, 180-51, 392-169 and 392-134 WAC may be counted as enrolled students for the purpose of full-time equivalent student enrollment counts.

(1) Course of study includes:

(a) Instruction - teaching/learning experiences conducted by the school district staff as directed by the administration and the board of directors of the school district, inclusive of intermissions for class changes, recess and teacher/parent-

guardian conferences that are planned and scheduled by the district for the purpose of discussing students' educational needs or progress, and exclusive of time for meals.

(b) Alternative learning experience - alternative learning experience conducted by the school district in conformance with WAC 392-121-182.

(c) Contracting - with a higher education institution in conformance with WAC 392-121-183.

(d) National guard - participation in a national guard high school career training program for which credit is being given toward either required or elective high school credits pursuant to RCW 28A.305.170 and WAC 180-50-320. Such participation may be counted as a course of study only by the school district which the individual last attended.

(e) Ancillary service - service provided to part-time students, private school students and home-based students by the school district in conformance with chapter 392-134 WAC. Except for services to students with a disability and home/hospital students, only those services provided by school district staff on school grounds or facilities controlled by the school district can be counted as a course of study. School districts report the number of hours of ancillary service annually to the superintendent of public instruction.

(f) Work based learning - training provided pursuant to WAC 180-50-315. One hour per scheduled school day may be counted for not less than four hundred five hours of scheduled work experience.

(g) Running start - attendance at an institution of higher education pursuant to RCW 28A.600.300 through 28A.600.400, chapter 392-169 WAC.

(h) Transition school - participation in the University of Washington's transition school and early entrance program pursuant to RCW 28A.185.040, and chapter 392-120 WAC. Such participation shall be reported by the University of Washington and shall not be reported by a school district.

(i) Technical college direct funding - enrollment at a technical college pursuant to RCW 28A.150.275 and WAC 392-121-187. Such participation shall be reported by the technical college and shall not be reported by a school district unless the technical college and the school district agree to have the school district report such enrollment.

(j) Contracting - with an agency pursuant to WAC ((392-121-185)) 392-121-188.

(k) Contracting - with a public or nonpublic school agency for students with a disability in accordance with WAC 392-171-496.

(2) Course of study does not include:

(a) Home-based instruction pursuant to RCW 28A.225.010(4);

(b) Private school instruction pursuant to chapter 28A.195 RCW;

(c) Adult education as defined in RCW 28B.50.030(12);

(d) Instruction provided to students who do not reside in Washington state (RCW 28A.225.260);

(e) Enrollment in state institutions, i.e., state operated group homes, county juvenile detention centers, state institutions for juvenile delinquents, and state residential habilitation centers;

(f) Instruction preparing a student for the general education development (GED) test if such instruction generates state or federal moneys for adult education;

(g) Enrollment in education centers;

(h) Enrollment in the Washington state school for the deaf and the Washington state school for the blind; or

(i) Extracurricular and before and after school activities offered outside the regular curriculum.

AMENDATORY SECTION (Amending WSR 95-01-013, filed 12/8/94, effective 1/8/95)

WAC 392-121-182 Alternative learning experience requirements. An alternative learning (~~program conducted by the school district staff~~) experience may be counted as a course of study. An alternative learning experience is an individualized course of study for a student who is not home-based pursuant to RCW 28A.225.010(4), a private school student pursuant to RCW 28A.225.010 (1)(a), or an adult education student. The alternative learning experience is provided in accordance with a written alternative learning experience plan that is implemented pursuant to the school district board's policy for alternative learning experiences. The school district board policy must have been adopted in a public meeting. The alternative learning experience is provided by the school district and may be conducted in part outside of the regular classroom. A portion of the alternative learning experience may be provided by the student's parent(s) or guardian under supervision by the school district. Such alternative learning experience may be counted as a course of study pursuant to WAC 392-121-107 if the following requirements are met:

(1) ~~((The program operates in compliance with an approved written program plan on file in the appropriate school building. Alternative learning experience program plans shall include but not be limited to:~~

~~(a) The objective(s) of the program;~~

~~(b) The teaching component(s) of the program, including where and when teaching activities will be conducted by school district certificated staff;~~

~~(c) A schedule of the duration of the program, including beginning and ending dates within the school year;~~

~~(d) A description of how student performance will be supervised, evaluated, and recorded by the certificated staff or by qualified school district employees under the direct supervision of the certificated staff; and~~

~~(e) A description of intervention techniques and criteria for their use.~~

~~(2) The student's performance is subject to the direction of and evaluation by the district's certificated staff.~~

~~(3) The full-time equivalent of alternative learning experience students in grades kindergarten through eight shall be based on the number of hours of instruction meeting the criteria in WAC 392-121-107 (1)(a) and be determined using the definition of a full-time equivalent student in WAC 392-121-122.~~

~~(4) Each high school course credit which is actively being pursued in an alternative learning experience and which meets the requirements of chapter 180-51 WAC may supplement or replace one hour of minimum time toward a scheduled school day.~~

~~(5)) School district board policies for alternative learning experiences — Effective January 1, 1996, each school district claiming basic education funding for alternative learning experiences shall have written policies on file that:~~

(a) Require a written plan for each student participating in an alternative learning experience that meets the minimum criteria pursuant to subsection (2) of this section;

(b) Require that all alternative learning experience curriculum and course requirements be approved by the school district;

(c) Describe how student performance will be supervised, evaluated, and recorded by school district staff;

(d) Require that each student's educational progress will be reviewed at least once during the first twenty school days and afterwards at least once every forty-five school days and that the results of each evaluation shall be communicated to the student and if the student is in grades K-8, the student's parent or guardian. If the school district determines that a student is not substantially successful in completing the learning activities described in the written alternative learning experience plan, a revised written plan may be implemented. Any revised written plan shall be designed to enable the student to be substantially successful in completing the learning activities described in the revised written plan within ninety school days from the date that the district first determines that the student is not substantially successful in completing the assigned learning activities included in the original written plan. If the school district determines that the student is still not substantially successful in completing their assigned learning activities after ninety school days from the date that the district first determines that the student is not substantially successful in completing the learning activities included in the original written plan, or sooner at the discretion of the school district, a plan to remove the student from the alternative program shall be devised. Such plan shall specify that the student shall be removed from the alternative program no later than the end of the current school year for a period of at least one school term. Students removed from the alternative program shall be offered the opportunity to enroll in another course of study as defined in WAC 392-121-107;

(e) A requirement that the alternative learning experience plan for each student and all records of enrollment, attendance, and total hours of participation in educational activities for the student are maintained and available for audit in the appropriate school building; and

(f) At the discretion of the school district board, the policy may describe responsibilities of the student's parent(s) or guardian including, but not limited to:

(i) Approval of the written alternative learning experience plan;

(ii) Responsibility for the parent(s) or guardian to provide or supervise a portion of the student's alternative learning experience if the parent(s) or guardian agrees; and

(iii) Requirements to meet with district staff for purposes of evaluating the student's performance and/or receiving instructions on assisting with the student's alternative learning experience. The school district board may also prescribe requirements for appointing a person to provide or supervise a portion of the student's alternative learning experience in the event the student's parent(s) or guardian will not or can not be a participant in the student's alternative learning experience;

(2) A written alternative learning experience plan is developed — Effective January 1, 1996, the alternative learning experience plan for a student shall be a written plan

of instruction designed to meet the individual needs of the student, and shall be approved by a school district official and any other person(s) as required or allowed by school district policy. The written plan shall include, but not be limited to, the following elements:

(a) A schedule of the duration of the program, including beginning and ending dates;

(b) A description of the learning activities the student is expected to successfully complete. Such description shall be sufficient in detail to guide and advise the student of the expectations;

(c) A description of the teaching component(s) of the program, including where and when teaching activities will be conducted by school district staff;

(d) A description of the responsibilities of the student including a requirement that if, on average, the student attends school less than five hours a week, the student shall meet one-on-one with qualified district staff for an average minimum of sixty minutes every five school days for instruction, review of the student's assignments, testing, and/or other learning activities. If more than one student meets with a qualified district staff member at one time, the required time is increased proportionately, for example, the requirement becomes one hundred twenty minutes if two 1.0 full-time equivalent students meet with the staff member at one time; and

(e) A reasonably accurate estimate of the average number of hours per month that the student will be engaged in learning activities to meet the requirements of the alternative learning experience plan. This estimate may be used in reporting enrollment in compliance with subsection (3) of this section and must be based upon the criteria in subsection (3)(a)(i) of this section;

(3) Reporting enrollment — Effective beginning with the 1995-96 school year the full-time equivalency of students enrolled in alternative learning experiences shall be determined based upon both (a) and (b) of this subsection as follows:

(a) Using the definition of a full-time equivalent student in WAC 392-121-122 and the number of hours that each student engages in learning activities as determined by either (a)(i) or (ii) of this subsection as follows:

(i) The total number of hours that the student engages in learning activities pursuant to the written alternative learning experience plan including:

(A) Those hours that meet the criteria in WAC 392-121-107 (1)(a);

(B) Those hours of work based learning calculated in accordance with WAC 392-121-107 (1)(f);

(C) Those hours of learning activity other than those specified in (a)(i)(A), (B) and (D) of this subsection that are provided by the student's parent(s) or guardian, or other person as designated by the written plan, under the direct supervision of the district's qualified instructional staff; and

(D) Those hours that the student participates in learning activities other than those specified in (a)(i)(A), (B) and (C) of this subsection. Such learning activity shall be pursuant to the student's alternative learning experience plan and if the student is in grades K-8, only includes those hours the student is supervised by the student's parent(s) or guardian or other person designated by the written alternative learning experience plan;

(ii) The district may use the estimated average hours per month the student is engaged in learning activities as stated in the alternative learning experience plan which meet the requirements of (a)(i) of this subsection: *Provided, That for any count date on which the student has averaged, for the immediate two prior months during the current school year, a number of hours engaged in learning activities that differ by more than five hours a week from the alternative learning experience plan estimate pursuant to subsection (2)(e) of this section, the district shall adjust the full-time equivalency of the student for such count date to the lesser of 1.0 or the full-time equivalency calculated using the two-month average;*

(b) The district shall exclude students meeting the definition of enrollment exclusions in WAC 392-121-108 or students who have not met with appropriate district staff for twenty consecutive school days. Any such student shall not be counted as an enrolled student until the student has met with appropriate district staff and resumed participation in their alternative learning experience or participated in another course of study as defined in WAC 392-121-107;

(4) Documentation required — Effective with the 1995-96 school year the district shall keep on file in the appropriate school building and have available for audit, documentation of all hours of learning activities used to determine the student's full-time equivalency including documentation of the following:

(a) For students in grades K-8, written statements from the student's parent(s) or guardian or other person as designated by the written alternative learning experience plan. Such statements shall be submitted to the district on a monthly basis or more often at the discretion of the district and shall list those hours that the student has engaged in planned learning activities while not in the presence of district staff. Reported hours shall be used to determine the full-time equivalency of the student pursuant to subsection (3) of this section; and

(b) For students in grades 9-12, the student shall submit to the district written statements on a monthly basis or more often at the discretion of the district. Such statements shall list those hours that the student has engaged in planned learning activities while not in the presence of district staff. Reported hours shall be used to determine the full-time equivalency of the student pursuant to subsection (3) of this section;

(5) Effective with the 1995-96 school year the school district shall either:

(a) Maintain a ratio of full-time equivalent certificated instructional staff serving the annual average full-time equivalent students reported for basic education funding pursuant to this section which is at least equal to the district's basic education funding ratio for the grade (~~level~~) band of the students being reported for basic education funding pursuant to this section; or

(b) Separately account for, document, and have available for audit, evidence that the district expends during the school year at least seventy percent of the basic education entitlement claimed for students enrolled in alternative learning experiences during the school year. Such expenditures shall be direct expenditures in the following programs as defined in the *Accounting Manual for Public School Districts in Washington State* for the school year:

- (i) Program 01, Basic Education; and/or
- (ii) Program 31, Vocational, Basic, State; and/or
- (iii) Program 45, Skills Center, Basic, State.

AMENDATORY SECTION (Amending WSR 95-01-013, filed 12/8/94, effective 1/8/95)

WAC 392-121-188 Contracting with an agency.

Contracting with an agency may be counted as a course of study pursuant to WAC 392-121-107 if:

(1) Effective with the 1995-96 school year the school district board of directors in accordance with RCW 28A.320.015 adopts a resolution that concludes it is in the best interest of the students to expand the options available to providing an appropriate basic education program for those students that are to be educated pursuant to the contract and sets forth the rationale in support of the conclusion;

(2) The school district retains full responsibility for compliance with all state and federal laws;

(3) The agency complies with all state and federal laws that are applicable to the school district;

(4) The agency serves the students at no cost to the student for tuition and fees and enrollment is voluntary and no student or person is unlawfully excluded from participation on the grounds of race, creed, color, national origin, sex, marital status, or presence of any sensory, mental, or physical handicap;

(5) Each student is enrolled in the school district reporting the enrollment and each high school student is working toward course credits which satisfy high school graduation requirements;

(6) There is a requirement that the curriculum for the student shall be approved by the district;

(7) The agency provides enrollment reports to the school district that comply with the definition of a full-time equivalent student in WAC 392-121-122, work based learning in WAC 392-121-107 (1)(f), limitations on enrollment counts in WAC 392-121-136, and enrollment exclusions in WAC 392-121-108;

(8) The agency maintains and has available for audit or review by the school district, state, or federal authorities documentation of enrollment, hours of instructional activity participated in by the students, personnel data, and financial data including all revenues and expenditures pertaining to the contract with the school district;

(9) If an agency at any time during the school year serves more than twenty-five students which equals more than one quarter of one percent (.0025) of the district's annual average full-time equivalent enrollment claimed for basic education funding the school district reports the certificated instructional employees of the agency funded with any state moneys or federal moneys that flow through the school district (~~or~~) as required by the SPI annual personnel reporting system for calculation of state funding, staff ratios and statistics;

((~~7~~)) (10) Effective with the 1995-96 school year for the students served pursuant to the contract, the agency maintains a ratio of full-time equivalent certificated instructional staff serving the annual average full-time equivalent students reported for basic education funding pursuant to this section which is at least equal to the district's basic educa-

tion funding ratio for the grade level of the students being reported for basic education funding pursuant to this section; ~~((8))~~ (11) The school district and agency execute a written contract which is consistent with this section, and which sets forth the duties of the agency in detail sufficient to hold the agency accountable to the school district; and ~~((9))~~ (12) The school district and agency establish a process for periodic on-site monitoring by the school district for compliance with this section and other terms of the contract between the school district and agency.

WSR 95-18-102
PERMANENT RULES
DEPARTMENT OF ECOLOGY
 [Filed September 6, 1995, 11:25 a.m.]

Date of Adoption: August 31, 1995.
 Purpose: To adopt an amendment to the San Juan County shoreline master program.
 Citation of Existing Rules Affected by this Order: Amending WAC 173-19-360.
 Statutory Authority for Adoption: Chapter 90.58 RCW. Adopted under notice filed as WSR 95-09-052 on April 17, 1995.
 Changes Other than Editing from Proposed to Adopted Version: Section 16.40.517 (6)(d)(iv) of the San Juan County shoreline master program amendment is modified by excluding the condition "unless the stairs/ramp are connected to an exempt or permitted structure."
 Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.
 Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.
 Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.
 Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.
 Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.
 Effective Date of Rule: Thirty-one days after filing.
 September 6, 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 September 6, 1995.

WSR 95-18-106
PERMANENT RULES
INSURANCE COMMISSIONER'S OFFICE
 [Filed September 6, 1995, 11:52 a.m.]

Date of Adoption: September 6, 1995.
 Purpose: To promote a strong and health maritime industry through the continuation of the plan established by the legislature in 1992. To ensure the continued availability of USL&H coverage for those employers unable to purchase the essential coverage in the normal insurance market. Insurance Commissioner Matter No. R 95-7.
 Citation of Existing Rules Affected by this Order: Amending WAC 284-22-030.
 Statutory Authority for Adoption: RCW 48.02.060.
 Adopted under notice filed as WSR 95-16-123 on August 2, 1995.
 Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 1, repealed 0.
 Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.
 Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.
 Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.
 Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.
 Effective Date of Rule: Thirty-one days after filing.
 September 6, 1995
 G. W. Taylor
 Deputy Commissioner

AMENDATORY SECTION (Amending Order R 93-17, filed 9/24/93, effective 10/25/93)

WAC 284-22-030 Effective date. (1) The assigned risk plan shall become effective at 12:01 a.m. July 1, 1992.
 (2) The assigned risk plan shall ~~((ease accepting new applicants at 12:01 a.m. July 1, 1995. However, it shall))~~ not terminate until all policies ~~((issued))~~ under the plan have expired and outstanding obligations incurred under such policies have been satisfied.

WSR 95-18-107
PERMANENT RULES
EMPLOYMENT SECURITY DEPARTMENT
 [Filed September 6, 1995, 11:55 a.m.]

Date of Adoption: September 6, 1995.

PERMANENT

Purpose: To modify the procedures used by individuals filing claims for unemployment insurance benefits, in order to streamline the processing of claims for both the claimant and the department. In addition, the regulations are rewritten to simplify language and terminology.

Citation of Existing Rules Affected by this Order: Amending WAC 192-12-130 and 192-12-141.

Statutory Authority for Adoption: RCW 50.12.010, [50.12.]040, 50.20.010, and [50.20.]140.

Other Authority: RCW 50.12.050.

Adopted under notice filed as WSR 95-15-094 on July 19, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

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

September 6, 1995

Vernon E. Stoner
Commissioner

AMENDATORY SECTION (Amending Rule 12, adopted 6/10/53, effective 6/20/53)

WAC 192-12-130 ((Payment of benefits to) Unemployment benefits for interstate claimants. ((Section 44 of the act (RCW 50.12.050) provides: " * * * The commissioner may enter into agreement with any other state whereby in the event an individual files a claim in another state against wages earned in employment in this state, or against wage credits earned in this state and in any other state or who files a claim in this state against wage credits earned in employment in any other state, or against wages earned in this state and in any other state, the claim will be paid by this state or another state as designated by the agreement in accordance with a determination on the claim as provided by the agreement and pursuant to the qualification and disqualification provisions of this act or under the provisions of the law of the designated paying state (including another state) * * * ."

Section 40 of the act (RCW 50.12.010) provides: "It shall be the duty of the commissioner to administer this act. He shall have the power and authority to adopt, amend, or rescind such rules and regulations, * * * as he deems necessary or suitable to that end. * * * ." The commissioner accordingly prescribes:))

(1) ((The following regulation shall govern the Washington employment security department in its administrative cooperation with other states adopting similar regulation for the payment of benefits to interstate claimants.

(2) **Definitions.**—As used in this regulation, unless the context clearly requires otherwise:

(a) "Interstate benefit payment plan" means the plan approved by the interstate conference of employment security agencies under which benefits shall be payable to unemployed individuals absent from the state (or states) in which benefit credits have been accumulated.

(b) "Interstate claimant" means an individual who claims benefits under the unemployment insurance law of one or more liable states through the facilities of the agent state. The term interstate claimant shall not include any commuter provided, however, that the Washington employment security department may, by arrangement with any adjoining state employment security agency, treat certain commuters as interstate claimants if they reside in geographical areas from which the Washington employment security department finds that requiring commuters to file their benefit claims in the state of their last employment would cause undue hardship to such claimants. As herein used, the term commuter applies to each individual who, immediately before becoming unemployed, customarily commuted from his residence in the agent state to his work in the liable state.

(c) "State" includes Alaska, Hawaii and the District of Columbia.

(d) "Agent state" means any state in which an individual files a claim for benefits from another state or states.

(e) "Liable state" means any state against which an individual files, through another state, a claim for benefits.

(f) "Benefits" means the compensation payable to an individual, with respect to his unemployment, under the unemployment insurance law of any state.

(g) "Week of unemployment" includes any week of unemployment as defined in the law of the liable state from which benefits with respect to such week are claimed.)

What is an "interstate claimant"? An "interstate claimant" is a person who files a claim for one state's unemployment benefits from another state. For example:

(a) You are an interstate claimant if you live in Oregon and file a claim in Oregon for Washington state benefits.

(b) You are an interstate claimant if you live in Washington and file a claim in Washington for benefits from Oregon.

(c) You are NOT an interstate claimant if you live in Oregon but file your claim for Washington benefits in a Washington state employment security office; this is because your claim was filed in the same state that will be paying your benefits.

The state where you file your claim is called an "agent state". The state that pays your claim is the "liable state".

(2) Where can I apply for benefits? You can file your application in any state, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, or Canada.

(3) How do I apply for benefits? (a) If you are applying in Washington, you must file your application in person at an employment security office.

(b) If you are applying in another state, you must file your application as required by that state.

(4) Who decides if I am eligible for benefits? Every state has its own laws which control who is eligible for benefits. If you file a claim for Washington benefits, your eligibility for benefits will be decided by Washington state law even if you file in another state. If you file for benefits

against another state, your eligibility for benefits will be decided under that state's laws.

((3) Registration for work.

(a) Each interstate claimant shall be registered for work, through any public employment office in the agent state when and as required by law, regulations, and procedures of the agent state. Such registration shall be accepted as meeting the registration requirements of the liable state.

(b) Each agent state shall duly report, to the liable state in question, whether each interstate claimant meets the registration requirements of the agent state.))

(5) Do I have to register for work? You must register for work in the state in which you filed your claim.

((4) Benefit rights of interstate claimants.

(a) If a claimant files a claim against any state, and it is determined by such state that the claimant has available benefit credits in such state, then claims shall be filed only against such state as long as benefit credits are available in that state. Thereafter, the claimant may file claims against any other state in which there are available benefit credits.

For the purposes of this regulation, benefit credits shall be deemed to be unavailable whenever benefits have been exhausted, terminated, or postponed for an indefinite period or for the entire period in which benefits would otherwise be payable, or whenever benefits are affected by the application of a seasonal restriction.

(b) The benefit rights of interstate claimants established by this regulation shall apply only with respect to new claims (notices of unemployment) filed on or after July 5, 1953.) (6) When can I apply for benefits? You can apply for benefits at any time, even if you are working. However, if you already have a valid claim in one state, you must continue with that claim as long as benefits are available before a new claim against another state can be paid. A "valid" claim is one that has not been denied, terminated, or the benefits exhausted (paid out).

((5) Claim for benefits.

(a) Claims for benefits or waiting period shall be filed by interstate claimants on uniform interstate claims forms and in accordance with uniform procedures developed pursuant to the interstate benefit payment plan. Claims shall be filed in accordance with the type of week in use in the agent state. Any adjustments required to fit the type of week used by the liable state shall be made by the liable state on the basis of consecutive claims filed.

(b) Claims shall be filed in accordance with agent state regulations for intrastate claims in local employment offices, or at an itinerant point, or by mail.

(i) With respect to claims for weeks of unemployment in which an individual was not working for his regular employer, the liable state shall, under circumstances which it considers good cause, accept a continued claim filed up to one week, or one reporting period, late. If a claimant files more than one reporting period late, an initial claim must be used to begin a claim series and no continued claim for a past period shall be accepted.

(ii) With respect to weeks of unemployment during which an individual is attached to his regular employer, the liable state shall accept any claim which is filed within the time limit applicable to such claims under the law of the agent state.) (7) How do I file my claim? (a) If you are applying for Washington benefits, mail your completed claim

form directly to the interstate office of the Washington state employment security department.

(b) If you are applying for benefits against another state, mail your completed claim form directly to the address provided for the liable state.

(c) Once your claim is established, you will be instructed to continue filing by mail or by telephone.

(8) How often must I file my claim? (a) If you are filing for Washington benefits, file your claim each week unless you are instructed to file on a biweekly basis.

(b) If you are filing against another state, file your claim according to the schedule and method directed by that state.

(9) When is a claim for Washington benefits considered late? (a) Until you receive your first payment, your claim is considered late if it is filed more than seven days (one week) after the Saturday of the week being claimed. You will not be paid for these weeks unless you can prove you had a good reason for filing late.

(b) After you have received your first payment, your claim is considered late if it is filed more than 28 days (four weeks) after the Saturday of the last week being claimed. Any week or weeks that are filed late will be conditionally paid. This means you will be paid benefits, but you will be asked to prove you had a good reason for filing late. If you cannot do so, you will receive a notice telling you to repay benefits for the week(s) you filed late.

((6) Determination of claims.

(a) The agent state shall, in connection with each claim filed by an interstate claimant, ascertain and report to the liable state in question such facts relating to the claimant's availability for work and eligibility for benefits as are readily determinable in and by the agent state.

(b) The agent state's responsibility and authority in connection with the determination of interstate claims shall be limited to investigation and reporting of relevant facts. The agent state shall not refuse to take an interstate claim.

(7) Appellate procedure.

(a) The agent state shall afford all reasonable cooperation in the taking of evidence and the holding of hearings in connection with appealed interstate benefit claims.

(b) With respect to the time limits imposed by the law of a liable state upon the filing of an appeal in connection with a disputed benefit claim, an appeal made by an interstate claimant shall be deemed to have been made and communicated to the liable state on the date when it is received by any qualified officer of the agent state.) (10) How do I file an appeal? If you wish to file an appeal regarding your claim, you can do so by:

(a) Mailing your appeal directly to the liable state. Your appeal will be considered filed on the postmarked date; or

(b) Filing your appeal with the agent state, which will forward it to the liable state. Your appeal will be considered filed on the date it is received by the agent state.

All appeal hearings will be conducted by the liable state by telephone. The liable state will notify you of the date, time, and telephone number.

((8) Extension of interstate benefit payments to include claims taken in and for Canada. This regulation shall apply in all its provisions to claims taken in and for Canada.)

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

AMENDATORY SECTION (Amending WSR 93-10-025, filed 4/28/93, effective 5/29/93)

WAC 192-12-141 (~~Registration, reports and claims for unemployment compensation and related benefits.~~)

Applying for unemployment benefits. (1) (~~Interstate claimants.~~ Individuals who file interstate claims for benefits against this state through the local office of any agent state shall not be subject to this regulation. (See WAC 192-12-130.)) If you apply for Washington state benefits in another state, follow the instructions in WAC 192-12-130. If you apply for benefits in Washington state, follow the instructions below.

(2) (~~Application for initial determination.~~ Except for good cause shown an application for initial determination shall be filed in person at a Washington state employment security office on forms provided by the department. Such application may be made at any time.) **How do I apply for benefits?** You must file your application for benefits in person at a Washington state employment security office. You may apply at any time, even if you are working. Your claim is effective the first week you report to the office.

(3) (~~Registration for work.~~ As a condition of eligibility for waiting period credit or benefits, an individual shall register for work at an office of the Washington state employment security department on forms provided and shall thereafter renew his or her registration as directed during the total period [in] which he or she maintains active claim status except as provided in WAC 192-12-150, covering the requirements for payment of benefits to partially unemployed individuals and standby workers.) **Do I have to register for work?** You must register for work unless you are partially unemployed or on standby. (See WAC 192-12-150.)

(4) (~~Perfecting a claim for waiting period credit.~~

(a) Except for good cause shown, to perfect a claim for waiting period credit, a claimant shall report in person at an employment security department office during the week for which he or she intends to claim waiting period credit.

(b) The claim for waiting period credit shall be made in writing on forms provided by the department. It shall be filed at the office during the calendar week immediately following the last day of the week being claimed except for good cause shown.) **Will I receive benefits immediately?** The first week you are eligible for benefits is your waiting week. You will not be paid for this week.

(5) (~~Claim for benefits.~~ A claim for waiting period credit or benefits shall be filed in writing with a Washington state employment security office, as prescribed by the department. The department shall determine the method and time sequence by which each individual shall file a claim for benefits.)

((a) To be accepted as a claim for waiting period credit or benefits, the claim form shall:

- (i) Include a correct week ending date which is the Saturday date of the week being claimed, and
- (ii) Be filed after the week ending date of the week claimed, and
- (iii) Include the answer to at least one question, and

(iv) ~~Include the claimant's signature, and~~
 (v) ~~Be filed against an established benefit year ending date, whether monetarily eligible or ineligible, and~~
 (vi) ~~Include certification as to the amount of remuneration, if any, including a pension, holiday pay, vacation pay, or earnings for the week or weeks claimed, and a certification of the number of hours during each week claimed unless the certification of remuneration removes the claimant from the status of an unemployed individual as defined in RCW 50.04.310.~~

(b) The method for filing claims shall be one of the following:

(i) In-person method, whereby the claimant shall file the claim in person except for good cause shown;

(ii) Mail method, whereby the claimant shall file the claim by mail or in a Washington state employment security office except for good cause shown. Claims submitted by mail shall be deemed filed with the department on the postmarked date.

(iii) The commissioner may authorize other methods for the purpose of study, in response to state or national emergencies, or where unusual circumstances, not within the control of the claimant, make in person or mail filing difficult.

(c) The time sequence for filing claims shall be one of the following:

(i) Weekly sequence, whereby claims shall be filed during the calendar week immediately following the week being claimed except for good cause shown;

(ii) Biweekly sequence, whereby a claim for a two-consecutive week period shall be filed during the calendar week immediately following such period except for good cause shown.

(iii) The commissioner may authorize another sequence for the purpose of study, in response to state or national emergency, or where unusual circumstances, not within the control of the claimant, make another sequence more appropriate.) **Do I continue to file a claim for benefits?** You must file a claim as instructed for all weeks for which you want to be paid. Every week begins on Sunday and ends at midnight on Saturday. Your claim must be filed after the end of the week(s) you are claiming.

(a) **What information do I report on my claim form?** The claim form must contain:

(i) The Saturday date(s) of the week(s) you are claiming;

(ii) Answers to the questions (your claim will be considered legal if at least one question is answered);

(iii) Your signature or, if filing by telephone, your personal identification number;

(iv) The amount and source of any pension you are receiving for the week claimed;

(v) Any holiday earnings received during the week claimed;

(vi) Any vacation pay received during the week claimed, and the dates for which such pay was accrued; and

(vii) Any earnings and the number of hours you worked during the week claimed, unless you are not eligible for benefits because you are fully employed.

A claim that does not meet these requirements is incomplete and will be returned to you with a request for additional information.

(b) How do I file my claim? When you apply, you will be told to file your claim in person, by mail, or by telephone. If you file by mail, the claim is considered filed on the postmarked date.

(c) How often must I file my claim? When you apply, you will be told to file weekly or biweekly.

(i) If you file weekly, you will claim the week which ended the preceding Saturday.

(ii) If you file biweekly, you will claim the two weeks which ended on the preceding Saturday.

(iii) Other filing schedules can be authorized for the purpose of study, in cases of emergency, or where unusual circumstances make weekly or biweekly filing difficult.

~~(6) ((Certain exceptions pertaining to filing claims in person.~~

~~(a) A claimant who is directed to file a claim for waiting period credit or benefits in person and because of returning to work is unable to do so must be permitted to file the claim by mail. The claimant must file the claim or claims within the same period as the claimant was directed to file in person except for good cause shown, provided that claims submitted by mail shall be deemed filed with the department on the postmarked date.~~

~~(b) In the event that a claimant is scheduled to file a claim (or claims) in person on the last business day of the week and the claimant fails to file as scheduled, the claimant shall be allowed the next business day to file such claim (or claims) in person.)) Are there other times when I am required to report in person? You may be instructed to report in person for any reason. If you do not report, you will not receive benefits for that week, except:~~

~~(a) If you return to work and cannot report in person as instructed, you can file your claim by mail;~~

~~(b) If you have been instructed to file in person on a Friday (or the last business day of a week), you can file your claim on the next business day; or~~

~~(c) When you can show you had good cause for not reporting in person. "Good cause" includes factors which would cause another person in similar circumstances to be unable to report as directed.~~

~~(7) ((Reporting responsibility. Irrespective of time sequences for filing claims for waiting period credit or benefits, the department may require a claimant to report to a local office in person for any reason deemed appropriate. Failure to report, as and when directed, shall result in the denial of benefits for the week during which such failure occurs, except for good cause shown.~~

~~(8) Itinerant offices. In cases where a representative of the employment security department shall establish a location apart from the usual place of reporting for the purpose of taking registrations, initial applications or claims for waiting period credit or benefits, all individuals registering or filing an application or claims at such location shall be deemed to have registered or filed at an Employment Security office.~~

~~(9) Provisions for processing late claims.~~

~~If a claim form is filed with the intent to claim benefits for more than one week and one or more of the weeks is late filed;~~

~~(a) The week or weeks that are not late filed shall be promptly processed and paid if all other eligibility requirements are met, and~~

~~(b) The week or weeks that are late filed shall be promptly processed and conditionally paid unless the claimant shows good cause for late filing.)) When is my claim considered late? (a) Until you receive your first payment, your claim is considered late if it is filed more than seven days (one week) after the Saturday of the last week being claimed. You will not be paid for these weeks unless you can prove you had a good reason for filing late.~~

~~(b) After you have received your first payment, your claim is considered late if it is filed more than 28 days (four weeks) after the Saturday of the last week being claimed. Any week or weeks that are filed late will be conditionally paid. This means you will be paid benefits, but you will be asked to prove you had a good reason for filing late. If you cannot do so, you will receive a notice directing you to repay benefits for the week(s) you filed late.~~

~~((10) Provisions for handling incomplete claims.~~

~~(a) In the event that a claim form does not conform to the definition of a claim for waiting period credit [or] [for] benefits, the form may be returned to the claimant for correction or completion. Any such returned form will be accompanied by a written explanation [of] [or] the reason for return, and the correction or completion of omitted entries required.~~

~~(b) If a claim form is submitted with the intent to claim benefits for more than one week, and one or more of the weeks do not conform to the definition of a claim for benefits, the week or weeks that do meet the definition shall be promptly processed.~~

~~(11) Reopening of claims. A claimant shall report in person at an employment security department office during the first week for which benefits are claimed after a break or interruption of one or more weeks in a series of consecutive weekly claims, except for good cause shown. The department may waive or modify this requirement, when authorized by the commissioner, for administrative reasons or to reduce hardship to the public.)) (8) How do I reopen my claim? If you have stopped filing claims for one or more weeks, you must report in person to reopen your claim. Other methods for reopening claims can be authorized by the department as needed.~~

Reviser's note: The brackets and enclosed material in the text of 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 95-18-006
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Order 3880—Filed August 23, 1995, 1:52 p.m., effective August 24, 1995, 12:01 a.m.]

Date of Adoption: August 23, 1995.

Purpose: Provide an appeal process for persons disqualified from employment in a child care facility because of findings or allegations of child abuse or neglect. New WAC 388-330-035 Appeal of disqualification.

Citation of Existing Rules Affected by this Order: Amending WAC 388-150-090, 388-155-090, 388-160-090, 388-330-010, 388-73-030, and 388-151-090.

Statutory Authority for Adoption: RCW 74.15.030.

Under 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: The Attorney General's Office has determined that such persons have a constitutional right to a hearing.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 1, amended 6, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 6, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 1, amended 6, repealed 0.

Effective Date of Rule: August 24, 1995, 12:01 a.m.

August 23, 1995

Jeanette Sevedge-App

Acting Chief

Office of Vender Services

AMENDATORY SECTION (Amending Order 3534, filed 7/13/93, effective 8/13/93)

WAC 388-330-010 Purpose and authority. This chapter establishes policy within the department of social and health services for conducting ~~((criminal history portions of))~~ background inquiries and checks of Washington state ~~((patrol's))~~ child abuse information files on those licensed or authorized by the department to care for children or developmentally disabled persons. Such inquiries are required under RCW 74.15.030.

NEW SECTION

WAC 388-330-035 Appeal of disqualification. (1) Whenever a person in good faith desires employment in an agency licensed under chapter 74.15 RCW, the person, prior to applying for employment, upon request, may receive from

the department an informal meeting on whether the person is disqualified from employment for not meeting the minimum requirements pursuant to chapter 74.15 RCW or rules promulgated thereunder. If the department during employment or at the time of employment, determines that a person is disqualified from employment with a child care agency for not meeting minimum requirements under chapter 74.15 RCW or rules promulgated thereunder, the department shall give written notice of disqualification to the person. The notice shall state what the person is disqualified from doing, the reasons for the disqualification, and the applicable law under which the person is disqualified.

(2) The procedures in RCW 43.20A.205 shall apply whenever the department issues a notice of disqualification to a person. If the disqualified person requests an adjudicative proceeding, the department shall have the burden of proving disqualification by a preponderance of the evidence.

(3) A licensee under chapter 74.15 RCW may not allow a person disqualified under subsection (1) of this section to be employed by or associate with the licensee's agency. Disqualification of a person may not be contested by a licensee.

(4) The provisions of this section do not preclude the department from taking any action against a licensee in accordance with chapter 74.15 RCW or rules promulgated thereunder.

(5) If a notice of disqualification is based on a prior department finding of abuse or neglect, and after a fair hearing it is determined that the allegations are not supported by a preponderance of the evidence, the department's records shall be supplemented to so state.

(6) The department in accordance with WAC 388-330-030 may remove a disqualification based on conviction of a crime.

The department may remove a disqualification based on a reason other than conviction of a crime if the disqualified person demonstrates by clear, cogent, and convincing evidence that the person is sufficiently rehabilitated to warrant public trust and to comply with the requirements of chapter 74.15 RCW or the rules promulgated thereunder.

AMENDATORY SECTION (Amending Order 3541, filed 7/21/93, effective 8/21/93)

WAC 388-160-090 General qualifications of licensee, applicant, and persons on the premises. (1) The applicant, licensee, staff, and other person on the premises shall be a person of good character.

(2) The licensee or applicant shall demonstrate that the licensee or applicant, child care staff, volunteer, and other person having access to a person under care have the understanding, ability, physical health, emotional stability, and personality suited to meet the physical, mental, emotional, and social needs of the person under care.

(3) The licensee, applicant, staff, and other persons on the premises shall not ~~((have been))~~:

(a) ~~((Convicted of, found a perpetrator of, or have a charge pending of child abuse and/or any crime involving physical harm to another person; or~~

~~((b) Found to:~~

~~((i) Be a perpetrator of substantiated or founded child abuse; or~~

~~(ii) Have been an alleged perpetrator of an incident of child abuse where the department found the evidence supports the allegation)) Be ineligible to provide care because of a criminal history under chapter 388-330 WAC;~~
or

(b) Have committed child abuse, neglect, or exploitation as defined in RCW 26.44.020 and WAC 388-15-130.

(4) The department may, at any time, require the licensee or person on the premises to provide additional information so the department can determine whether the licensee, adoptive applicant, child care staff, volunteer, and other person having access to a child in care meet the qualifications under subsections (1), (2), and (3) of this section. The department may require the licensee or person on the premises to provide additional information including, but not limited to:

- (a) Sexual deviancy evaluations;
- (b) Substance and alcohol abuse evaluations;
- (c) Psychiatric evaluations;
- (d) Psychological evaluations; and
- (e) Medical evaluations.

AMENDATORY SECTION (Amending Order 3493, filed 12/30/92, effective 1/30/93)

WAC 388-151-090 License denial, suspension, or revocation. (1) Before granting a license and as a condition for continuance of a license, the department shall consider the ability of the applicant and licensee to meet the requirements of this chapter. If more than one person is the applicant or licensee, the department:

(a) Shall consider their qualifications separately and jointly; and

(b) May deny, suspend, revoke, or not renew the license based on the failure of one of the persons to meet the requirements.

(2) The department shall deny, suspend, revoke, or not renew the license of a person who:

(a) ~~((Is a perpetrator of child abuse, or has been convicted of a crime involving child abuse or physical harm to another person))~~ Has committed child abuse, neglect, or exploitation as defined in RCW 26.44.020 and WAC 388-15-130, is ineligible to provide care because of a criminal history under chapter 388-330 WAC, or allows such a person on the premises;

(b) Commits or was convicted of a felony reasonably related to the competency of the person to meet the requirements of this chapter;

(c) Engages in illegal use of a drug or excessive use of alcohol;

(d) Commits, permits, aids, or abets the commission of an illegal act on the premises;

(e) Commits, permits, aids, or abets the abuse, neglect, exploitation, or cruel or indifferent care to a child in care;

(f) Refuses to permit an authorized representative of the department, state fire marshal's office, or department of health to inspect the premises; or

(g) Refuses to permit an authorized representative of the department or the department of health access to records related to operation of the center or to interview staff or a child in care.

(3) The department may deny, suspend, revoke, or not renew a license of a person who:

(a) Seeks to obtain or retain a license by fraudulent means or misrepresentation including, but not limited to:

(i) Making a materially false statement on the application; or

(ii) Omitting material information on the application.

(b) Provides insufficient staff in relation to the number, ages, or characteristics of children in care;

(c) Allows a person unqualified by training, experience, or temperament to care for or be in contact with a child in care;

(d) Violates any condition or limitation on licensure including, but not limited to:

(i) Permitting more children on the premises than the number for which the center is licensed; or

(ii) Permitting on the premises a child of an age different from the ages for which the center is licensed.

(e) Fails to provide adequate supervision to a child in care;

(f) Demonstrates an inability to exercise fiscal responsibility and accountability with respect to operation of the center;

(g) Misappropriates property of a child in care;

(h) Knowingly permits on the premises an employee or volunteer who has made a material misrepresentation on an application for employment or volunteer service;

(i) Refuses or fails to supply necessary, additional department requested information; or

(j) Fails to comply with any provision of chapter 74.15 RCW or this chapter.

(4) The department shall not issue a license to a person who has been denied, suspended, revoked, or not renewed a license to operate a facility for the care of the children or adults, in this state or elsewhere, unless the person demonstrates by clear, cogent, and convincing evidence the person has undertaken sufficient corrective action or rehabilitation to warrant public trust and to operate the center in accordance with the rules of this chapter.

(5) The department's notice of a denial, revocation, suspension, or modification of a license and the applicant's or licensee's right to a hearing, shall be governed under RCW 43.20.205.

AMENDATORY SECTION (Amending Order 3745, filed 6/22/94, effective 7/23/94)

WAC 388-150-090 License denial, suspension, or revocation. (1) Before granting a license and as a condition for continuance of a license, the department shall consider the ability of the applicant and licensee to meet the requirements of this chapter. If more than one person is the applicant or licensee, the department:

(a) Shall consider the persons' qualifications separately and jointly; and

(b) May deny, suspend, revoke, or not renew the license based on the failure of one of the persons to meet the requirements.

(2) The department shall deny, suspend, revoke, or not renew the license of a person who:

(a) ~~((Is a perpetrator of child abuse, or has been convicted of a crime involving child abuse or physical harm~~

~~to another person))~~ Has committed child abuse, neglect, or exploitation as defined in RCW 26.44.020 and WAC 388-15-130, is ineligible to provide care because of a criminal history under chapter 388-330 WAC, or allows such a person on the premises;

(b) Commits or was convicted of a felony reasonably related to the competency of the person to meet the requirements of this chapter;

(c) Engages in illegal use of a drug or excessive use of alcohol;

(d) Commits, permits, aids, or abets the commission of an illegal act on the premises;

(e) Commits, permits, aids, or abets the abuse, neglect, exploitation, or cruel or indifferent care to a child in care;

(f) Refuses to permit an authorized representative of the department, state fire marshal, state auditor's office, or department of health to inspect the premises; or

(g) Refuses to permit an authorized representative of the department, the department of health, or state auditor's office access to records related to operation of the center or to interview staff or a child in care.

(3) The department may deny, suspend, revoke, or not renew a license of a person who:

(a) Seeks to obtain or retain a license by fraudulent means or misrepresentation, including, but not limited to:

(i) Making a materially false statement on the application; or

(ii) Omitting material information on the application.

(b) Provides insufficient staff in relation to the number, ages, or characteristics of children in care;

(c) Allows a person unqualified by training, experience, or temperament to care for or be in contact with a child in care;

(d) Violates any condition or limitation on licensure including, but not limited to:

(i) Permitting more children on the premises than the number for which the center is licensed; or

(ii) Permitting on the premises a child of an age different from the ages for which the center is licensed.

(e) Fails to provide adequate supervision to a child in care;

(f) Demonstrates an inability to exercise fiscal responsibility and accountability with respect to operation of the center;

(g) Misappropriates property of a child in care;

(h) Knowingly permits on the premises an employee or volunteer who has made a material misrepresentation on an application for employment or volunteer service;

(i) Refuses or fails to supply necessary, additional department-requested information; or

(j) Fails to comply with any provision of chapter 74.15 RCW or this chapter.

(4) The department shall not issue a license to a person who has had denied, suspended, revoked, or not renewed a license to operate a facility for the care of children or adults, in this state or elsewhere, unless the person demonstrates by clear, cogent, and convincing evidence the person has undertaken sufficient corrective action or rehabilitation to warrant public trust and to operate the center in accordance with the rules of this chapter.

(5) The department's notice of a denial, revocation, suspension, or modification of a license and the applicant's

or licensee's right to a hearing is governed under RCW 43.20A.205.

AMENDATORY SECTION (Amending WSR 92-08-056, filed 3/26/92, effective 4/26/92)

WAC 388-73-030 General qualifications of licensee, adoptive applicant, and persons on the premises. (1) The adoptive applicant, licensee, staff, and other person on the premises shall be a person of good character.

(2) The licensee or adoptive applicant shall demonstrate that the licensee or adoptive applicant, child care staff, volunteer, and other person having access to a person under care have the understanding, ability, physical health, emotional stability, and personality suited to meet the physical, mental, emotional, and social needs of the person under care.

(3) The licensee, adoptive applicant, staff, and other persons on the premises shall not ~~((have been))~~:

(a) ~~((Convicted of, found to be a perpetrator of, or have a charge pending of child abuse and/or any crime involving physical harm to another person; nor~~

~~(b) Found to:~~

~~(i) Be a perpetrator of substantiated or founded child abuse; nor~~

~~(ii) Have been an alleged perpetrator of an incident of child abuse where the department found the evidence supports the allegation))~~ Be ineligible to provide care because of a criminal history under chapter 388-330 WAC;
or

(b) Have committed child abuse, neglect, or exploitation as defined in RCW 26.44.020 and WAC 388-15-130.

(4) The department may, at any time, require the licensee or person on the premises to provide additional information so the department can determine whether the licensee, adoptive applicant, child care staff, volunteer, and other person having access to children in care meet the qualifications in subsections (1), (2), and (3) of this section. This information may include, but is not limited to:

(a) Sexual deviancy evaluations;

(b) Substance and alcohol abuse evaluations;

(c) Psychiatric evaluations;

(d) Psychological evaluations; and

(e) Medical evaluations.

AMENDATORY SECTION (Amending Order 3745, filed 6/22/94, effective 7/23/94)

WAC 388-155-090 License denial, suspension, or revocation. (1) Before granting a license and as a condition for continuance of a license, the department shall consider the ability of the applicant and licensee to meet the requirements of this chapter. If more than one person is the applicant or licensee, the department:

(a) Shall consider the persons' qualifications separately and jointly; and

(b) May deny, suspend, revoke, or not renew the license based on the failure of one of the persons to meet the requirements.

(2) The department shall deny, suspend, revoke, or not renew the license of a person who:

(a) ~~((Is a perpetrator of child abuse, or has been convicted of a crime involving child abuse or physical harm to another person))~~ Has committed child abuse, neglect, or

exploitation as defined in RCW 26.44.020 and WAC 388-15-130, is ineligibility to provide care because of a criminal history under chapter 388-330 WAC, or allows such a person on the premises;

(b) Commits or was convicted of a felony reasonably related to the competency of the person to meet the requirements of this chapter;

(c) Engages in illegal use of a drug or excessive use of alcohol;

(d) Commits, permits, aids, or abets the commission of an illegal act on the premises;

(e) Commits, permits, aids, or abets the abuse, neglect, exploitation, or cruel or indifferent care to a child in care;

(f) Refuses to permit an authorized representative of the department, state fire marshal, department of health, or state auditor's office to inspect the premises; or

(g) Refuses to permit an authorized representative of the department, the department of health, or the state auditor's office access to records related to operation of the home or to interview an assistant or a child in care.

(3) The department may deny, suspend, revoke, or not renew a license of a person who:

(a) Seeks to obtain or retain a license by fraudulent means or misrepresentation, including, but not limited to:

(i) Making a materially false statement on the application; or

(ii) Omitting material information on the application.

(b) Provides insufficient staff in relation to the number, ages, or characteristics of children in care;

(c) Allows a person unqualified by training, experience, or temperament to care for or be in contact with a child in care;

(d) Violates any condition or limitation on licensure including, but not limited to:

(i) Permitting more children on the premises than the number for which the home is licensed; or

(ii) Permitting on the premises a child of an age different from the ages for which the home is licensed.

(e) Fails to provide adequate supervision to a child in care;

(f) Demonstrates an inability to exercise fiscal responsibility and accountability with respect to operation of the home;

(g) Misappropriates property of a child in care;

(h) Knowingly permits on the premises an employee or volunteer who has made a material misrepresentation on an application for employment or volunteer service;

(i) Refuses or fails to supply necessary, additional department-requested information; or

(j) Fails to comply with any provision of chapter 74.15 RCW or this chapter.

(4) The department shall not issue a license to a person who has had denied, suspended, revoked, or not renewed a license to operate a facility for the care of children or adults, in this state or elsewhere, unless the person demonstrates by clear, cogent, and convincing evidence the person has undertaken sufficient corrective action or rehabilitation to warrant public trust and to operate the home in accordance with the rules of this chapter.

(5) The department's notice of a denial, revocation, suspension, or modification of a license and the applicant's

or licensee's right to a hearing shall be governed under RCW 43.20A.205.

WSR 95-18-018
EMERGENCY RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Order R-432, Docket No. TV-941290—Filed August 24, 1995, 3:55 p.m.]

In the matter of amending chapter 480-12 WAC to repeal sections WAC 480-12-075, 480-12-082, 480-12-085, 480-12-090, 480-12-095, 480-12-105, 480-12-110, 480-12-131, 480-12-137, 480-12-140, 480-12-155, 480-12-160, 480-12-181, 480-12-195, 480-12-196, 480-12-205, 480-12-225, 480-12-230, 480-12-233, 480-12-240, 480-12-240 [480-12-245], 480-12-253, 480-12-260, 480-12-305, 480-12-310, 480-12-321, 480-12-322, 480-12-380, 480-12-500, 480-12-510, 480-12-520; and adopting WAC 480-12-001 and chapter 480-14 WAC, relating to motor carriers.

This is an emergency rule-making proceeding that is designed to continue the amendment and adoption of rules that became effective April 28, 1995.

The Washington Utilities and Transportation Commission is conducting this rule making pursuant to RCW 80.01.040 and 34.05.350. 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 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

The facts requiring emergency action are as follows:

In late August 1994, the President signed federal legislation which preempts the states' rights to regulate most economic areas of intrastate motor carriage. This legislation became effective January 1, 1995. Because the commission's rules governing motor carriers, specifically chapter 480-12 WAC, includes economic regulation, it must revise those rules prior to the January 1, 1995, effective date of the federal law. Failure to make changes in commission rules would hamper the implementation of state laws that remain effective to govern motor carrier safety.

In order to remain in compliance with federal requirements, the Washington Utilities and Transportation Commission adopted alternative motor carrier rules which are consistent with federal legislation that became effective on January 1, 1995. A permanent alternative rule could not be promulgated in time to meet the January 1, 1995, implementation date of the federal legislation. Legislative changes enacted and signed in the 1995 legislation that are now effective diverted some commission jurisdiction over motor carriers to the Washington State Patrol; commencement of permanent rule making was inconsistent with the unsettled nature of the legislative developments. Now the matter is determined by the nature of the effective legislation, the commission completed extensive outreach among regulated industry and has consulted with the Washington State Patrol. Permanent rule making is the subject of a notice of proposed rule making. Emergency rules are authorized under RCW 34.05.350 [(1)](b).

The federal legislation did not change the regulatory structure for household goods carriers or intrastate common carrier brokers. This means that the commission needs two sets of motor carrier regulatory rules, one which includes economic regulation for those industries not affected by the federal legislation, and one which does not include economic regulation for those industries preempted by the federal action. Because of this requirement, the commission is leaving chapter 480-12 WAC in place, repealing the sections that do not apply to household goods carriers and brokers. The commission is also establishing a new chapter, 480-14 WAC, for all other intrastate motor carriers.

Reason for refile emergency rules: The commission has filed a notice of its intention to promulgate permanent rules on the subjects addressed by these emergency rules. That process is underway and, was delayed by the need to evaluate the effect of the enactment of legislation in the 1995 legislative session. The rule making has not been completed, and it requires additional time to complete. The existence of pending permanent rule changes is a circumstance under which identical emergency rules may be adopted in sequence.

The Washington Utilities and Transportation Commission finds that an emergency exists. It finds that federal law requires immediate adoption of new commission rules, repeal of preexisting rules, and amendment of existing rules. It finds that immediate adoption of new rules and immediate amendment of existing rules are necessary for the preservation of the public health, safety, or general welfare, and that observing the statutory requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest. It further finds that re-adoption of these emergency rules is necessary to allow completion of the process of promulgating permanent rules.

This adoption of new rules and repeal and amendment of existing rules affects no economic values and has no adverse environmental effect, in that they merely implement the changes required by federal law against the framework of existing statutes.

In reviewing the entire record, the commission determines that it should amend chapter 480-12 WAC to adopt WAC 480-12-001 and to repeal WAC 480-12-075, 480-12-082, 480-12-085, 480-12-090, 480-12-095, 480-12-105, 480-12-110, 480-12-131, 480-12-137, 480-12-140, 480-12-155, 480-12-160, 480-12-181, 480-12-195, 480-12-196, 480-12-205, 480-12-225, 480-12-230, 480-12-233, 480-12-240, 480-12-253, 480-12-260, 480-12-305, 480-12-310, 480-12-321, 480-12-322, 480-12-380, 480-12-500, 480-12-510, 480-12-520, and should adopt new chapter 480-14 WAC, to read as set forth in Appendix A, shown below and included in it by this reference, to be effective May 1, 1995, at 12:01 a.m. These rule changes will allow the commission to comply with federal legislation.

Number of Sections Adopted in Order to Comply with Federal Statute: New 42, amended 0, repealed 31; Federal Rules or Standards: New 13, amended 0, repealed 13; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 2, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 40, amended 0, repealed 31.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

ORDER

THE COMMISSION ORDERS That WAC 480-12-001, as set forth in Appendix A shown below, is amended, to take effect as an emergency rule of the Washington Utilities and Transportation Commission pursuant to RCW 34.05.350 and 34.05.380(2), immediately.

THE COMMISSION FURTHER ORDERS That chapter 480-14 WAC, as set forth in Appendix A shown below, is adopted, to take effect as an emergency rule of the Washington Utilities and Transportation Commission pursuant to RCW 34.05.350, and 34.05.380(2), immediately.

THE COMMISSION FURTHER ORDERS That WAC 480-12-075, 480-12-082, 480-12-085, 480-12-090, 480-12-095, 480-12-105, 480-12-110, 480-12-131, 480-12-137, 480-12-140, 480-12-155, 480-12-160, 480-12-181, 480-12-195, 480-12-196, 480-12-205, 480-12-225, 480-12-230, 480-12-233, 480-12-240, 480-12-253, 480-12-260, 480-12-305, 480-12-310, 480-12-321, 480-12-322, 480-12-380, 480-12-500, 480-12-510 and 480-12-520, as set forth in Appendix A shown below, are repealed, to take effect as emergency rules of the Washington Utilities and Transportation Commission pursuant to RCW 34.05.350 and 34.05.380(2), immediately.

THE COMMISSION FURTHER ORDERS That this order and the rules set forth in Appendix A shown below, after being first recorded in the order register of the Washington Utilities and Transportation Commission, be forwarded to the code reviser for filing pursuant to chapters 34.05 RCW and 1-21 WAC.

DATED at Olympia, Washington, this 24th day of August 1995.

Washington Utilities and Transportation Commission
Richard Hemstad, Commissioner
William R. Gillis, Commissioner

NEW SECTION

WAC 480-12-001 Supersession of this chapter. Most intrastate carriers of property for hire have been exempted from state economic regulation by operation of federal law. The commission has established chapter 480-14 WAC to comply with federal law effective January 1, 1995. Only carriers of household goods and common carrier brokers continue to be regulated under this chapter.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 480-12-075	Permit phraseology defined.
WAC 480-12-082	Terminal areas defined.
WAC 480-12-085	Common or contract carrier may not act as private carrier.
WAC 480-12-090	"Off-route points" defined.
WAC 480-12-095	"Intermediate points" defined.

- WAC 480-12-105 Primary agricultural carriers.
- WAC 480-12-110 Permit, must abide by—"Tacking"—Extension.
- WAC 480-12-131 Interstate trip permits.
- WAC 480-12-137 Private carriers.
- WAC 480-12-140 Equipment, standby.
- WAC 480-12-155 Equipment—Interchange of.
- WAC 480-12-160 Disabled motor vehicles—Substitution.
- WAC 480-12-181 Pole trailers.
- WAC 480-12-195 Hazardous materials regulations.
- WAC 480-12-196 Transportation of radioactive materials—Driving and parking rules.
- WAC 480-12-205 Passengers—Carrying prohibited—Exceptions.
- WAC 480-12-225 Advertising on equipment.
- WAC 480-12-230 Service, scheduled, discontinuance of.
- WAC 480-12-233 Agreements for pooling of freight.
- WAC 480-12-240 Shipments on hand undelivered.
- WAC 480-12-245 Commissions.
- WAC 480-12-253 Continuing traffic study instituted—Requirements—Penalties.
- WAC 480-12-260 Bills of lading.
- WAC 480-12-305 Billing—Method to be used.
- WAC 480-12-310 Gross shipment weight.
- WAC 480-12-321 Log road classification—Must have.
- WAC 480-12-322 Log shipments—Intrastate rates—Applicability.
- WAC 480-12-380 Common carrier C.O.D. shipments—Bond required—Handling of shipments.
- WAC 480-12-500 Definitions concerning recovered materials.
- WAC 480-12-510 Application procedures for transportation of recovered materials.
- WAC 480-12-520 Reporting requirements for transportation of recovered materials.

**Chapter 480-14 WAC
MOTOR CARRIERS, EXCLUDING HOUSEHOLD
GOODS CARRIERS AND COMMON CARRIER
BROKERS**

NEW SECTION

WAC 480-14-010 Purpose and application. The federal government has preempted state economic regulation of motor carriers effective January 1, 1995, except for carriers of household goods and common carrier brokers. These rules are established to comply with federal law. This chapter supersedes chapter 480-12 WAC for all common and contract carriers previously regulated in that chapter **except**

carriers of household goods and common carrier brokers, who continue to be regulated by that chapter.

NEW SECTION

WAC 480-14-020 Rules, general application of rules—How changed. (1) No rule contained in this chapter can be changed, altered or revised except by general order of the commission pursuant to the Washington state Administrative Procedure Act.

(2) The rules in this chapter are for general application only, and are subject to such changes and modifications as the commission may deem advisable from time to time, and also to such exceptions as may be considered just and reasonable in individual cases.

(3) Application for exception to any of the rules and regulations of the commission shall be made in accordance with the following instructions:

(a) Application should be directed to the commission at its Olympia headquarters office. The application should be typewritten on 8-1/2 x 11 inch paper, on one side of the sheet only.

(b) The applicant must identify the rule from which exemption is sought and give a full explanation as to the reason(s) the exception is desired.

NEW SECTION

WAC 480-14-030 Permits during interim period. The commission recognizes that federal law effective January 1, 1995, destroys prior intrastate common and contract carrier operating rights in all areas except household goods and transportation brokerage. Each carrier operating under an active common or contract carrier permit in existence as of December 31, 1994, ("1994 permit" for purposes of this rule) who chooses to continue in the business of transporting the property of others and who complies with pertinent law and regulation, and whose authority continues in good standing, will be entitled to a new permit identifying whether it is registered and insured as a carrier of hazardous materials, a carrier providing armored car service, a carrier of property other than hazardous materials, or all three. Because it was physically impossible to identify the proper documentation required for all existing carriers and have new permits distributed by January 1, 1995, the commission determines that an existing common or contract carrier permit that is valid on December 31, 1994, shall be recognized as an interim permit for the conduct of operations on and after January 1, 1995, as follows:

(1) A 1994 permit authorizing the transportation of any nonhazardous property shall be recognized as reflecting authority to transport general commodities.

(2) A 1994 permit authorizing transportation of both hazardous and nonhazardous materials will be recognized as reflecting the authority to transport general commodities. If the carrier verifies to the commission that it wishes to engage in transportation of hazardous materials and if the carrier verifies that it has the required insurance coverage, the permit will also reflect the authorization to transport hazardous materials.

(3) A 1994 permit authorizing armored car service will be recognized as reflecting the authority to transport general

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commodities. If the carrier verifies to the commission that it wishes to engage in providing armored car service, the permit will also reflect the authorization to provide armored car service.

(4) 1994 permits shall serve as evidence of authority only until the carrier receives its new permit or until July 15, 1995, whichever first occurs. A new permit will not be issued to a carrier whose permit is canceled or suspended.

(5) For the purposes of this rule, an active common or contract carrier permit does not include those carriers with suspended permits or carriers with unsatisfied safety penalties.

NEW SECTION

WAC 480-14-040 Definitions. As used in this chapter, the following definitions shall apply:

(1) The term "motor carrier" means "common carrier," "private carrier" and "exempt carrier," as herein defined.

(2) The term "common carrier" means any person who undertakes to transport property, including general commodities, materials transported by armored car service, and/or hazardous materials, for the general public by motor vehicle for compensation, including motor vehicle operations of other carriers by rail or water and of express or forwarding companies. For the purposes of chapter 480-12 WAC, the term "common carrier" also includes persons engaged in the business of transporting household goods as common carriers or of providing, contracting for, or undertaking to provide transportation of property for compensation over the public highways of the state of Washington as brokers or forwarders.

(3) The term "private carrier" means a person who, in its own vehicle, transports only property owned or being bought or sold by it in good faith and only when such transportation is purely an incidental adjunct to some established private business owned or operated by it in good faith.

(4) The term "exempt carrier" means any person operating a vehicle exempted from certain provisions of the act under RCW 81.80.040.

(5) The terms "registered carrier" and "registered exempt carrier" have the meanings set out in WAC 480-14-290.

(6) The term "carrier of hazardous materials" means any person who transports radioactive materials, hazardous waste, hazardous materials and hazardous substances as defined in Title 49 Code of Federal Regulations.

(7) The term "carrier of general commodities" means any person transporting the property of others for compensation, except persons performing the service of transporting household goods as defined in WAC 480-12-990.

(8) The term "armored car service" means carriers transporting property of very high value (gold, silver, currency, valuable securities, jewels and other property of very high value) using specially constructed armored trucks and providing policy protection to safeguard freight while it is being transported and delivered. It also means carriers which operate ordinary equipment in the carriage of high value commodities when guards are necessary to accompany the shipment.

NEW SECTION

WAC 480-14-050 Reference to other chapters. (1) **Procedure.** Except as otherwise provided in this chapter, the commission's rules relating to procedure, chapter 480-09 WAC, shall govern the administrative practice and procedure in and before the commission in proceedings involving motor freight carriers.

(2) **Communications.** Except as provided in chapter 480-04 WAC, all written communications and documents should be addressed to the secretary, Washington utilities and transportation commission, at the headquarters office of the commission at Olympia, Washington, and not to individual members of the commission staff.

(a) Except as provided in chapter 480-04 WAC, all communications and documents are deemed to be officially received only when delivered at the office of the secretary.

(b) In addressing communications to the commission each permit holder must use the name shown upon its permit and indicate permit number.

(c) Except as provided in WAC 480-09-120 and 480-14-420, receipt in the commission's telefacsimile machine does not constitute filing with the commission.

(3) **Documents—When filed.** Except as provided in chapter 480-04 WAC, all petitions, complaints, applications for common carrier permits or extensions, or any other matter required to be served upon or filed with the Washington utilities and transportation commission shall be served or filed upon the commission at its headquarters office as shown in WAC 480-04-030, upon the secretary of the commission. Except as provided in chapter 480-04 WAC, any petition, complaint, application, or other matter required to be served upon or filed with the commission shall not be considered served or filed until it is received at the headquarters office of the commission at Olympia, Washington. Applications for common carrier permits, or for extensions may be transmitted to any office of the commission for forwarding to the headquarters office of the commission at Olympia, but are not considered as served or filed until they are received at the Olympia office.

NEW SECTION

WAC 480-14-060 Adoption by reference defined. Where referred to in this chapter, the following definitions shall apply:

(1) "*North American Uniform Out-of-Service Criteria*" published by Commercial Vehicle Safety Alliance (CVSA) refers to the version in effect on May 16, 1994.

(2) "Title 49 Code of Federal Regulations," cited as 49 CFR, includes the regulations and all appendices and amendments in effect on April 1, 1994.

(3) The documents are available for public inspection at the commission branch of the Washington state library, located with the headquarters office of the commission. A copy of either document may be obtained upon request from the commission secretary, subject to any pertinent charge. The Code of Federal Regulations is also available from the Government Printing Office, Seattle office.

NEW SECTION

WAC 480-14-070 Federal regulations, 49 CFR, Part 390—Adoption by reference. (1) The provisions of Title 49, Code of Federal Regulations, Part 390, are adopted and prescribed by the commission, except carriers operating exclusively in intrastate commerce shall not be subject to the provisions of paragraph (c) of section 390.3, section 390.21, and for the purposes of application of federal regulations on intrastate commerce.

(2) With respect to section 390.5, the definitions shown for "exempt intracity zone," "farm to market agricultural transportation," "farm vehicle driver," "farmer," "private motor carrier of passengers," "private motor carrier of property," "school bus," and "school bus operation" shall not apply.

(3) Whenever the designation "commercial motor vehicle" is used, it shall mean a motor carrier as defined in RCW 81.80.010.

(4) "Exempt motor carrier," "motor carrier," "motor vehicle," and "private carrier" shall have the meanings subjoined to them by RCW 81.80.010.

(5) Whenever the designation "director" is used it shall mean the Washington utilities and transportation commission.

NEW SECTION

WAC 480-14-080 Rule book fee—Updates—Notification of pending and adopted rule changes—Compliance with rules. (1) The commission shall by order establish a fee for the motor carrier rule book entitled, "*Laws and Rules Related to Motor Carriers of General Commodities, Commodities Transported in Armored Cars and Hazardous Materials*". The fee shall be set according to the estimated cost of compiling, printing, and distributing the rule book.

(a) The commission will give applicants for temporary or permanent permit authority who do not hold motor carrier authority issued by the commission one copy of the rule book at no charge at the time the application is filed with the commission.

(b) The commission will charge its established rule book fee to other persons and for replacement or additional copies.

(2) Rule books may be purchased at any commission office. All fees must be prepaid.

(3) The commission will send one annual update, containing rules becoming effective during the prior year, to each common carrier without charge. The commission shall establish and collect a fee for updates for other persons or additional copies.

(4) Carriers must comply with all rules when they become effective, and rules become effective at various times throughout the year. The commission will notify carrier associations of potential and approved rule amendments, adoptions, and repealers. The commission will also provide notification to every person who requests to be on its rule notification list for the topics desired. Proposed and adopted rules are also published in the *Washington State Register*, available at libraries throughout the state or by subscription from the Washington state code reviser, Olympia. The commission welcomes comments on proposed rules.

NEW SECTION

WAC 480-14-090 Permits. (1) **Location of original copy.** Permits must be kept at the main office of the carrier.

(2) **Copies required on power units.** Permit holders must carry a copy of operating authority issued by the Washington utilities and transportation commission on each power unit operated in intrastate operations.

(3) **Replacement of lost permits.** Application for the issuance of a duplicate permit shall be in writing and accompanied by the appropriate fee. The commission shall establish, by order, a fee for replacement of lost permits. The fee to be set according to the estimated cost of producing, printing and mailing the replacement permit.

NEW SECTION

WAC 480-14-100 Operations must be under permit name. Every common carrier shall conduct its operations under the name, corporate, trade, or assumed, that is described in its permit, and no carrier shall perform any carrier service, or hold itself out to perform such service, by advertisement or otherwise in any name other than that in which its permit is issued.

NEW SECTION

WAC 480-14-110 Improper use of permit or registration receipt. The use of a permit or registration receipt by any person or firm other than the carrier to whom it was issued is unlawful.

NEW SECTION

WAC 480-14-120 Address, change of. A carrier must immediately report to the commission in writing any change in the address of its principal place of business.

NEW SECTION

WAC 480-14-130 Remittances. (1) Remittances to the commission may be made by money order, bank draft, check, or certified check payable to the Washington utilities and transportation commission.

(2) Remittances in currency or coin are wholly at the risk of the remitter. The commission assumes no responsibility for loss of currency or coin sent by mail.

(3) All remittances must be made in U.S. funds.

NEW SECTION

WAC 480-14-140 Fees. Fees for applications shall be as follows:

Type of Application	Fee Applicable
Conversion of permits existing prior to January 1, 1995, to new permits	\$0
Change of name or business structure	\$50
Permanent common carrier operating authority	
Hazardous materials	\$450
General commodities	\$400
Armored car service	\$400

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Extension of common carrier permit authority	
Hazardous materials	\$225
General commodities	\$200
Armored car service	\$200
Reinstatement of authority (within 6 months of cancellation)	
Hazardous materials	\$200
General commodities	\$200
Armored car service	\$200
Temporary common carrier authority	\$50 per vehicle (not to exceed \$250 per application filed on the same date)

NEW SECTION

WAC 480-14-150 Regulatory fee. (1) Every common motor carrier operating in intrastate commerce shall, on or before the first day of May of each year, file with the commission with its periodic special report as defined in WAC 480-14-170, on a form provided by the commission, a statement on oath showing its gross operating revenue from intrastate operations during the prior calendar year.

(2) Each carrier shall submit with its statement of gross operating revenue the carrier's regulatory fee, calculated as 0.0025 times the stated gross operating revenue, unless that rate is reduced by commission order.

NEW SECTION

WAC 480-14-160 Procedures for contest of fees. Any fee imposed by the authority of chapter 81.80 RCW shall be contested under RCW 81.80.115 by the procedure set out in this section.

Any person on whom a fee is imposed by the authority of chapter 81.80 RCW shall pay the fee. The payor may petition for a refund of the fee paid, in writing, filed no later than six months after the fee is first due and payable.

The petition shall state the name of the payor/petitioner; the date and the amount paid, including a copy of any receipt, if available; the nature of the fee paid; the amount of the fee that is contested; the statute under which the fee is imposed, if known to the petitioner; and any reasons why the commission may not impose the fee.

The commission may grant the petition administratively or may set the petition for adjudication or for brief adjudication.

NEW SECTION

WAC 480-14-170 Periodic reporting requirements. The commission will require, on an annual basis, a special report from each common carrier who operated within the state during the prior calendar year. The report shall be due on or before the first day of May of each year, to cover the operations of the prior calendar year. The report will contain information including, but not limited to, the carrier's business structure, operating revenues, equipment placed in service, driver information, accident information and safety-related operating statistics.

NEW SECTION

WAC 480-14-180 Applications. (1) **Intrastate authority.**

(a) Applications to acquire temporary or permanent common carrier authority, extension of permanent common carrier authority, or change of carrier name or business structure shall be made on forms furnished by the commission and shall contain all the information, documents, and exhibits called for in the form or the form's instructions. The commission may refuse to accept any application until all required information is supplied.

(b) No application will be accepted for filing unless it is accompanied by the required fee as shown in WAC 480-14-140.

(c) The commission's acceptance of an application for filing does not indicate the commission's approval, nor is the commission precluded from finding that the information presented in the application is insufficient.

(2) **Interstate authority.** Each carrier operating in interstate commerce on the public roads of the state of Washington shall apply to register its insurance with the commission pursuant to WAC 480-14-250. Every such application shall be granted if it contains all necessary information and documentation, if the information provided is true and correct, and if the required fee is paid.

(3) All exhibits or papers submitted with an application must be legibly written or typed on one side only of 8 1/2 by 11 inch paper.

(4) Applications for permits and for registration shall require that the applicant certify the truth of all information submitted with the application, under penalties of perjury. False, misleading, or incomplete information may subject the applicant to prosecution, to civil penalties, or to revocation or suspension of authority.

NEW SECTION

WAC 480-14-190 Permanent common carrier permits. (1) For the purposes of this rule, applications for authority shall include applications for original or extended common carrier authority for general commodities (excluding household goods), materials transported by armored car, and/or hazardous materials. Applications for temporary authority are governed by WAC 480-14-200.

(2) A common carrier permit shall be issued to any applicant satisfying the following requirements:

(a) Filing an application satisfying the requirements of WAC 480-14-180.

(b) Filing, or causing to be filed, insurance in accordance with the requirements of WAC 480-14-250.

(c) Passing a safety fitness review of the applicant's knowledge and ability to conform with the motor carrier safety and/or hazardous materials regulations. The safety fitness review may be waived if the applicant can furnish a copy of a U.S. Department of Transportation "satisfactory" safety rating issued within twenty-four months before the date of the application. The commission may require an on-site safety compliance review to satisfy the safety fitness review requirements prior to issuing any permit.

(3) An application may be dismissed for failure to complete needed steps and it may be dismissed, denied, or granted in part based upon the satisfactory compliance with

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this chapter. The applicant may request a review of dismissal or full or partial denial through a brief adjudicative proceeding, pursuant to WAC 480-09-500.

NEW SECTION

WAC 480-14-200 Temporary common carrier permits. (1) The commission may issue temporary permits for authority to engage in common carrier operations for a period of up to ninety days. Application for temporary authority may be made to the commission or any of its duly authorized personnel. The application fee shall be as provided for in WAC 480-14-140.

(2) The commission may impose special terms and conditions in connection with the grant of any temporary permit.

(3) A separate application shall be made for each vehicle the carrier is to operate under temporary authority.

(4) The term of the temporary authority shall not exceed the evidence of the carrier's currently effective liability and property damage insurance on file with the commission. If such evidence is not on file it must be submitted with the application. The evidence of insurance must cover each vehicle for which application is made and shall be for the limits provided for in WAC 480-14-250.

(5) Temporary permits may be authorized only when the vehicle and driver to perform the hauling under the temporary permit have passed a safety inspection by an authorized agent of the commission. The safety inspection may be waived for any vehicle displaying a valid CVSA inspection decal. Emergency substitution of a vehicle or driver authorized under a temporary permit may be made only after approval by authorized commission personnel.

(6) A temporary permit may be cancelled at any time if the commission determines that its grant was based on fraud, misrepresentation or erroneous information from the applicant, or if it appears that operations under the permit pose a hazard to the public health, safety or welfare. Review of administrative cancellation is available at the carrier's request through a brief adjudicative proceeding pursuant to WAC 480-09-500, or, at the commission's discretion, an adjudication.

NEW SECTION

WAC 480-14-210 Change of carrier name and business structure. (1) For the purposes of this rule, applications to change carrier name or business structure means the following:

(a) Change of the carrier's registered name, with no change in ownership or business structure.

(b) Change of business structure from individual to corporation to incorporate an individual's business, when the individual is the majority stockholder, or by an individual to a partnership, when the individual is the majority partner, or from a corporation to a proprietorship of the majority shareholder, or by a partnership to a proprietorship of the majority partner.

(c) Change of name resulting from a change in business structure from a partnership to a corporation established to incorporate the partnership business, when the partners are the majority stockholders in the same proportionate ownership.

(d) Change of name resulting from a change in business structure from a corporation to another corporation where both corporations are wholly owned by the same stockholders in the same proportions.

(2) A new permanent common carrier application is required, rather than a change of name, when the resulting business entity does more or less than assume all of the existing business. If the transaction involves the sale or acquisition of assets other than the property of the acquired or substituted business, or the conduct of different activities, a new permit must be applied for.

NEW SECTION

WAC 480-14-220 Permits, cancelled—New application. When a permit is cancelled by the commission either for cause, or on request of the carrier, the carrier may secure a new permit by correcting the cause of cancellation, satisfying any outstanding fees or filings, and submitting the appropriate application with the pertinent application fee within six months after date of cancellation.

If not filed within six months, the application will be considered in all respects as a new application and must be accompanied by full fees and subject to all provisions of WAC 480-14-180.

NEW SECTION

WAC 480-14-230 Operation of equipment by a cancelled or suspended carrier; voluntary cancellation; involuntary suspension and cancellation. (1) The operation of its equipment in any manner by a carrier whose permit has been cancelled or suspended is unlawful. Carrier permits may be suspended or cancelled by the commission under the following circumstances.

(2) **Voluntary cancellation.** A carrier may request that its permit be cancelled. Cancellation will be effective upon entry of an order of voluntary cancellation by the commission secretary. The commission will reinstate any permit that has been voluntarily cancelled by order of the secretary upon application of the carrier and payment of the required fee within six months after the order of cancellation, provided the permit holder meets current entry requirements.

(3) **Policy regarding compliance activities; penalties; remediation; involuntary suspension or cancellation.** It is the policy of the commission that the purpose for the regulations implemented in this chapter is to secure compliance with laws and rules protecting the public health and safety, and that the commission shall direct its efforts toward education to the end that voluntary compliance is achieved.

(a) Penalties are intended as a tool of enforcement and remediation and may be assessed upon violations in the manner the commission believes will best assure future compliance by the responding carrier and other carriers.

(b) In addition to or in lieu of penalties, suspension or cancellation, the commission may require a carrier to attend individual or group education regarding the subject of violations and may require the carrier to pay the reasonable cost of providing the education.

(c) Involuntary suspension and cancellation are intended for circumstances in which the commission believes education and penalties have not been or will not be effective to

secure compliance and for serious actions such as fraud, misrepresentation, and willful violation of legal requirements.

(4) Involuntary suspension.

(a) The commission may suspend a carrier permit for cause. Cause includes, but is not limited to, the following circumstances:

(i) The carrier has failed to maintain evidence that it has the required level of insurance in effect for its operations.

(ii) The carrier fails or refuses to participate in compliance education or conferences, or fails or refuses to comply with rules or other requirements protecting the public health or safety following commission staff instructions regarding compliance.

(iii) The carrier commits or allows to exist an infraction of rule or law that poses an immediate danger to the public health or safety, when putting one or more vehicles out of service will not protect the public health or safety.

(b) The commission will provide to the carrier such notice as is feasible of a commission action suspending a permit, weighing the potential threat to the public health, safety or welfare and the effect of the suspension on the carrier.

(i) The commission will make a good faith effort to notify a carrier that its evidence of insurance is likely to become invalid, but will suspend any carrier who fails to maintain evidence of current insurance on file with the commission, whether or not it is able to provide advance notice.

(ii) The commission may suspend a carrier permit, effective with the service of notice, when it believes that the carrier's continued operations pose an imminent danger to the public health, safety or welfare.

(c) The commission may suspend a permit without prior hearing when the action is needed to protect the public health, safety or welfare and there is insufficient time for a suspension hearing. A carrier whose permit is suspended may secure reinstatement of the permit by correcting conditions leading to suspension. A carrier may contest suspension by requesting a brief adjudication or an adjudication.

(5) Cancellation for cause. The commission may cancel a permit for cause. Cause includes, but is not limited to, the following circumstances:

(a) Failure to pay the required regulatory fee or fees.

(b) Failure to demonstrate that the carrier has corrected the conditions leading to suspension within the time defined in the order of suspension.

(c) Committing or allowing to exist violations of pertinent requirements of law or rule affecting the public health or safety when the commission has reason to believe that the carrier would not comply following a period of suspension.

(d) Repeated failure or refusal of the carrier to comply with regulatory requirements or to provide information, or the submission of false, misleading, or inaccurate information of a sort that is necessary to the commission for performance of its functions.

(6) Cancellation hearing prior to. The commission will hold a hearing prior to canceling a carrier's authority, pursuant to RCW 81.80.280, except when cancellation results from failure to correct causes of a suspension in which an adjudication or brief adjudication was held or was available

to the carrier. A carrier whose permit is cancelled may apply for reinstatement under WAC 480-14-220, or may apply for a new permit under WAC 480-14-180, if the causes of cancellation are corrected.

NEW SECTION

WAC 480-14-240 Inactive status of permits during military service. (1) When the holder of a common carrier permit is called into or enters the military service of the United States and must cease operation over the public highways, the commission will upon application place that carrier's permit in an inactive file for the period of military service.

(2) The carrier shall file with the commission a written, informal application which lists:

(a) The applicant's name and permit number;

(b) The branch of military service the applicant is to enter;

(c) The date upon which the applicant requests the inactive status to begin;

(d) A statement that the applicant will not permit its equipment to be operated under inactive status.

(3) Application for reinstatement of a permit placed on inactive status during military service shall be made within six months after such military service has terminated. The commission shall, at no charge, grant reinstatement upon a showing of compliance with the requirements of the law governing operation over the public highways.

NEW SECTION

WAC 480-14-250 Insurance requirements; cause for suspension or cancellation. (1) **Requirements.** Each applicant for common carrier authority, and each common carrier, shall file with the commission evidence of currently effective liability and property damage insurance written by a company authorized to write such insurance in the state of Washington, covering each motor vehicle as defined in RCW 81.80.010 used or to be used under the permit granted.

(a) Filings shall be for the amount shown on the following table:

Category of Carrier Operation	Filing Required
1. Property (nonhazardous)	\$750,000
2. Hazardous substances, as defined in 49 CFR 171.8 transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons; or in bulk Class A or B explosives, poison gas (Poison A), liquified compressed gas or compressed gas; or highway route controlled quantity radioactive materials as defined in 49 CFR 173.455	\$5,000,000
3. Oil listed in 49 CFR 172.101; hazardous waste, hazardous materials and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101, but not mentioned in 2. above or in 4. below	\$1,000,000
4. Any quantity of Class A or B explosives; any quantity of poison gas (Poison A); or highway route controlled quantity radioactive materials as defined in 49 CFR 173.455	\$5,000,000

(b) Taxicabs whose only operation subject to commission jurisdiction is the operation of small parcel general

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freight service under a permit issued pursuant to chapter 81.80 RCW shall comply with the provisions of RCW 46.72.040 and 46.72.050 in lieu of the above. Such carriers must comply with the reporting requirements of this section.

(c) Carriers registering under WAC 480-14-300 as registered interstate carriers may provide evidence of insurance in the amount prescribed by the Interstate Commerce Commission written by a company authorized to write insurance in any state.

(d) Failure to file and keep such insurance in full force and effect shall be cause for dismissal of an application or cancellation of a permit.

(e) Evidence of insurance shall be submitted either on a uniform motor carrier bodily injury and property damage liability certificate of insurance, filed in triplicate with the commission, or a written binder issued by an insurance agent or insurance company evidencing the coverages as required above. If a binder is submitted, it shall be effective for not longer than sixty days, during which time the carrier must file the required evidence of insurance.

(2) **Insurance, continuation of.** Proper evidence of continued insurance shall be filed with the commission not less than ten days prior to termination date of insurance then on file in order that there shall be no question of continuous coverage as required by law.

(3) **Insurance endorsement.** All liability and property damage insurance policies issued to motor freight carriers shall carry a "uniform motor carrier bodily injury and property damage liability endorsement."

(4) **Insurance termination.** All insurance policies issued under the requirements of chapter 81.80 RCW shall provide that the same shall continue in full force and effect unless and until canceled by at least thirty days' written notice served on the insured and the Washington utilities and transportation commission by the insurance company, with the thirty days' notice to commence to run from the date notice is actually received by the commission, except for binders which may be cancelled on ten days' written notice.

Notice of cancellation or expiration shall be submitted in duplicate on forms prescribed by the commission and shall not be submitted more than sixty days before the desired termination date, except binders which may be cancelled by written notification from the insurance agency or the insurance company on ten days' written notice.

No common carrier may operate upon the public highways of this state without insurance as required in this section. The permit of any common carrier who fails to maintain evidence on file that its insurance is in current force and effect as required herein shall be suspended by operation of law beginning with the time of the failure, until the permit is canceled or the cause of the suspension is cured and the permit is reinstated. The commission will make a good faith effort to notify carriers of impending suspension for failure to maintain evidence of insurance and will make a good faith effort to enter a timely order of suspension, but failure to do so shall not invalidate the suspension.

NEW SECTION

WAC 480-14-260 Leasing. Common carriers may perform transportation in or with equipment which they do not own only in accordance with this leasing rule.

(1) **Lease requirements.** The lease shall:

(a) Be made between the common carrier and the owner of the equipment;

(b) Be in writing and signed by the parties;

(c) Specify the time and date on which the lease begins and ends;

(d) Provide for the exclusive possession, control and use of the equipment and for the complete assumption of responsibility by the lessee while under the dispatch of the lessee or for the duration of said lease. The lease shall be specific as to the responsibility of each party thereto as to fuel expense; all taxes related to equipment operation; permits of all types; tolls; ferry charges; detentions and accessorial services; base plates and licenses; tires; oil; parts; maintenance; empty miles; major and minor repairs; principal and interest on any loans secured by the equipment; property, liability, fire, theft, collision, and comprehensive insurance; and any other vehicle-related expense. All of the above expense items shall be specifically set forth and allocated between the lessor and lessee in the lease document;

(e) Control of permit operations using the leased equipment must clearly reside with the lessee, and the manner in which the responsibility for expenses is allocated must clearly show such control. However, under any lease arrangement, the lessee shall assume full responsibility for compliance with all applicable safety rules and regulations pertaining to the operation of leased vehicles subject to this rule, and shall provide insurance as specified in WAC 480-14-250;

(f) Specify the compensation to be paid by the lessee to the lessor.

(2) **Identification.** The common carrier using equipment under this rule shall identify the equipment as being operated by the lessee during the period of the lease in accordance with the requirements of WAC 480-14-340.

(3) **Rental of equipment with drivers.** Common carriers shall not rent equipment with drivers to private carriers or shippers except pursuant to their common carrier authority.

NEW SECTION

WAC 480-14-270 Pseudo leasing. Where private carriers lease equipment and the driver of the equipment is in any manner furnished or controlled directly or indirectly by corporate device or otherwise by the lessor of the vehicle, such facts shall give rise to a presumption that the lessor is furnishing a common carrier transportation service. The carrier shall not provide such service unless it acquires common carrier authority to do so. The commission may institute proceedings to determine whether the lessor should be classified as a common carrier under the provisions of chapter 81.80 RCW and/or RCW 81.04.510.

Where, as a result of a classification hearing, the commission has reason to believe a lease between the lessor and lessee was entered into for the purpose of evading the Transportation Act, chapter 81.80 RCW, or the rules and

regulations of the commission promulgated thereunder, the commission may institute criminal proceedings under appropriate state law against the lessor and the lessee to the full extent permitted by law and/or the provisions of RCW 81.04.510.

NEW SECTION

WAC 480-14-280 Diversion of freight. Unless in conflict with the Constitution or laws of the United States:

(1) An interstate carrier shall not at any time carry or move freight or commodities originating at a point in the state of Washington and destined to a point in Washington where the movement of freight between such points is commonly and ordinarily over a highway wholly within the state of Washington, unless the carrier has permit authority to perform such service.

(2) It is declared to be the rule that freight originating at a point in Washington and destined to a point in Washington and which can be moved by motor vehicles over a route wholly within the state of Washington, commonly and ordinarily used for the movement of commodities by motor vehicles between such points of origin and destination, shall be constituted and considered as freight moving in intrastate commerce and wholly subject to the jurisdiction of the utilities and transportation commission.

(3) It shall be a violation of the laws of the state of Washington and the rules of the commission for any interstate carrier to divert an intrastate freight movement into an interstate movement, either directly or indirectly, and such action shall be in violation of the rights as granted authorizing the use of the highways of the state of Washington for movement of freight in interstate commerce.

NEW SECTION

WAC 480-14-290 Interstate operations; requirements; definitions. It shall be unlawful for any carrier to perform any interstate transportation service for compensation upon the public roads of this state without first having secured appropriate authority from the Interstate Commerce Commission, if that authority is required, and without possessing valid insurance and valid evidence that it has registered as specified in these rules.

(1) **Registered carriers.** Carriers operating in interstate or foreign commerce under authority issued by the Interstate Commerce Commission are "registered carriers."

(2) **Registered exempt carriers.** Carriers operating in interstate or foreign commerce under the exemptions of the Federal Motor Carrier Act without interstate authority issued by the Interstate Commerce Commission are "registered exempt carriers."

(3) **Compliance required.** Registered and registered exempt carriers in the conduct of interstate operations must comply with the laws and rules that apply to that activity and to equipment in which it is conducted. Interstate carriers conducting Washington intrastate operations must, as to the intrastate activity, comply with the laws and rules applicable to the activity and to equipment in which it is conducted.

NEW SECTION

WAC 480-14-300 Registered carriers. (1) It shall be unlawful for a carrier operating under authority issued by the Interstate Commerce Commission to operate a vehicle in interstate commerce on the public roads of this state without having first secured valid insurance as required by the Interstate Commerce Commission, registered with a base state as required in 49 CFR Part 1023, paid the required Washington state registration fee for that vehicle, and without having in the vehicle a legible receipt showing base state registration. The receipt shall be subject to inspection at all times by the law enforcement agents and the commission's representatives.

(2) The registration fee for registered carriers in Washington state is ten dollars for each vehicle operated within the state.

(3) Washington-based carriers. Washington is a participant in the base state insurance registration program established in 49 USC § 11506 and 49 CFR Part 1023. Any carrier whose base state as defined in federal regulation is Washington state shall register for interstate operations as follows:

(a) Between August 1 and November 30 of each year, each such Washington-based interstate carrier shall apply to the commission to register for the following year.

(b) The registering carrier shall state the number of vehicles to be operated in each participating state, provide other required information, and submit the registration fee established by that state for each such vehicle.

(c) The commission within thirty days will provide to the carrier a receipt or receipts showing, at a minimum, the carrier's name and address, its ICC permit number, and the names of the states for which it has registered.

(d) The carrier shall place a receipt or an authorized copy in each vehicle for which it has paid the required fee.

(e) Any Washington-based carrier that begins interstate operations in a state for which it has not registered may register for that state at any time, stating the number of vehicles to be operated in each state and submitting the required information and registration fee for each vehicle. The commission will provide a new receipt, if the carrier has not previously registered, or supplemental receipt, if it has registered, showing the states for which the carrier has registered.

(4) No carrier may operate a vehicle in Washington state that is not registered as specified in this rule unless it is registered for interstate exempt traffic under WAC 480-14-320.

NEW SECTION

WAC 480-14-320 Registered exempt carriers. (1) No carrier may operate any vehicle or combination of vehicles upon the public roads of this state in interstate commerce under the exemptions of the Federal Motor Carrier Act without first registering with the commission and having available within the cab of the motive power vehicle a valid receipt showing that the carrier has provided Washington state with proof of insurance and paid the per-vehicle fee established by order of the commission. The receipt shall be subject to inspection by law enforcement agents and the commission's representatives at all times.

(2) Each carrier conducting interstate exempt operations in interstate commerce within the state may apply to register its insurance between August 1 and November 30 of each year, or at any time thereafter when it begins interstate exempt operations within the state or when it identifies additional vehicles as operating in the state. Each application shall be on forms furnished by the commission and accompanied by the required fee.

(3) All receipts issued for a calendar year expire December 31 of that year. A receipt may be issued for the ensuing calendar year on or after the first day of the preceding August.

(4) All delinquent fees or penalties which are due and payable by the carrier to the commission must be paid at the time an application is made. The commission may refuse to issue a receipt until all such fees are paid.

NEW SECTION

WAC 480-14-330 Private carriers. Private carriers conducting terminal operations in Washington state, and having nonexempt vehicles rated at twenty-six thousand one pounds or greater gross vehicle weight or gross combination weight, or vehicles of any rated weight that are used to transport hazardous materials in a quantity requiring the vehicle to be placarded, shall register as private carriers with the commission.

(1) Definitions for purposes of this section:

(a) A private carrier is a person who transports by its own motor vehicle, with or without compensation for the transportation, property that the person owns or is buying or selling, or property of which the person is lessee or bailee, when the transportation is incidental to and in furtherance of some other primary business conducted by that person in good faith. The term "private carrier" includes the agents, officers, representatives and employees of a private carrier who are responsible for hiring, training, supervising, assigning, or dispatching drivers, or who are responsible for ordering or directing the maintenance of motor vehicles used by a private carrier.

(b) A terminal operation is a location in the state of Washington where a private carrier maintains driver or vehicle records, or where it dispatches or maintains vehicles, or where it regularly parks, stores or houses vehicles that are available for transportation service.

(c) An exempt vehicle is a motor vehicle:

(i) That is owned and normally operated by a farmer to transport his or her own agricultural products, farm machinery and/or farm supplies to or from the owner's farm, within one hundred fifty air miles of the farm, and not transporting hazardous materials of a type or quantity that requires the vehicle to be placarded; or

(ii) That is owned and used by the United States government, Washington state, or a county, city or municipality; or

(iii) Has a rated gross vehicle weight or gross combination weight of twenty-six thousand pounds or less and is not used for transporting hazardous materials of a type or quantity that requires the vehicle to be placarded.

(2) Registration and payment of fees.

(a) Private carriers who are required to register with the commission shall do so by filing a master business applica-

tion with the Washington state department of licensing. The private carrier registration fee shall be a one-time payment of thirty-five dollars per registration. When registering, the carrier shall also pay an annual fee of ten dollars per nonexempt vehicle.

(b) Private carriers who have registered under this section shall maintain their registration by renewing their master business license, including payment of the annual fee of ten dollars per nonexempt vehicle.

(c) Failure to register as required herein and to pay the required per-vehicle fee is a violation of law and commission rule.

(3) The commission will audit terminal operations of registered private carriers for compliance with requirements of law and rule regarding driver and equipment safety. Private carriers must comply with provisions of WAC 480-14-340, 480-14-350, 480-14-360, 480-14-370, 480-14-380, 480-14-390, and 480-14-400 and with such other laws and regulations as pertain to safe motor carrier operations.

NEW SECTION

WAC 480-14-340 Equipment—Identification. (1) All motor vehicles, except those defined as exempt under RCW 81.80.040 and those operated by private carriers that singly or in combination are less than thirty-six thousand pounds gross vehicle weight, shall display a permanent marking identifying the carrier's name or number, or both, on each side of each power unit in the manner specified in this rule.

(2) Common carriers, private carriers, or leased carriers adding, modifying, or renewing identification markings after the effective date of this rule must display on the driver and passenger doors of power units identification markings as specified below. The markings must be clearly legible, with letters no less than three inches high, in a color that contrasts with the surrounding body panel. Leased vehicles may display either permanent markings or placards on the driver and passenger doors of the power unit.

(a) Motor vehicles operated by or under lease to a common carrier must display the name of the permittee as registered with the commission and the permit number. Provided however, common carriers holding both intrastate and interstate authority may display either the ICC certificate number, commission permit number, or both.

(b) Motor vehicles operated by or under lease to a private carrier must display the name and address of either the business operating the vehicle or the registered owner.

NEW SECTION

WAC 480-14-350 Equipment, lawful operation of. (1) Every "motor carrier" shall comply with the motor vehicle laws of the state relative to the operation of, inspection of and maintenance of all equipment operated.

(2) Failure of any permit holder to obey and comply with all motor vehicle safety laws of the state shall be grounds for cancellation of permit.

NEW SECTION

WAC 480-14-360 Equipment—Inspection—Ordered out-of-service for repairs. (1) All motor vehicles operated under chapter 81.80 RCW shall be maintained in a safe and sanitary condition. They shall at all times be subject to inspection by the commission and its duly authorized representatives who shall have power to order out of service any vehicle meeting the out-of-service criteria standards contained in the *North American Uniform Out-of-Service Criteria*, or which is not being operated in compliance with state laws in regard to equipment or method.

(2) Equipment standards. The purpose of this section is to identify critical vehicle inspection items and provide criteria for placing a vehicle(s) in an out-of-service category subsequent to a safety inspection. The criteria for out-of-service condition are those defined in the *North American Uniform Out-of-Service Criteria*. Copies of this document may be viewed at the commission branch of the Washington state library, located with the commission headquarters office, and are available from the commission upon request.

(3) Out-of-service condition. When any vehicle(s) is in out-of-service condition, no motor carrier shall require nor shall any person operate such motor vehicle declared and marked "out-of-service" until all required repairs have been satisfactorily completed.

NEW SECTION

WAC 480-14-370 Equipment—Drivers—Safety. In addition to other laws and regulations of this state, all motor vehicles operating under chapter 81.80 RCW shall comply with the following:

(1) Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing motor carrier safety prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 392; part 393; part 396; part 397; as well as and including all appendices and amendments thereto are adopted and prescribed by the commission to be observed by all common, private, registered, and registered exempt carriers operating under chapter 81.80 RCW. Exceptions: Carriers operating exclusively in intrastate commerce are not subject to provisions of 49 CFR, part 392.2 and with respect to 49 CFR, part 396.11, no driver vehicle inspection report need be filed if no defects are found.

(2) Whenever the designations "director, office of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator," and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (1) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

(3) **Safety chains or other load fastening devices.** Any motor truck, truck tractor, trailer, semi-trailer, or any combination thereof, transporting logs upon a public highway where binder devices are required, shall have the load thereon securely fastened and protected as follows:

(a) Placement and number of wrappers required on log trucks using stakes.

(i) In the hauling of one log loads, one wrapper chain or cable shall be required and it shall be secured to the rear bunk and the log shall be properly blocked or secured in a manner which will prevent it from rolling or shifting. An additional wrapper, secured to the front bunk, is optional.

(ii) In the hauling of two log loads, not less than two wrapper chains or cables shall be used to secure the load. The logs shall be properly blocked to prevent them from rolling or shifting.

(iii) On loads consisting of three or four logs not over forty-four feet in length, the load shall be secured by not less than two properly spaced wrapper chains or cables. Ends of short logs not secured by such wrappers shall be secured with extra wrappers. If any log is over forty-four feet in length, the load shall be secured by not less than three properly spaced wrappers.

(iv) Loads consisting of five or more logs, when the logs are all seventeen feet or less in length, shall be secured by not less than two properly spaced wrappers. Loads consisting of five or more logs, when any log is over seventeen feet in length, shall be secured by not less than three properly spaced wrappers.

(b) Placement and number of wrappers required on log trucks using chock blocks.

(i) In the hauling of one log load, one wrapper chain or cable shall be required and secured to the rear bunk and the log shall be properly blocked in a manner to prevent it from rolling or shifting.

(ii) One additional wrapper chain or cable shall be required on log trucks using chock blocks over and above the requirements in (a)(iii) and (iv) of this subsection.

(c) Placement and number of wrappers required on crosswise loaded trucks, trailers, etc. In the case of short logs loaded crosswise, the following method of securing the load shall be used if the truck trailer is not provided with solid ends of a height sufficient to prevent any log in the load from rolling off: Not less than two chock blocks shall be used at each open end of the vehicle and the load shall be held with at least two wrapper chains or cables. The wrappers shall be firmly attached to the end of the truck or trailer. Rigid standards or stakes may be used in lieu of chock blocks but each such standard or stake shall be either rigidly connected to the bed of the truck or trailer or shall be placed in a tight fitting socket at least twelve inches in depth. Other means furnishing equivalent security may be acceptable.

(d) Wrapper placement. When two wrappers are required, they shall be applied within six feet of the front and rear bunks. When more than two wrappers are required, the front and back binder shall be applied within six feet of the front and rear bunks.

(e) Short logs. To properly secure short logs, binders shall be placed near the end, not less than twelve inches from the end of the log.

(f) Log on top or in outside saddle. No log loaded on top or in outside saddles of a load shall be transported unless secured by not less than two wrapper chains or cables, one of which shall be placed near each end of such log.

(g) Fasten in place. All wrappers and binders shall be fastened in place prior to tightening to prevent the displacement of logs on the top of the load.

(h) Surround load. All wrapper chains or cables, except in the case of one log loads, shall entirely surround the load. This does not apply to gut-wrappers.

(i) Gut-wrappers. Gut-wrappers, when used, shall be adjusted so as to be tightened by, but not carry the weight of the logs above them.

(j) Wrappers and binders to be placed before leaving immediate loading area. Wrappers and binders shall be placed and tightened around the completed load before the truck leaves the immediate loading area.

(k) Construction of wrappers and binders. Wrapper chains or cables, binders, fasteners, or attachments thereof, used for any purpose as required by these standards, shall have a minimum breaking strength of not less than fifteen thousand pounds and shall be rigged so that it can be safely released.

(l) Bundle straps or banding. For the purposes of this standard, applied bundle straps or banding are not acceptable as wrappers and binders.

(m) Loose ends secured. All loose ends of wrapper chains or cables shall be securely fastened so as to prevent their swinging free in a manner that will create a hazard.

(n) Trucks in sorting yards. Trucks and trailers used around sorting yards, etc., which travel at slow speeds, will not be required to use wrappers providing all logs are contained by and lie below the height of the stakes and there are no persons on the ground exposed to such traffic.

(o) Binder hook design. Binders for securing wrappers on logging trucks shall be fitted with hooks of proper size and design for the wrapper chain being used.

(p) Defective wrappers. Wrappers shall be removed from service when any of the following conditions exist:

- (i) Excessively worn links on chains;
- (ii) Deformed or stretched chain links;
- (iii) Cracked chain links;

(iv) Frayed, stranded, knotted, or otherwise defective wire rope.

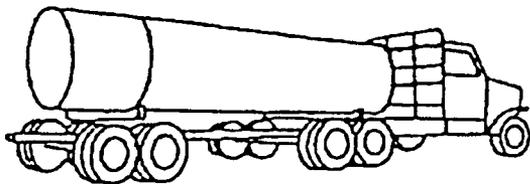
(q) Binder extensions. Pipe extension handles (swedes) for tightening or securing binders shall be limited to not longer than thirty-six inches. Care shall be taken that a sufficient amount of the pipe extends over the binder handle.

(r) Defective binders. Defective binders shall be immediately removed from service.

Note: See the following Diagrams for illustrations of placement and number of load fastening devices.

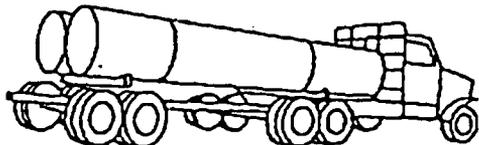
PLACEMENT AND NUMBER OF WRAPPERS

One log load



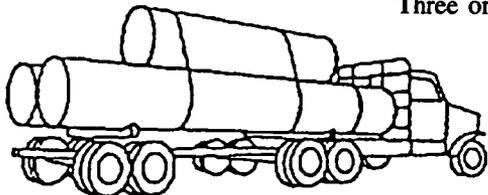
One wrapper required which shall be secured to the rear bunk. Log shall be blocked or secured in a manner to prevent it from rolling or shifting. A second wrapper secured to the front bunk is optional.

Two log load



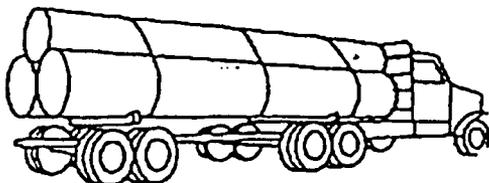
A minimum of two wrappers required. Logs shall be blocked to prevent them from rolling or shifting.

Three or four log load forty-four feet or less



A minimum of two wrappers required.

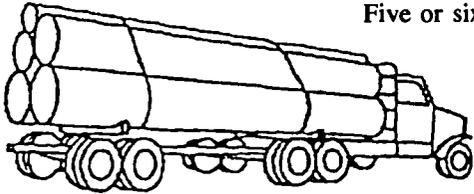
Three or four log loads more than forty-four feet



A minimum of three wrappers required.

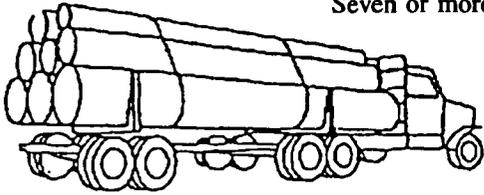
EMERGENCY

Five or six log load all logs seventeen feet or less



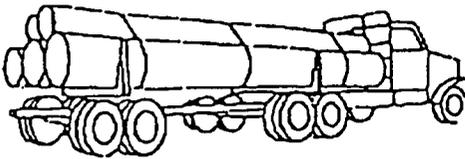
A minimum of two wrappers required.

Seven or more log load all logs seventeen feet or less



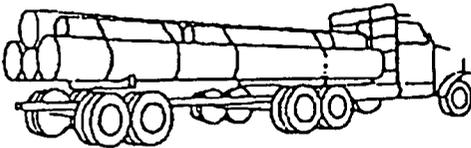
A minimum of two wrappers required.

Five or more log load if any logs are more than seventeen feet



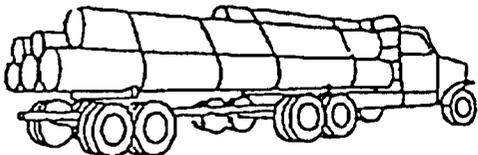
A minimum of three wrappers required.

Outside logs or top logs



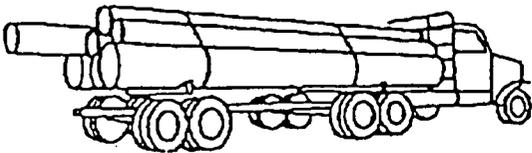
All outside or top logs shall be secured by a binder near but not within 12 inches of each end.

A wrapper shall be near each bunk



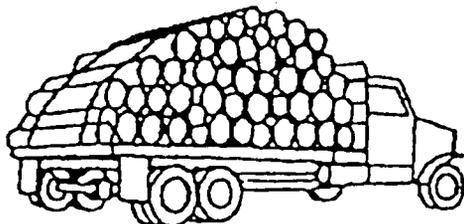
Each load shall be secured by having a wrapper within 6 feet of each bunk except on one log loads.

Proper support for logs



Not more than approximately one-third the weight of any log shall extend beyond the end of the logs or bunk supporting it.

EMERGENCY



Short logs loaded crosswise

A minimum of two wrappers are required and two chocks or stakes shall be used on the open end of the truck.

Note: All loads of logs on logging trucks equipped with chock blocks instead of stakes, shall have at least one additional wrapper over and above the requirements for trucks equipped with stakes, excepting on one and two log loads and trucks with short logs loaded crosswise.

(4) **Approved load fastening devices.** The following binder devices are hereby approved for purposes of transporting logs as referred to in subsection (3) of this section, provided that they meet a breaking strength of at least fifteen thousand pounds:

- (a) Three-eighths inch high-test steel chain;
- (b) One-half inch diameter steel cable; and
- (c) Steel strapping not less than two inches by fifty one-thousandths inches in dimension.

(5) **Anti-spray devices.** Every vehicle shall be equipped with a device adequate to effectively reduce the wheel spray or splash of water from the roadway to the rear thereof. All such devices shall be as wide as the tires behind which they are mounted and extend downward at least to the center of the axle.

(6) **Pole trailers.**

(a) **Welded reach extension prohibited.** No motor carrier shall operate a pole trailer that has had the length of its reach extended by welding or any other means, except that a telescopic reach manufactured and designed to extend by using an inner and outer reach with securing clamp shall be permissible. In addition to the securing clamp on a telescopic reach there must be a secondary device to keep the inner and outer reach from separating. The term "reach" as used in this rule means the steel tube that joins the axle(s) of the pole trailer to the rear of the power unit towing the trailer.

(b) **Damaged reach.** No motor carrier shall operate a pole trailer that has sustained cracks to the reach nor shall it be permissible to operate a trailer that has had welded repair or repair of any kind made to cracks in the reach.

(c) **Empty pole trailers.** Any empty pole trailer loaded upon any truck-tractor (except pole trailers that straddle the truck-tractor bunks) shall be fastened to the truck-tractor by not less than one 5/16 inch, grade seven or better chain and one tensioning or locking device in such a manner as to prevent the pole trailer from falling or shifting while in transit. The chain shall be securely fastened between the forward point on the reach tunnel and a point on the truck-tractor frame or from either axle of the pole trailer to a point directly below on the truck-tractor frame or crossmember.

(7) **Qualifications of drivers.** Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations,

part 382, part 383, and part 391, as well as and including all appendices and amendments thereto, are adopted and prescribed by the commission to be observed by all common, private, registered, and registered exempt carriers operating under chapter 81.80 RCW except carriers operating exclusively in intrastate commerce:

(a) The minimum age requirement for drivers prescribed in subparagraph (1) of paragraph 391.11(b) shall be eighteen years of age.

(b) With respect to the limited exemption prescribed in section 391.61, the time period identified therein shall be the period of time prior to October 20, 1979.

(c) With respect to the limited exemptions prescribed in sections 391.65 and 391.71, the time periods identified in these sections shall have as a starting date October 20, 1979.

(d) Sections 391.21, 391.23, 391.25, 391.27, 391.31, 391.33, 391.35, and 391.37 shall not apply to a single vehicle owner driver private carrier, or to a single vehicle owner driver common carrier when operating under its own permit.

(e) Section 391.49 shall not apply when a driver has obtained from the department of licensing the proper drivers license endorsement and restrictions (if any) for the operation of the motor vehicle the person is driving.

(f) The provisions of paragraphs (a) and (b) of section 391.2, section 391.69, subparagraph (2) of paragraph 391.71(a), and subparagraph (4) of paragraph 391.71(b) shall not apply.

(g) Carriers operating vehicles with a manufacturer's gross vehicle weight rating (GVWR) of less than ten thousand pounds shall not be subject to the provisions of part 391 unless the vehicle is being used to transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with WAC 480-14-390.

(8) **Out-of-service criteria.** All drivers operating motor vehicles under chapter 81.80 RCW shall do so in compliance with the safety rules and regulations defined therein. Duly authorized personnel of the commission shall have the power to order out-of-service any driver found to be operating in violation of those rules and regulations. The criteria for conditions under which a driver may be ordered out-of-service are those defined in the *North American Uniform Out-of-Service Criteria*. Copies of this document are available from the commission upon request.

(9) Whenever the designation "director, office of motor carrier safety" is used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (6) of this section, such designation for the purpose of this rule shall mean the "Washington utilities and transportation commission," located in Olympia, Washington.

NEW SECTION

WAC 480-14-380 Hours of service—On duty—Adoption of federal safety regulations. The rules and regulations adopted by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 395 are adopted and prescribed by the commission to be observed by all common, private, registered and registered exempt carriers operating under chapter 81.80 RCW, except:

(1) A driver who is driving a motor vehicle in the hauling of logs from the point of production or in dump truck operations, exclusively in intrastate commerce, shall not drive nor be permitted to drive more than twelve hours following eight consecutive hours off duty. Such driver shall not be on duty nor be permitted to be on duty more than ninety hours in any period of seven consecutive days.

(2) A driver who is driving a motor vehicle in the hauling of agricultural products from the point of production on farms, exclusively in intrastate commerce, shall not drive nor be permitted to drive more than twelve hours following eight consecutive hours off duty. Such driver shall not be on duty nor be permitted to be on duty more than ninety hours in any period of seven consecutive days.

(3) The rules and regulations governing driver's daily logs prescribed in Title 49, Code of Federal Regulations, section 395.8 and adopted in this section, do not apply to a driver who drives exclusively in intrastate commerce and wholly within a radius of one hundred miles of the terminal or garage at which he or she reports for work, if the motor carrier who employs the driver maintains and retains for a period of one year accurate and true records showing the total number of hours of driving time and the time that the driver is on duty each day and the time at which the driver reports for, and is released from, duty each day. A tachograph showing the required driver hourly information may be substituted for the required records.

(4) Carriers operating exclusively in intrastate commerce operating vehicles with a manufacturer's gross vehicle weight rating (GVWR) of less than ten thousand one pounds shall not be subject to the provisions of part 395 unless the vehicle is being used to transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with WAC 480-14-390.

NEW SECTION

WAC 480-14-390 Hazardous materials regulations. (1) The rules and regulations governing hazardous materials prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, parts 170-189, as well as and including all appendices and amendments thereto, are adopted and prescribed by the commission to define hazardous materials for motor vehicle transportation purposes, and to state the precautions that must be observed in storage, packaging, loading, and unloading such materials, and in maintaining, placarding, marking, and certifying motor vehicles and equipment used in transporting such materials, and in the maintenance of shipping papers prepared in conjunction with transporting such materials. The rules and regulations adopted and prescribed by this rule shall be observed by all common and registered carriers operating in this state.

(2) In addition to any accident reporting requirement now or hereafter prescribed by the commission, every common and registered carrier operating in this state who reports to the United States Department of Transportation any incidents occurring in this state involving hazardous materials, shall send a copy of any such report to the commission.

(3) Out-of-service criteria.

(a) All motor vehicles operated under chapter 81.80 RCW shall be operated in compliance with the rules and regulations governing the transportation of hazardous materials. They shall at all times be subject to inspection by the commission and its duly authorized representatives who shall have power to order out-of-service any vehicle meeting the standards set forth in this section, or is not being operated in compliance with laws in regard to equipment or method.

(b) Standards. The purpose of this section is to identify critical hazardous materials inspection items and provide criteria for placing a vehicle(s) in an out-of-service or restricted service category subsequent to an inspection. The criteria for out-of-service condition or restricted service condition are those defined in the *North American Uniform Out-of-Service Criteria*. Copies of this document are available from the commission upon request.

(i) Out-of-service condition. No motor carrier shall require nor shall any person operate a motor vehicle(s) when an out-of-service condition is found to exist. The vehicle shall not be allowed to continue in operation until the unsafe condition is corrected and the shipment thereon complies with applicable laws, rules, and regulations: *Provided*, That if safety may be jeopardized by an out-of-service action at the inspection site, the vehicle(s) may be escorted to a safer location.

NEW SECTION

WAC 480-14-400 Transportation of radioactive materials—Driving and parking rules. (1) Attendance and surveillance of motor vehicles.

(a) Except as provided in (b) of this subsection, a motor vehicle containing an amount of radioactive material requiring highway route control pursuant to CFR part 173.403 must be attended at all times by its driver or a qualified representative of the motor carrier that operates it.

(b) Subdivision (a) of this subsection shall not apply if all of the following conditions exist:

(i) The vehicle is located on the property of the motor carrier, on the property of a shipper or consignee of the radioactive material, or in a safe haven; and

(ii) The lawful bailee of the radioactive material is aware of the nature of the radioactive material the vehicle contains and has been instructed in the procedures that must be followed in emergencies; and

(iii) The vehicle is within the bailee's unobstructed field of view.

(c) For purposes of this section:

(i) A motor vehicle is attended when the person in charge of the vehicle is on the vehicle, awake, and not in a sleeper berth, or is within one hundred feet of the vehicle with an unobstructed field of view;

(ii) A qualified representative of a motor carrier is a person who:

(A) Has been designated by the carrier to attend the vehicle;

(B) Is aware of the nature of the radioactive materials contained in the vehicle;

(C) Has been instructed in the procedures to be followed in emergencies; and

(D) Is authorized to move the vehicle and has the means and ability to do so.

(d) A safe haven is an area specifically approved in writing by local, state or federal government authorities for the parking of unattended vehicles containing highway route controlled quantities of radioactive material.

(e) The rules in this section do not relieve a driver from any obligation imposed by law relating to the placing of warning devices when a motor vehicle is stopped on the public street or highway.

(2) Parking. A motor vehicle which contains an amount of radioactive material requiring highway route control must not be parked:

(a) On or within five feet of the traveled portion of a public street or highway;

(b) On private property (including premises of a fueling or eating facility) without the knowledge and consent of the person who is in charge of the property and who is aware of the nature of the hazardous materials the vehicle contains; or

(c) Within three hundred feet of a bridge, tunnel, dwelling, building, or place where people work, congregate, or assemble, except for brief periods when the necessities of operation require the vehicle to be parked and make it impracticable to park the vehicle in any other place.

NEW SECTION

WAC 480-14-410 Accidents, reporting of. (1) Accidents occurring in this state arising from or in connection with the operation of a motor vehicle by any common or registered carrier in this state, resulting in an injury to any person, the death of any person, or involving a motor vehicle carrying hazardous materials and required to be placarded, shall be reported by such carrier to the commission as soon as possible, but in no event later than twelve hours after the occurrence of the accident. The occurrence of such accidents shall be reported to the commission by telephone at the following number: 1-800-562-6150; or if the call is made from out of the state: 1-206-586-1119.

(2) Copies of written reports of all accidents, including those accidents described in subsection (1) of this section, shall be maintained in the main office of the carrier subject to inspection by the commission.

NEW SECTION

WAC 480-14-420 Optional provisions. (1) Carriers of general commodities, materials transported by armored cars and hazardous materials may, but are not required to, participate in the optional programs identified in this subsection.

(a) Uniform Bill of Lading. The commission adopts as the appropriate uniform bill of lading:

(i) The Uniform Straight Bill shown in Appendix A of this chapter, or in the alternative,

(ii) Carriers subscribing to the National Motor Freight Classification shall use the form of the bill of lading for shipments as shown in the National Motor Freight Classification in effect on May 28, 1994, and may modify its terms as indicated within the terms shown thereon. Adoption by the commission does not supersede the publisher's copyright in the document nor authorize its use by persons not entitled thereto. It is available from the Traffic Department, American Trucking Association, 2200 Mill Road, Alexandria, Virginia 22314.

(b) Uniform freight classification. The commission adopts as the appropriate uniform freight classification the National Motor Freight Classification published by the American Trucking Association, effective May 28, 1994.

(i) The uniform freight classification is available for inspection in the utilities and transportation branch of the Washington state library, located with the headquarters office of the commission. It is available from the Traffic Department, American Trucking Association, 2200 Mill Road, Alexandria, Virginia 22314.

(ii) Subscribing carriers shall use the uniform freight classification for intrastate shipments. Adoption by the commission does not supersede the publisher's copyright in the document nor authorize its use by persons not entitled thereto.

(c) Standard mileage guide. The commission adopts as the standard mileage guide for shipments in the state of Washington, the *Official State Highway Map* published by the Washington state department of transportation.

(i) Mileage between points not designated on the map shall be calculated by using the indicated map mileage for as much of the traveled route as is possible and then adding to that mileage the actual odometer mileage to or from the unnamed point.

(ii) The map is available for inspection in the utilities and transportation branch of the Washington state library, located with the headquarters office of the commission, and it is available from the Washington State Department of Transportation, WSDOT Public Affairs Office, P. O. Box 47322, Olympia, Washington 98504-7322.

(2) A carrier may opt-in to any of these programs at any time by completing a form at the time it applies for authority, at the time it submits a periodic report of operations, or at any other time by filing written notice with the commission.

(a) A carrier who has opted-in may advertise its option status and must disclose to shippers its option status before accepting a shipment.

(b) A carrier who has opted-in must act in conformity with its option until it has completed steps necessary to opt-out of the program. Carriers may not subscribe selectively for some shipments or shippers but not for others.

(3) Opting out. All carriers will be assumed to have opted-out of participating in any of the optional programs until such time as they officially notify the commission that they have opted-in to one or more of the programs.

(a) No carrier who has opted-out of any program may represent that it subscribes to the program. Carriers who have opted-out of any program may advertise or represent that they do not participate in the program.

(b) A carrier may choose to opt-out of any optional program at any time by:

(i) Filing with the commission its written notice that it opts-out of the program;

(ii) Advising the shippers it has served within the past year that it has opted-out; and

(iii) Withdrawing any advertising it may have for dissemination to the public that states its optional participation.

(4) For the purposes of this rule only, the term "written notice" may also include filing via notification through the commission's telefacsimile machine.

(5) Violations. It shall be a violation of rule for a carrier to advertise or represent to the public or to any shipper that it is an option participant in any program when it has not opted-in, and to advertise or represent to the public or any shipper that it is not an option participant when it is.

NEW SECTION

WAC 480-14-900 Appendix A.

UNIFORM STRAIGHT BILL OF LADING Original--Not Negotiable--Domestic

Shipper's No.

Carrier

Agent's No.

RECEIVED, subject to the classifications and tariffs in effect on the date of the issue of this Bill of Lading,

at 19 from _____

the property described below, in apparent good order, except as noted (content and condition of contents of packages unknown) marked, consigned, and destined as show below, which said company (the word company being understood throughout this contract as meaning any person or corporation in possession of the property under contract) agrees to carry to its usual place of delivery at said destination, if on its own railroad, water line, highway route or routes, or within the territory of its highway operations, otherwise deliver to another carrier on the route to said destination. It is mutually agreed, as to each carrier of all or any of said property over all or any portion of said route to destination, and as to each party at any time interested in all or any of said property, that every service to be performed hereunder shall be subject to all the conditions not prohibited by law, whether printed or written, herein contained, including the conditions on the back hereof, which are hereby agreed to by the shipper and acceptor for himself and his assigns.

Consigned to _____

Destination _____ State of _____ Zip Code _____ County Of _____

Routing _____ Delivering Carrier _____ Vehicle or Car Initial _____ No. _____

Collect on Delivery \$ _____ and remit to: _____

C.O.D. charge to be paid by: Shipper Consignee

Subject to Section 7 of conditions, if this shipment is to be delivered to the consignee without recourse on the consignor, the consignor shall sign the following statements:
The carrier shall not make delivery of this shipment without payment of freight and all other lawful charges.

(Signature of Consignor) _____

If charges are to be prepaid, write or stamp here "TO BE PREPAID."

Received \$ _____ to apply to prepayment of the charges on the property described hereon.
Agent or Cashier _____

Per _____
(The signature here acknowledges only the amount Prepaid.)

*If the shipment moves between two ports by a carrier by water, the law requires that the bill of lading shall state whether it is "carrier's or shipper's weight." NOTE--Where the rate is dependent on value shippers are required to state specifically in writing the agreed or declared value of the property.
The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding: \$ _____ per _____

Charges Advanced: \$ _____

O Mark with "X" to designate Hazardous Materials as defined in the Department of Transportation Regulations governing the transportation of hazardous materials.

This is to certify that the above-named materials are properly classified, described, packaged, marked and labeled, and are in proper condition for transportation according to the applicable regulations of the Department of Transportation.

Agent of: _____

_____ Shipper, Per _____ Agent, Per _____

Permanent post-office address of shipper, _____

page ①

(This Bill of Lading is to be signed by the shipper and agent of the carrier issuing same.)

CONTRACT TERMS AND CONDITIONS

Sec. 1.(a) The carrier or party in possession of any of the property herein described shall be liable as at common

law for any loss thereof or damage thereto, except as hereinafter provided.

EMERGENCY

(b) No carrier or party in possession of all or any of the property herein described shall be liable for any loss thereof or damage thereto or delay caused by the Act of God, the public enemy, the authority of law, or the act or default of the shipper or owner, or for natural shrinkage. The carrier's liability shall be that of warehouseman, only, for loss, damage, or delay caused by fire occurring after the expiration of the free time (if any) allowed by tariffs lawfully on file (such free time to be computed as therein provided) after notice of the arrival of the property at destination or at the port of export (if intended for export) has been duly sent or given, and after placement of the property for delivery at destination, or tender of delivery of the property to the party entitled to receive it, has been made. Except in case of negligence of the carrier or party in possession (and the burden to prove freedom from such negligence shall be on the carrier or party in possession), the carrier or party in possession shall not be liable for loss, damage, or delay occurring while the property is stopped and held in transit upon the request of the shipper, owner, or party, entitled to make such request, or resulting from a defect or vice in the property, or for country damage to cotton, or from riots or strikes. Except in case of carrier's negligence, no carrier or party in possession of all or any of the property herein described shall be liable for delay caused by highway obstruction, faulty or impassable highway, or lack of capacity of any highway, bridge or ferry, and the burden to prove freedom from such negligence shall be on the carrier or party in possession.

(c) In case of quarantine the property may be discharged at risk and expense of owners into quarantine depot or elsewhere, as required by quarantine regulations or authorities, or for the carrier's dispatch at nearest available point in carrier's judgement, and in any such case carrier's responsibility shall cease when property is so discharged, or property may be returned by carrier at owner's expense to shipping point, earning freight both ways. Quarantine expenses of whatever nature or kind upon or in respect to property shall be borne by the owners of the property or be in lien thereon. The carrier shall not be liable for loss or damage occasioned by fumigation or disinfection or other acts required or done by quarantine regulations or authorities even though the same may have been done by carrier's officers, agents, or employees, nor for detention, loss, or damage of any kind occasioned by quarantine or the enforcement thereof. No carrier shall be liable, except in case of negligence, for any mistake or inaccuracy in any information furnished by the carrier, its agents, or officers, as to quarantine laws or regulations. The shipper shall hold the carriers harmless from any expense they may incur, or damages they may be required to pay, by reason of the introduction of the property covered by this contract into any place against the quarantine laws or regulations in effect at such place.

Sec. 2.(a) No carrier is bound to transport said property by any particular schedule, train, vehicle, or vessel, or in time for any particular market or otherwise than with reasonable dispatch. Every carrier shall have the right in case of physical necessity to forward said property by any carrier or route between the point of shipment and the point of destination. In all cases not prohibited by law, where a lower value than actual value has been represented in writing by the shipper or has been agreed upon in writing as the

released value of the property as determined by the classification or tariffs upon which the rate is based, such lower value plus freight charges if paid shall be the maximum amount to be recovered, whether or not such loss or damage occurs from negligence.

(b) As a condition precedent to recovery, claims must be filed in writing with the receiving or delivering carrier, or carrier issuing this bill of lading, or carrier on whose line the loss, damage, injury or delay occurred, or carrier in possession of the property when the loss, damage, injury or delay occurred, within nine months after delivery of the property (or, in the case of export traffic, within nine months after delivery at port of export) or, in case of failure to make delivery, then within nine months after a reasonable time for delivery has elapsed; and suits shall be instituted against any carrier only within two years and one day from the day when notice in writing is given by the carrier to the claimant that the carrier has disallowed the claim or any part or parts thereof specified in the notice. Where claims are not filed or suits are not instituted thereon in accordance with the foregoing provisions, no carrier shall be liable, and such claims will not be paid.

(c) Any carrier or party liable on account of loss of or damage to any of said property shall have the full benefit of any insurance that may have been effected upon or on account of said property, so far as this shall not avoid the policies or contracts of insurance: PROVIDED, That the carrier reimburse the claimant for the premium paid thereon.

Sec. 3. Except where such service is required as the result of carrier's negligence, all property shall be subject to necessary cooperage and baling at owner's cost. Each carrier over whose route cotton or cotton linters is to be transported hereunder shall have the privilege, at its own cost and risk, of compressing the same for greater convenience in handling or forwarding, and shall not be held responsible for deviation or unavoidable delays in procuring such compression. Grain in bulk consigned to a point where there is a railroad, public or licensed elevator, may (unless otherwise expressly noted herein, and then if it is not promptly unloaded) be there delivered, and placed with other grain of the same kind and grade without respect to ownership (and prompt notice thereof shall be given to the consignor), and if so delivered shall be subject to a lien for elevator charges in addition to all other charges hereunder.

Sec. 4.(a) Property not removed by the party entitled to receive it within the free time (if any) allowed by tariffs, lawfully on file (such free time to be computed as therein provided), after notice of the arrival of the property at destination or at the port of export (if intended for export) has been duly sent or given, and after placement of the property for delivery at destination has been made, or property not received, at time tender of delivery of the property to the party entitled to receive it has been made, may be kept in vessel, vehicle, car, depot, warehouse or place of business of the carrier, subject to the tariff charge for storage and to carrier's responsibility as warehouseman, only, or at the option of the carrier, may be removed to and stored in a public or licensed warehouse at the point of delivery or at other available point, or if no such warehouse is available at point of delivery or at other available point, then in other available storage facility; at cost of the owner, and there held without liability on the part of the carrier, and

subject to a lien for all freight and other lawful charges, including a reasonable charge for storage. In the event consignee cannot be found at address given for delivery, then in that event, notice of the placing of such goods in warehouse shall be mailed to the address given for delivery and mailed to any other address given on the bill of lading for notification, showing the warehouse in which such property has been placed, subject to the provisions of this paragraph.

(b) Where nonperishable property which has been transported to destination hereunder is refused by consignee or the party entitled to receive it upon tender of delivery, or said consignee or party entitled to receive it fails to receive or claim it within 15 days after notice of arrival shall have been duly sent or given, the carrier may sell the same at public auction to the highest bidder, at such place as may be designated by the carrier.

PROVIDED, That the carrier shall have first mailed, sent, or given to the consignor notice that the property has been refused or remains unclaimed, as the case may be, and that it will be subject to sale under the terms of the bill of lading if disposition be not arranged for, and shall have published notice containing a description of the property, the name of the party to whom consigned, or, if shipped order notify, the name of the party to be notified, and the time and place of sale, once a week for two successive weeks, in a newspaper of general circulation at the place of sale or nearest place where such newspaper is published. PROVIDED, That 30 days shall have elapsed before publication of notice of sale after said notice that the property was refused or remains unclaimed was mailed, sent or given.

(c) Where perishable property which has been transported hereunder to destination is refused by consignee or party entitled to receive it, or said consignee or party entitled to receive it shall fail to receive it promptly, the carrier, may, in its discretion, to prevent deterioration or further deterioration, sell the same to the best advantage at private or public sale: PROVIDED, That if time serves for notification to the consignor or owner the refusal of the property or the failure to receive it and request for disposition of the property, such notification shall be given, in such manner as the exercise of due diligence requires, before the property is sold.

(d) Where the procedure provided for in the two paragraphs last preceding is not possible, it is agreed that nothing contained in said paragraphs shall be constituted to abridge the right of the carrier at its option to sell the property under such circumstances and in such manner as may be authorized by law.

(e) The proceeds of any sale made under this section shall be applied by the carrier to the payment of freight, demurrage, storage, and any other lawful charges and the expense of notice, advertisement, sale, and other necessary expense and of caring for and maintaining the property, if proper care of same requires special expense, and should there be a balance it shall be paid to the owner of the property sold hereunder.

(f) Property destined to or taken from a station, wharf, landing or other place at which there is no regularly appointed freight agent, shall be entirely at risk of owner after unloaded from cars, vehicles or vessels or until loaded into cars, vehicles, or vessels, and, except in case of carrier's negligence, when received from or delivered to such stations,

wharfs, landings, or other places, shall be at owner's risk until the cars are attached to and after they are detached from locomotive or train or until loaded into and after unloaded from vessels, or if property is transported in motor vehicle trailers or semi-trailers, until such trailers or semi-trailers are attached to and after they are detached from power units. Where a carrier is directed to unload or deliver property transported by motor vehicle at a particular location where consignee or consignee's agent is not regularly located, the risk after unloading, or delivery, shall be that of the owner.

Sec. 5. No carrier hereunder will carry or be liable in any way for any documents, specie, or for any articles of extraordinary value not specifically rated in the published classifications or tariffs unless a special agreement to do so and a stipulated value of the articles are endorsed hereon.

Sec. 6. Every party, whether principal or agent, shipping explosives or dangerous goods, without previous full written disclosure to the carrier of their nature, shall be liable for and indemnify the carrier against all loss or damage caused by such goods, and such goods may be warehoused at owner's risk and expense or destroyed without compensation.

Sec. 7. The owner or consignee shall pay the freight and average, if any, and all other lawful charges accruing on said property; but, except in those instances where it may lawfully be authorized to do so, no carrier shall deliver or relinquish possession at destination of the property covered by this bill of lading until all tariff rates and charges thereon have been paid. The consignor shall be liable for the freight and all other lawful charges, except that if the consignor stipulates, by signature, in the space provided for that purpose on the face of this bill of lading that the carrier shall not make delivery without requiring payment of such charges, and the carrier, contrary to such stipulation shall make delivery without requiring such payment, the consignor (except as hereinafter provided) shall not be legally liable for such charges. PROVIDED, That, where the carrier has been instructed by the shipper or consignor to deliver said property to a consignee other than the shipper or consignor, such consignee shall not be legally liable for transportation charges in respect of the transportation of said property (beyond those billed against him at the time of delivery for which he is otherwise liable) which may be found to be due after the property has been delivered to him, if the consignee (a) is an agent only and has no beneficial title in said property, and (b) prior to delivery of said property has notified the delivering carrier in writing of the fact of such agency and absence of beneficial title, and, in the case of a shipment reconsigned or diverted to a point other than that specified in the original bill of lading, has also notified the delivering carrier in writing of the name and address of the beneficial owner of said property; and, in such cases the shipper or consignor, or, in the case of a shipment so reconsigned or diverted, the beneficial owner shall be liable for such additional charges. If the consignee has given to the carrier erroneous information as to who the beneficial owner is, such consignee shall himself be liable for such additional charges. Nothing herein shall limit the right of the carrier to require at time of shipment the prepayment or guarantee of the charges. If upon inspection it is ascertained that the articles shipped are not those described in this bill

of lading, the freight charges must be paid upon the articles actually shipped.

Sec. 8. If this bill of lading is issued on the order of the shipper, or his agent, in exchange or in substitution for another bill of lading, the shipper's signature to the prior bill of lading as to the statement of value or otherwise, or election of common law or bill of lading liability, in or in connection with such prior bill of lading, shall be considered a part of this bill of lading as fully as if the same were written or made in or in connection with this bill of lading.

Sec. 9. (a) If all or any part of said property is carried by water over any part of said route, such water carriage shall be performed subject to all the terms and provisions of, and all the exemptions from liability contained in, the Act of the Congress of the United States, approved on February 13, 1893, and entitled "An act relating to the navigation of vessels, etc." and of other statutes of the United States according carriers by water the protection of limited liability, and to the conditions contained in this bill of lading not inconsistent therewith or with this section.

(b) No such carrier by water shall be liable for any loss or damage resulting from any fire happening to or on board the vessel, or from explosion, bursting of boilers or breakage of shafts, unless caused by the design or neglect of such carrier.

(c) If the owner shall have exercised due diligence in making the vessel in all respects seaworthy and properly manned, equipped and supplied, no such carrier shall be liable for any loss or damage resulting from the perils of the lakes, seas, or other waters, or from latent defects in hull, machinery, or appurtenances whether existing prior to, at the time of, or after sailing, or from collision, stranding, or other accidents of navigation, or from prolongation of the voyage. And, when for any reason it is necessary, any vessel carrying any or all of the property herein described shall be at liberty to call at any port or ports, in or out of the customary route, to tow and be towed, to transfer, trans-ship, or lighter, to load and discharge goods at any time, to assist vessels in distress, to deviate for the purpose of saving life or property, and for docking and repairs. Except in case of negligence such carrier shall not be responsible for any loss or damage to property if it be necessary or is usual to carry the same upon deck.

(d) General Average shall be payable according to the York-Antwerp Rules of 1924, Section 1 to 15, inclusive, and Sections 17 to 22, inclusive, and as to matters not covered thereby according to the laws and usages of the Port of New York. If the owners shall have exercised due diligence to make the vessel in all respects seaworthy and properly manned, equipped and supplied, it is hereby agreed that in case of danger, damage or disaster resulting from faults or errors in navigation, or in the management of the vessel, or from any latent or other defects in the vessel, her machinery or appurtenances, or from unseaworthiness, whether existing at the time of shipment or at the beginning of the voyage (provided the latent or other defects or the unseaworthiness was not discoverable by the exercise of due diligence), the shippers, consignees and/or owners of the cargo shall nevertheless pay salvage and any special charges incurred in respect of the cargo, and shall contribute with the shipowner in general average to the payment of any sacrifices, losses or expenses of a general average nature that may be made or

incurred for the common benefit or to relieve the adventure from any common peril.

(e) If the property is being carried under a tariff which provides that any carrier or carriers party thereto shall be liable for loss from perils of the sea, then as to such carrier or carriers the provisions of this section shall be modified in accordance with the tariff provisions, which shall be regarded as incorporated into the conditions of this bill of lading.

(f) The term "water carriage" in this section shall not be construed as including lighterage in or across rivers, harbors, or lakes, when performed by or on behalf of carriers other than water.

Sec. 10. Any alteration, addition, or erasure in this bill of lading which shall be made without the special notation hereon of the agent of the carrier issuing this bill of lading, shall be without effect, and this bill of lading shall be enforceable according to its original tenor.

This Shipping Order Must be legibly filled in, in ink, in indelible Pencil, or in Carbon and retained by the Agent.

Shipper's No. _____

Carrier _____

Agent's No. _____

RECEIVED, subject to the classifications and tariffs in effect on the date of the issue of this Bill of Lading,

at _____ 19____ from _____

the property described below, in apparent good order, except as noted (content and condition of contents of packages unknown) marked, consigned, and destined as show below, which said company (the word company being understood throughout this contract as meaning any person or corporation in possession of the property under contract) agrees to carry to its usual place of delivery at said destination, if on its own railroad, water line, highway route or routes, or within the territory of its highway operations, otherwise deliver to another carrier on the route to said destination. It is mutually agreed, as to each carrier of all or any of said property over all or any portion of said route to destination, and as to each party at any time interested in all or any of said property, that every service to be performed hereunder shall be subject to all the conditions not prohibited by law, whether printed or written, herein contained, including the conditions on the back hereof, which are hereby agreed to by the shipper and acceptor for himself and his assigns.

Consigned to _____

Destination _____ State of _____ Zip Code _____ County Of _____

Routing _____ Delivering Carrier _____ Vehicle or Car Initial _____ No. _____

Collect on Delivery \$ _____ and remit to: _____

C.O.D. charge to be paid by: Shipper Consignee

Street _____ City _____ State _____

No. Packages	HM	Description of Articles, Special Marks, and Exceptions	*Weight (Sub. to Car.)	Class or Rate	Check Column

Subject to Section 7 of conditions, if this shipment is to be delivered to the consignee without recourse on the consignor, the consignor shall sign the following statements:
The carrier shall not make delivery of this shipment without payment of freight and all other lawful charges.

(Signature of Consignor) _____

If charges are to be prepaid, write or stamp here "TO BE PREPAID."

Received \$ _____ to apply to prepayment of the charges on the property described hereon.

Agent or Cashier _____

Per _____
(The signature here acknowledges only the amount Prepaid.)

*If the shipment moves between two ports by a carrier by water, the law requires that the bill of lading shall state whether it is "carrier's or shipper's weight." NOTE--Where the rate is dependent on value shippers are required to state specifically in writing the agreed or declared value of the property. The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding: \$ _____ per _____

Charges Advanced: \$ _____

O Mark with "X" to designate Hazardous Materials as defined in the Department of Transportation Regulations governing the transportation of hazardous materials.

This is to certify that the above-named materials are properly classified, described, packaged, marked and labeled, and are in proper condition for transportation according to the applicable regulations of the Department of Transportation.

Agent of Shipper _____

_____ Shipper, Per _____ Agent must detach and retain this shipping Order And must sign the Original Bill of Lading.

Permanent post-office address of shipper, _____

page ②

(This Bill of Lading is to be signed by the shipper and agent of the carrier issuing same.)

CONTRACT TERMS AND CONDITIONS

Sec. 1.(a) The carrier or party in possession of any of the property herein described shall be liable as at common law for any loss thereof or damage thereto, except as hereinafter provided.

(b) No carrier or party in possession of all or any of the property herein described shall be liable for any loss thereof

or damage thereto or delay caused by the Act of God, the public enemy, the authority of law, or the act or default of the shipper or owner, or for natural shrinkage. The carrier's liability shall be that of warehouseman, only, for loss, damage, or delay caused by fire occurring after the expiration of the free time (if any) allowed by tariffs lawfully on

EMERGENCY

file (such free time to be computed as therein provided) after notice of the arrival of the property at destination or at the port of export (if intended for export) has been duly sent or given, and after placement of the property for delivery at destination, or tender of delivery of the property to the party entitled to receive it, has been made. Except in case of negligence of the carrier or party in possession (and the burden to prove freedom from such negligence shall be on the carrier or party in possession), the carrier or party in possession shall not be liable for loss, damage, or delay occurring while the property is stopped and held in transit upon the request of the shipper, owner, or party, entitled to make such request, or resulting from a defect or vice in the property, or for country damage to cotton, or from riots or strikes. Except in case of carrier's negligence, no carrier or party in possession of all or any of the property herein described shall be liable for delay caused by highway obstruction, faulty or impassable highway, or lack of capacity of any highway, bridge or ferry, and the burden to prove freedom from such negligence shall be on the carrier or party in possession.

(c) In case of quarantine the property may be discharged at risk and expense of owners into quarantine depot or elsewhere, as required by quarantine regulations or authorities, or for the carrier's dispatch at nearest available point in carrier's judgement, and in any such case carrier's responsibility shall cease when property is so discharged, or property may be returned by carrier at owner's expense to shipping point, earning freight both ways. Quarantine expenses of whatever nature or kind upon or in respect to property shall be borne by the owners of the property or be in lien thereon. The carrier shall not be liable for loss or damage occasioned by fumigation or disinfection or other acts required or done by quarantine regulations or authorities even though the same may have been done by carrier's officers, agents, or employees, nor for detention, loss, or damage of any kind occasioned by quarantine or the enforcement thereof. No carrier shall be liable, except in case of negligence, for any mistake or inaccuracy in any information furnished by the carrier, its agents, or officers, as to quarantine laws or regulations. The shipper shall hold the carriers harmless from any expense they may incur, or damages they may be required to pay, by reason of the introduction of the property covered by this contract into any place against the quarantine laws or regulations in effect at such place.

Sec. 2.(a) No carrier is bound to transport said property by any particular schedule, train, vehicle, or vessel, or in time for any particular market or otherwise than with reasonable dispatch. Every carrier shall have the right in case of physical necessity to forward said property by any carrier or route between the point of shipment and the point of destination. In all cases not prohibited by law, where a lower value than actual value has been represented in writing by the shipper or has been agreed upon in writing as the released value of the property as determined by the classification or tariffs upon which the rate is based, such lower value plus freight charges if paid shall be the maximum amount to be recovered, whether or not such loss or damage occurs from negligence.

(b) As a condition precedent to recovery, claims must be filed in writing with the receiving or delivering carrier, or carrier issuing this bill of lading, or carrier on whose line the

loss, damage, injury or delay occurred, or carrier in possession of the property when the loss, damage, injury or delay occurred, within nine months after delivery of the property (or, in the case of export traffic, within nine months after delivery at port of export) or, in case of failure to make delivery, then within nine months after a reasonable time for delivery has elapsed; and suits shall be instituted against any carrier only within two years and one day from the day when notice in writing is given by the carrier to the claimant that the carrier has disallowed the claim or any part or parts thereof specified in the notice. Where claims are not filed or suits are not instituted thereon in accordance with the foregoing provisions, no carrier shall be liable, and such claims will not be paid.

(c) Any carrier or party liable on account of loss of or damage to any of said property shall have the full benefit of any insurance that may have been effected upon or on account of said property, so far as this shall not avoid the policies or contracts of insurance: **PROVIDED**, That the carrier reimburse the claimant for the premium paid thereon.

Sec. 3. Except where such service is required as the result of carrier's negligence, all property shall be subject to necessary cooperage and baling at owner's cost. Each carrier over whose route cotton or cotton linters is to be transported hereunder shall have the privilege, at its own cost and risk, of compressing the same for greater convenience in handling or forwarding, and shall not be held responsible for deviation or unavoidable delays in procuring such compression. Grain in bulk consigned to a point where there is a railroad, public or licensed elevator, may (unless otherwise expressly noted herein, and then if it is not promptly unloaded) be there delivered, and placed with other grain of the same kind and grade without respect to ownership (and prompt notice thereof shall be given to the consignor), and if so delivered shall be subject to a lien for elevator charges in addition to all other charges hereunder.

Sec. 4.(a) Property not removed by the party entitled to receive it within the free time (if any) allowed by tariffs, lawfully on file (such free time to be computed as therein provided), after notice of the arrival of the property at destination or at the port of export (if intended for export) has been duly sent or given, and after placement of the property for delivery at destination has been made, or property not received, at time tender of delivery of the property to the party entitled to receive it has been made, may be kept in vessel, vehicle, car, depot, warehouse or place of business of the carrier, subject to the tariff charge for storage and to carrier's responsibility as warehouseman, only, or at the option of the carrier, may be removed to and stored in a public or licensed warehouse at the point of delivery or at other available point, or if no such warehouse is available at point of delivery or at other available point, then in other available storage facility; at cost of the owner, and there held without liability on the part of the carrier, and subject to a lien for all freight and other lawful charges, including a reasonable charge for storage. In the event consignee cannot be found at address given for delivery, then in that event, notice of the placing of such goods in warehouse shall be mailed to the address given for delivery and mailed to any other address given on the bill of lading for notification, showing the warehouse in which such property has been placed, subject to the provisions of this paragraph.

(b) Where nonperishable property which has been transported to destination hereunder is refused by consignee or the party entitled to receive it upon tender of delivery, or said consignee or party entitled to receive it fails to receive or claim it within 15 days after notice of arrival shall have been duly sent or given, the carrier may sell the same at public auction to the highest bidder, at such place as may be designated by the carrier.

PROVIDED, That the carrier shall have first mailed, sent, or given to the consignor notice that the property has been refused or remains unclaimed, as the case may be, and that it will be subject to sale under the terms of the bill of lading if disposition be not arranged for, and shall have published notice containing a description of the property, the name of the party to whom consigned, or, if shipped order notify, the name of the party to be notified, and the time and place of sale, once a week for two successive weeks, in a newspaper of general circulation at the place of sale or nearest place where such newspaper is published. PROVIDED, That 30 days shall have elapsed before publication of notice of sale after said notice that the property was refused or remains unclaimed was mailed, sent or given.

(c) Where perishable property which has been transported hereunder to destination is refused by consignee or party entitled to receive it, or said consignee or party entitled to receive it shall fail to receive it promptly, the carrier, may, in its discretion, to prevent deterioration or further deterioration, sell the same to the best advantage at private or public sale: PROVIDED, That if time serves for notification to the consignor or owner the refusal of the property or the failure to receive it and request for disposition of the property, such notification shall be given, in such manner as the exercise of due diligence requires, before the property is sold.

(d) Where the procedure provided for in the two paragraphs last preceding is not possible, it is agreed that nothing contained in said paragraphs shall be constituted to abridge the right of the carrier at its option to sell the property under such circumstances and in such manner as may be authorized by law.

(e) The proceeds of any sale made under this section shall be applied by the carrier to the payment of freight, demurrage, storage, and any other lawful charges and the expense of notice, advertisement, sale, and other necessary expense and of caring for and maintaining the property, if proper care of same requires special expense, and should there be a balance it shall be paid to the owner of the property sold hereunder.

(f) Property destined to or taken from a station, wharf, landing or other place at which there is no regularly appointed freight agent, shall be entirely at risk of owner after unloaded from cars, vehicles or vessels or until loaded into cars, vehicles, or vessels, and, except in case of carrier's negligence, when received from or delivered to such stations, wharfs, landings, or other places, shall be at owner's risk until the cars are attached to and after they are detached from locomotive or train or until loaded into and after unloaded from vessels, or if property is transported in motor vehicle trailers or semi-trailers, until such trailers or semi-trailers are attached to and after they are detached from power units. Where a carrier is directed to unload or deliver property transported by motor vehicle at a particular location

where consignee or consignee's agent is not regularly located, the risk after unloading, or delivery, shall be that of the owner.

Sec. 5. No carrier hereunder will carry or be liable in any way for any documents, specie, or for any articles of extraordinary value not specifically rated in the published classifications or tariffs unless a special agreement to do so and a stipulated value of the articles are endorsed hereon.

Sec. 6. Every party, whether principal or agent, shipping explosives or dangerous goods, without previous full written disclosure to the carrier of their nature, shall be liable for and indemnify the carrier against all loss or damage caused by such goods, and such goods may be warehoused at owner's risk and expense or destroyed without compensation.

Sec. 7. The owner or consignee shall pay the freight and average, if any, and all other lawful charges accruing on said property; but, except in those instances where it may lawfully be authorized to do so, no carrier shall deliver or relinquish possession at destination of the property covered by this bill of lading until all tariff rates and charges thereon have been paid. The consignor shall be liable for the freight and all other lawful charges, except that if the consignor stipulates, by signature, in the space provided for that purpose on the face of this bill of lading that the carrier shall not make delivery without requiring payment of such charges, and the carrier, contrary to such stipulation shall make delivery without requiring such payment, the consignor (except as hereinafter provided) shall not be legally liable for such charges. PROVIDED, That, where the carrier has been instructed by the shipper or consignor to deliver said property to a consignee other than the shipper or consignor, such consignee shall not be legally liable for transportation charges in respect of the transportation of said property (beyond those billed against him at the time of delivery for which he is otherwise liable) which may be found to be due after the property has been delivered to him, if the consignee (a) is an agent only and has no beneficial title in said property, and (b) prior to delivery of said property has notified the delivering carrier in writing of the fact of such agency and absence of beneficial title, and, in the case of a shipment reconsigned or diverted to a point other than that specified in the original bill of lading, has also notified the delivering carrier in writing of the name and address of the beneficial owner of said property; and, in such cases the shipper or consignor, or, in the case of a shipment so reconsigned or diverted, the beneficial owner shall be liable for such additional charges. If the consignee has given to the carrier erroneous information as to who the beneficial owner is, such consignee shall himself be liable for such additional charges. Nothing herein shall limit the right of the carrier to require at time of shipment the prepayment or guarantee of the charges. If upon inspection it is ascertained that the articles shipped are not those described in this bill of lading, the freight charges must be paid upon the articles actually shipped.

Sec. 8. If this bill of lading is issued on the order of the shipper, or his agent, in exchange or in substitution for another bill of lading, the shipper's signature to the prior bill of lading as to the statement of value or otherwise, or election of common law or bill of lading liability, in or in connection with such prior bill of lading, shall be considered

a part of this bill of lading as fully as if the same were written or made in or in connection with this bill of lading.

Sec. 9. (a) If all or any part of said property is carried by water over any part of said route, such water carriage shall be performed subject to all the terms and provisions of, and all the exemptions from liability contained in, the Act of the Congress of the United States, approved on February 13, 1893, and entitled "An act relating to the navigation of vessels, etc." and of other statutes of the United States according carriers by water the protection of limited liability, and to the conditions contained in this bill of lading not inconsistent therewith or with this section.

(b) No such carrier by water shall be liable for any loss or damage resulting from any fire happening to or on board the vessel, or from explosion, bursting of boilers or breakage of shafts, unless caused by the design or neglect of such carrier.

(c) If the owner shall have exercised due diligence in making the vessel in all respects seaworthy and properly manned, equipped and supplied, no such carrier shall be liable for any loss or damage resulting from the perils of the lakes, seas, or other waters, or from latent defects in hull, machinery, or appurtenances whether existing prior to, at the time of, or after sailing, or from collision, stranding, or other accidents of navigation, or from prolongation of the voyage. And, when for any reason it is necessary, any vessel carrying any or all of the property herein described shall be at liberty to call at any port or ports, in or out of the customary route, to tow and be towed, to transfer, trans-ship, or lighter, to load and discharge goods at any time, to assist vessels in distress, to deviate for the purpose of saving life or property, and for docking and repairs. Except in case of negligence such carrier shall not be responsible for any loss or damage to property if it be necessary or is usual to carry the same upon deck.

(d) General Average shall be payable according to the York-Antwerp Rules of 1924, Section 1 to 15, inclusive, and Sections 17 to 22, inclusive, and as to matters not covered thereby according to the laws and usages of the Port of New York. If the owners shall have exercised due diligence to make the vessel in all respects seaworthy and properly manned, equipped and supplied, it is hereby agreed that in case of danger, damage or disaster resulting from faults or errors in navigation, or in the management of the vessel, or from any latent or other defects in the vessel, her machinery or appurtenances, or from unseaworthiness, whether existing at the time of shipment or at the beginning of the voyage (provided the latent or other defects or the unseaworthiness was not discoverable by the exercise of due diligence), the shippers, consignees and/or owners of the cargo shall nevertheless pay salvage and any special charges incurred in respect of the cargo, and shall contribute with the shipowner in general average to the payment of any sacrifices, losses or expenses of a general average nature that may be made or incurred for the common benefit or to relieve the adventure from any common peril.

(e) If the property is being carried under a tariff which provides that any carrier or carriers party thereto shall be liable for loss from perils of the sea, then as to such carrier or carriers the provisions of this section shall be modified in accordance with the tariff provisions, which shall be regarded as incorporated into the conditions of this bill of lading.

(f) The term "water carriage" in this section shall not be construed as including lighterage in or across rivers, harbors, or lakes, when performed by or on behalf of carriers other than water.

Sec. 10. Any alteration, addition, or erasure in this bill of lading which shall be made without the special notation hereon of the agent of the carrier issuing this bill of lading, shall be without effect, and this bill of lading shall be enforceable according to its original tenor.

port of export (if intended for export) has been duly sent or given, and after placement of the property for delivery at destination, or tender of delivery of the property to the party entitled to receive it, has been made. Except in case of negligence of the carrier or party in possession (and the burden to prove freedom from such negligence shall be on the carrier or party in possession), the carrier or party in possession shall not be liable for loss, damage, or delay occurring while the property is stopped and held in transit upon the request of the shipper, owner, or party, entitled to make such request, or resulting from a defect or vice in the property, or for country damage to cotton, or from riots or strikes. Except in case of carrier's negligence, no carrier or party in possession of all or any of the property herein described shall be liable for delay caused by highway obstruction, faulty or impassable highway, or lack of capacity of any highway, bridge or ferry, and the burden to prove freedom from such negligence shall be on the carrier or party in possession.

(c) In case of quarantine the property may be discharged at risk and expense of owners into quarantine depot or elsewhere, as required by quarantine regulations or authorities, or for the carrier's dispatch at nearest available point in carrier's judgement, and in any such case carrier's responsibility shall cease when property is so discharged, or property may be returned by carrier at owner's expense to shipping point, earning freight both ways. Quarantine expenses of whatever nature or kind upon or in respect to property shall be borne by the owners of the property or be in lien thereon. The carrier shall not be liable for loss or damage occasioned by fumigation or disinfection or other acts required or done by quarantine regulations or authorities even though the same may have been done by carrier's officers, agents, or employees, nor for detention, loss, or damage of any kind occasioned by quarantine or the enforcement thereof. No carrier shall be liable, except in case of negligence, for any mistake or inaccuracy in any information furnished by the carrier, its agents, or officers, as to quarantine laws or regulations. The shipper shall hold the carriers harmless from any expense they may incur, or damages they may be required to pay, by reason of the introduction of the property covered by this contract into any place against the quarantine laws or regulations in effect at such place.

Sec. 2.(a) No carrier is bound to transport said property by any particular schedule, train, vehicle, or vessel, or in time for any particular market or otherwise than with reasonable dispatch. Every carrier shall have the right in case of physical necessity to forward said property by any carrier or route between the point of shipment and the point of destination. In all cases not prohibited by law, where a lower value than actual value has been represented in writing by the shipper or has been agreed upon in writing as the released value of the property as determined by the classification or tariffs upon which the rate is based, such lower value plus freight charges if paid shall be the maximum amount to be recovered, whether or not such loss or damage occurs from negligence.

(b) As a condition precedent to recovery, claims must be filed in writing with the receiving or delivering carrier, or carrier issuing this bill of lading, or carrier on whose line the loss, damage, injury or delay occurred, or carrier in possession of the property when the loss, damage, injury or delay

occurred, within nine months after delivery of the property (or, in the case of export traffic, within nine months after delivery at port of export) or, in case of failure to make delivery, then within nine months after a reasonable time for delivery has elapsed; and suits shall be instituted against any carrier only within two years and one day from the day when notice in writing is given by the carrier to the claimant that the carrier has disallowed the claim or any part or parts thereof specified in the notice. Where claims are not filed or suits are not instituted thereon in accordance with the foregoing provisions, no carrier shall be liable, and such claims will not be paid.

(c) Any carrier or party liable on account of loss of or damage to any of said property shall have the full benefit of any insurance that may have been effected upon or on account of said property, so far as this shall not avoid the policies or contracts of insurance: PROVIDED, That the carrier reimburse the claimant for the premium paid thereon.

Sec. 3. Except where such service is required as the result of carrier's negligence, all property shall be subject to necessary co-operation and baling at owner's cost. Each carrier over whose route cotton or cotton linters is to be transported hereunder shall have the privilege, at its own cost and risk, of compressing the same for greater convenience in handling or forwarding, and shall not be held responsible for deviation or unavoidable delays in procuring such compression. Grain in bulk consigned to a point where there is a railroad, public or licensed elevator, may (unless otherwise expressly noted herein, and then if it is not promptly unloaded) be there delivered, and placed with other grain of the same kind and grade without respect to ownership (and prompt notice thereof shall be given to the consignor), and if so delivered shall be subject to a lien for elevator charges in addition to all other charges hereunder.

Sec. 4.(a) Property not removed by the party entitled to receive it within the free time (if any) allowed by tariffs, lawfully on file (such free time to be computed as therein provided), after notice of the arrival of the property at destination or at the port of export (if intended for export) has been duly sent or given, and after placement of the property for delivery at destination has been made, or property not received, at time tender of delivery of the property to the party entitled to receive it has been made, may be kept in vessel, vehicle, car, depot, warehouse or place of business of the carrier, subject to the tariff charge for storage and to carrier's responsibility as warehouseman, only, or at the option of the carrier, may be removed to and stored in a public or licensed warehouse at the point of delivery or at other available point, or if no such warehouse is available at point of delivery or at other available point, then in other available storage facility; at cost of the owner, and there held without liability on the part of the carrier, and subject to a lien for all freight and other lawful charges, including a reasonable charge for storage. In the event consignee cannot be found at address given for delivery, then in that event, notice of the placing of such goods in warehouse shall be mailed to the address given for delivery and mailed to any other address given on the bill of lading for notification, showing the warehouse in which such property has been placed, subject to the provisions of this paragraph.

(b) Where nonperishable property which has been transported to destination hereunder is refused by consignee

or the party entitled to receive it upon tender of delivery, or said consignee or party entitled to receive it fails to receive or claim it within 15 days after notice of arrival shall have been duly sent or given, the carrier may sell the same at public auction to the highest bidder, at such place as may be designated by the carrier.

PROVIDED, That the carrier shall have first mailed, sent, or given to the consignor notice that the property has been refused or remains unclaimed, as the case may be, and that it will be subject to sale under the terms of the bill of lading if disposition be not arranged for, and shall have published notice containing a description of the property, the name of the party to whom consigned, or, if shipped order notify, the name of the party to be notified, and the time and place of sale, once a week for two successive weeks, in a newspaper of general circulation at the place of sale or nearest place where such newspaper is published. PROVIDED, That 30 days shall have elapsed before publication of notice of sale after said notice that the property was refused or remains unclaimed was mailed, sent or given.

(c) Where perishable property which has been transported hereunder to destination is refused by consignee or party entitled to receive it, or said consignee or party entitled to receive it shall fail to receive it promptly, the carrier, may, in its discretion, to prevent deterioration or further deterioration, sell the same to the best advantage at private or public sale: PROVIDED, That if time serves for notification to the consignor or owner the refusal of the property or the failure to receive it and request for disposition of the property, such notification shall be given, in such manner as the exercise of due diligence requires, before the property is sold.

(d) Where the procedure provided for in the two paragraphs last preceding is not possible, it is agreed that nothing contained in said paragraphs shall be constituted to abridge the right of the carrier at its option to sell the property under such circumstances and in such manner as may be authorized by law.

(e) The proceeds of any sale made under this section shall be applied by the carrier to the payment of freight, demurrage, storage, and any other lawful charges and the expense of notice, advertisement, sale, and other necessary expense and of caring for and maintaining the property, if proper care of same requires special expense, and should there be a balance it shall be paid to the owner of the property sold hereunder.

(f) Property destined to or taken from a station, wharf, landing or other place at which there is no regularly appointed freight agent, shall be entirely at risk of owner after unloaded from cars, vehicles or vessels or until loaded into cars, vehicles, or vessels, and, except in case of carrier's negligence, when received from or delivered to such stations, wharfs, landings, or other places, shall be at owner's risk until the cars are attached to and after they are detached from locomotive or train or until loaded into and after unloaded from vessels, or if property is transported in motor vehicle trailers or semi-trailers, until such trailers or semi-trailers are attached to and after they are detached from power units. Where a carrier is directed to unload or deliver property transported by motor vehicle at a particular location where consignee or consignee's agent is not regularly

located, the risk after unloading, or delivery, shall be that of the owner.

Sec. 5. No carrier hereunder will carry or be liable in any way for any documents, specie, or for any articles of extraordinary value not specifically rated in the published classifications or tariffs unless a special agreement to do so and a stipulated value of the articles are endorsed hereon.

Sec. 6. Every party, whether principal or agent, shipping explosives or dangerous goods, without previous full written disclosure to the carrier of their nature, shall be liable for and indemnify the carrier against all loss or damage caused by such goods, and such goods may be warehoused at owner's risk and expense or destroyed without compensation.

Sec. 7. The owner or consignee shall pay the freight and average, if any, and all other lawful charges accruing on said property; but, except in those instances where it may lawfully be authorized to do so, no carrier shall deliver or relinquish possession at destination of the property covered by this bill of lading until all tariff rates and charges thereon have been paid. The consignor shall be liable for the freight and all other lawful charges, except that if the consignor stipulates, by signature, in the space provided for that purpose on the face of this bill of lading that the carrier shall not make delivery without requiring payment of such charges, and the carrier, contrary to such stipulation shall make delivery without requiring such payment, the consignor (except as hereinafter provided) shall not be legally liable for such charges. PROVIDED, That, where the carrier has been instructed by the shipper or consignor to deliver said property to a consignee other than the shipper or consignor, such consignee shall not be legally liable for transportation charges in respect of the transportation of said property (beyond those billed against him at the time of delivery for which he is otherwise liable) which may be found to be due after the property has been delivered to him, if the consignee (a) is an agent only and has no beneficial title in said property, and (b) prior to delivery of said property has notified the delivering carrier in writing of the fact of such agency and absence of beneficial title, and, in the case of a shipment reconsigned or diverted to a point other than that specified in the original bill of lading, has also notified the delivering carrier in writing of the name and address of the beneficial owner of said property; and, in such cases the shipper or consignor, or, in the case of a shipment so reconsigned or diverted, the beneficial owner shall be liable for such additional charges. If the consignee has given to the carrier erroneous information as to who the beneficial owner is, such consignee shall himself be liable for such additional charges. Nothing herein shall limit the right of the carrier to require at time of shipment the prepayment or guarantee of the charges. If upon inspection it is ascertained that the articles shipped are not those described in this bill of lading, the freight charges must be paid upon the articles actually shipped.

Sec. 8. If this bill of lading is issued on the order of the shipper, or his agent, in exchange or in substitution for another bill of lading, the shipper's signature to the prior bill of lading as to the statement of value or otherwise, or election of common law or bill of lading liability, in or in connection with such prior bill of lading, shall be considered

a part of this bill of lading as fully as if the same were written or made in or in connection with this bill of lading.

Sec. 9. (a) If all or any part of said property is carried by water over any part of said route, such water carriage shall be performed subject to all the terms and provisions of, and all the exemptions from liability contained in, the Act of the Congress of the United States, approved on February 13, 1893, and entitled "An act relating to the navigation of vessels, etc." and of other statutes of the United States according carriers by water the protection of limited liability, and to the conditions contained in this bill of lading not inconsistent therewith or with this section.

(b) No such carrier by water shall be liable for any loss or damage resulting from any fire happening to or on board the vessel, or from explosion, bursting of boilers or breakage of shafts, unless caused by the design or neglect of such carrier.

(c) If the owner shall have exercised due diligence in making the vessel in all respects seaworthy and properly manned, equipped and supplied, no such carrier shall be liable for any loss or damage resulting from the perils of the lakes, seas, or other waters, or from latent defects in hull, machinery, or appurtenances whether existing prior to, at the time of, or after sailing, or from collision, stranding, or other accidents of navigation, or from prolongation of the voyage. And, when for any reason it is necessary, any vessel carrying any or all of the property herein described shall be at liberty to call at any port or ports, in or out of the customary route, to tow and be towed, to transfer, trans-ship, or lighter, to load and discharge goods at any time, to assist vessels in distress, to deviate for the purpose of saving life or property, and for docking and repairs. Except in case of negligence such carrier shall not be responsible for any loss or damage to property if it be necessary or is usual to carry the same upon deck.

(d) General Average shall be payable according to the York-Antwerp Rules of 1924, Section 1 to 15, inclusive, and Sections 17 to 22, inclusive, and as to matters not covered thereby according to the laws and usages of the Port of New York. If the owners shall have exercised due diligence to make the vessel in all respects seaworthy and properly manned, equipped and supplied, it is hereby agreed that in case of danger, damage or disaster resulting from faults or errors in navigation, or in the management of the vessel, or from any latent or other defects in the vessel, her machinery or appurtenances, or from unseaworthiness, whether existing at the time of shipment or at the beginning of the voyage (provided the latent or other defects or the unseaworthiness was not discoverable by the exercise of due diligence), the shippers, consignees and/or owners of the cargo shall nevertheless pay salvage and any special charges incurred in respect of the cargo, and shall contribute with the shipowner in general average to the payment of any sacrifices, losses or expenses of a general average nature that may be made or incurred for the common benefit or to relieve the adventure from any common peril.

(e) If the property is being carried under a tariff which provides that any carrier or carriers party thereto shall be liable for loss from perils of the sea, then as to such carrier or carriers the provisions of this section shall be modified in accordance with the tariff provisions, which shall be regarded as incorporated into the conditions of this bill of lading.

(f) The term "water carriage" in this section shall not be construed as including lighterage in or across rivers, harbors, or lakes, when performed by or on behalf of carriers other than water.

Sec. 10. Any alteration, addition, or erasure in this bill of lading which shall be made without the special notation hereon of the agent of the carrier issuing this bill of lading, shall be without effect, and this bill of lading shall be enforceable according to its original tenor.

**WSR 95-18-023
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Order 95-111—Filed August 25, 1995, 11:21 a.m.]

Date of Adoption: August 24, 1995.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-32-05500N; and amending WAC 220-32-051 and 220-32-055.

Statutory Authority for Adoption: RCW 75.08.080.

Under 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. This season is consistent with the 1995 fall management agreement and requirements of the Endangered Species Act. Consistent with preseason planning process for tribal fishing. Matches the Klickitat season with the mainstem Columbia River commercial season.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 2, amended 0, repealed 1; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

August 24, 1995
Robert Turner
Director

EMERGENCY

NEW SECTION

WAC 220-32-05100P Columbia River salmon seasons above Bonneville. (1) Notwithstanding the provisions of WAC 220-32-051, WAC 220-32-052, WAC 220-32-053, WAC 220-32-056, WAC 220-32-057, and WAC 220-32-058, effective immediately, it is unlawful for a person to take or possess salmon, shad or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas (SMCRA) 1F, 1G or 1H, except those individuals possessing treaty fishing rights under the Yakama, Warm springs, Umatilla or Nez Perce treaties may fish or possess salmon, sturgeon and shad under the following provisions:

(a) Open for salmon and shad: 6:00 a.m. August 29 to 6:00 p.m. September 2, 1995.

(b) Sturgeon - It shall be lawful to retain sturgeon for subsistence purposes only. It shall be unlawful to retain sturgeon less than 36" or greater than 72" in length. All sales of sturgeon are prohibited.

(c) Open Area: SMCRA 1F, 1G, and 1H

(d) Mesh: No mesh restriction

(2) Notwithstanding the provisions of WAC 220-32-058, closed areas at the mouth of:

(a) Hood River is those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles downriver from the west bank at the end of the breakwall at the west end of the port of Hood River and 1/2 mile upriver from the east bank.

(b) Herman Creek is those waters upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

(c) Deschutes River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between point one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(d) Umatilla River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(e) Big White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a marker located one-half mile downstream from the west bank upstream to light "35".

(f) Wind River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between markers located 1 1/4 miles downstream from the west bank and 1/2 mile upstream from the east bank.

(g) Klickitat River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1/8 miles downstream from the west bank.

(h) Little White Salmon River is those waters of the Columbia River extending to midstream at right angles to the

thread of the Columbia river between Light "27" upstream to a marker located approximately one-half mile upstream from the eastern shoreline.

(I) Spring Creek is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one and one half miles downstream from the western shoreline of the mouth of Spring Creek.

(3) Notwithstanding the provisions of WAC 220-22-010, during the open periods in subsection (1):

(a) Area 1F (Bonneville Pool) includes those waters of the Columbia River upstream from the Bridge of Gods, and downstream from the west end of the 3 mile rapids located approximately 1.8 miles below the Dalles Dam.

(b) Area 1G includes those waters of the Columbia River upstream from a line drawn between deadline marker on the Oregon shore located approximately 3/4 mile above the Dalles Dam fishway exit, thence at a right angle to the thread of the river to a point in midriver, then downstream to Light "1" on the Washington shore, and downstream from Preacher's Eddy light below John Day Dam.

(c) Area 1H includes those waters of the Columbia River upstream from a fishing boundary marker approximately one-half mile above the John Day River, Oregon, extending at a right angle across the thread of the river to a point in midriver, then downstream to a fishing boundary marker on the Washington shore approximately opposite the mouth of the John Day River, and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

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

NEW SECTION

WAC 220-32-05500P 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 rights under the Yakama treaty to take or possess salmon taken for subsistence purposes from the Klickitat River, except under the following provisions.

(1) The Klickitat River from the Swinging Bridge (RM 1.5) to Fishway No. 5 (RM 2.2) is open 6:00 a.m. Tuesday August 29 to 6:00 p.m. Saturday September 2, 1995.

(2) Allowable gear: Dipnets, setbag net, or rod and reel with bait or lures. All other fishing gear and methods, including snagging are unlawful.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05500N	Columbia River tributaries—Subsistence. (95-80)
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WSR 95-18-024
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

(Fisheries)

[Order 95-112—Filed August 25, 1995, 11:25 a.m.]

Date of Adoption: August 24, 1995.

Purpose: Commercial fishing regulations.

Statutory Authority for Adoption: RCW 75.08.080.

Under 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: Release of coho and chinook salmon in Skagit Bay and Hood Canal pink and chum fisheries is necessary to reduce impacts on these species during fisheries directed at pink and chum salmon. This requirement is consistent with agreements reached during the Pacific Fishery Management Council/North of Falcon process.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

August 24, 1995

Judith Freeman

Deputy

for Robert Turner

Director

NEW SECTION

WAC 220-47-601 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47-311 WAC, effective immediately until further notice, it is unlawful to retain coho and chinook salmon taken with purse seine gear in Puget Sound Commercial Salmon Management and Catch Reporting Areas 8, 12, 12B, and 12C.

WSR 95-18-025
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

(Fisheries)

[Order 95-113—Filed August 25, 1995, 12:26 p.m., effective September 1, 1995]

Date of Adoption: August 24, 1995.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
 Amending WAC 220-56-285.

Statutory Authority for Adoption: RCW 75.08.080.

Under 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: Harvest expectations for the sport fishery have been exceeded due to a highly successful fishery. Continued harvest in 1995 could reduce catch rates in future years resulting in unstable patterns. Catch and release fishing will be allowed.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: September 1, 1995.

August 24, 1995

Robert Turner

Director

NEW SECTION

WAC 220-56-28500F Sturgeon—Areas and seasons. Notwithstanding the provisions of WAC 220-56-285, effective September 1, 1995 until further notice, it is unlawful to retain sturgeon from the Columbia River and its tributaries from Bonneville Dam downstream to the mouth (true north-south line through Buoy 10).

EMERGENCY

WSR 95-18-052
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3887—Filed August 30, 1995, 3:24 p.m., effective September 1, 1995, 12:01 a.m.]

Date of Adoption: August 30, 1995.

Purpose: To correctly list the providers within the school systems that may provide service within the school in order for the state to receive Medicaid reimbursement payment.

Citation of Existing Rules Affected by this Order: Amending WAC 388-86-022 School medical services for special education students.

Statutory Authority for Adoption: RCW 74.08.090.

Under 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: Medicaid federal matching funds begin when these services are provided in schools. Effective date of change coincides with the 1995 school year.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 1, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Effective Date of Rule: September 1, 1995, 12:01 a.m.

August 30, 1995

Jeanette Sevedge-App

Acting Chief

Office of Vendor Services

AMENDATORY SECTION (Amending Order 3650, filed 10/6/93, effective 11/6/93)

WAC 388-86-022 School medical services for special education students. (1) The department shall pay school districts or educational service districts (ESD) for medical services to an eligible categorically needy or medically needy child when a school district or ESD furnishes the medical services to a special education student as part of the child's individualized education program (IEP) or individualized family service plan (IFSP).

(2) Such medical services shall be provided by:

(a) Qualified Medicaid providers as described under WAC 388-87-005;

(b) Psychologists, licensed by the state of Washington or granted an educational staff associate certificate (ESA) by the state board of education; or

(c) A person trained and supervised by a:

(i) Licensed registered nurse;

(ii) Licensed physical therapist or physiatrist;

(iii) Licensed occupational therapist; or

(iv) Speech pathologist or audiologist((?)) who:

(A) Has been granted a certificate of clinical competence by the American speech, hearing, and language association ((ø?));

(B) Is a person who completed the equivalent educational and work experience necessary for such a certificate; or

(C) Is a person who has completed the academic program and is acquiring supervised work experience to qualify for the certificate.

(d) School guidance counselors, or school social workers, who have been granted an educational staff associate (ESA) certificate by the state board of education.

(3) For a client to receive services as described under this section, the department shall not require the client to have a provider prescription.

(4) The department shall require recommendations and referrals to be updated at least annually.

((4)) (5) The department shall pay for school-based medical services according to the department-established rate or the billed amount, whichever is lower.

((5)) (6) The department shall not pay individual school practitioners who provide school-based medical services.

((6)) (7) The department shall require school districts or ESD to pursue third-party resources for medical services billed to Medicaid.

WSR 95-18-056
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)

[Order 95-110—Filed August 31, 1995, 11:14 a.m., effective September 1, 1995]

Date of Adoption: August 31, 1995.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-44-05000T; and amending WAC 220-44-050.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: This regulation is necessary to maintain consistency with regulations adopted by the National Marine Fisheries Service pursuant to the Pacific Fisheries Management Council.

Number of Sections Adopted in Order to Comply with Federal Statute: New 1, amended 0, repealed 1; Federal Rules or Standards: New 0, amended 0, repealed 0; or

Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: September 1, 1995.

August 31, 1995

Judith Freeman

Deputy

for Robert Turner

Director

NEW SECTION

WAC 220-44-05000U Coastal bottomfish catch limits. Notwithstanding the provisions of WAC 220-44-050, effective immediately until further notice it is unlawful to possess, transport through the waters of the state or land in any Washington State port bottomfish taken from Marine Fish-Shellfish Management and Catch Reporting Areas 29, 58B, 59A, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the following species:

1. The following definitions apply to this section:

a. **Cumulative limit** - A cumulative limit is the maximum amount of fish that may be taken and retained, possessed or landed per vessel per calendar month, without a limit on the number of landings or trips. The cumulative limit includes all fish harvested by a vessel during the month, whether taken in limited entry or open access fisheries. Once a cumulative limit has been achieved, an operator may begin fishing on the next cumulative limit so long as the fish are not landed until after the beginning of the next cumulative limit.

b. **Daily trip limit** - The maximum amount of fish that may be taken and retained, possessed or landed per vessel from a single fishing trip in 24 consecutive hours, starting at 0001 hours.

c. **Groundfish limited entry fishery** - Fishing activity by a trawl, setline or bottomfish pot equipped vessel that has received a federal limited entry permit issued by the National Marine Fisheries Service endorsed for the qualifying gear type.

d. **Groundfish open access fishery** - Fishing activity by a vessel equipped with setline or bottomfish pot gear that has not received a federal limited entry permit, or a vessel using gear other than trawl, setline or bottomfish pot gear.

e. **Vessel trip** - A vessel trip is defined as having occurred upon the initiation of transfer of catch from a fishing vessel.

f. **Vessel trip limit** - The amount of fish that may not be exceeded per vessel trip. All fish aboard a fishing vessel upon the initiation of transfer of catch are to be counted towards the vessel trip limit.

g. **Dressed length** - The dressed length of a fish is the distance from the anterior insertion of the first dorsal fin to the tip of the tail.

2. **Groundfish limited entry fishery limits.** The following limits apply to the groundfish limited entry fishery in Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, and 63, and apply to all listed bottomfish species and species complexes taken in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Area 29:

a. **Pacific ocean perch** - Cumulative limit of 6,000 pounds. No minimum size.

b. **Widow rockfish** - Cumulative limit of 45,000 pounds. No minimum size.

c. **Shortbelly rockfish** - No minimum size. No maximum poundage.

d. **Black rockfish** - The vessel trip limit for black rockfish for commercial fishing vessels using hook-and-line gear between the U.S. Canada border and Cape Alava (48°09'30" N. latitude) and between Destruction Island (47°40'00" N. latitude) and Leadbetter Point (46°38'10" N. latitude), is 100 pounds (round weight) or 30 percent by weight of all fish on board including salmon, whichever is greater, per vessel trip.

e. **Sebastes complex** - All species of rockfish except Pacific ocean perch, widow, shortbelly, and thornyhead (*Sebastes* spp.)

(1) North of Cape Lookout and south of Cape Lookout if no declaration has been made - Cumulative limit of 35,000 pounds, of which no more than 18,000 pounds may be yellowtail rockfish and no more than 9,000 pounds may be canary rockfish. No minimum size on any species in this category.

(2) South of Cape Lookout - Cumulative limit of 50,000 pounds of which no more than 40,000 pounds may be yellowtail rockfish and no more than 9,000 pounds may be canary rockfish, provided the licensee has made a declaration as follows:

(a) The declaration must be made at least 12 hours prior to departing from port by telephoning the Department Montesano Office at (360) 249-4628, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. The declarer will receive a declaration number from the department.

(b) The declaration must include: vessel name; federal limited entry permit number; operator's name, phone number and address; anticipated date and port of departure; anticipated date and port of return.

(c) Phone declarations must be followed by a written declaration, signed by the operator and mailed or delivered to the Montesano Office at 48 Devonshire Road, Montesano, WA 98563, prior to the day of departure. Forms are available at that office or from coastal processors.

(d) No fishing north of Cape Lookout is allowed after declaring for fishing south of Cape Lookout until the vessel has landed at a Washington or Oregon port and notified the Montesano Office during business hours.

1) There is a maximum cumulative limit for landings from both north and south of Cape Lookout of 50,000 pounds of which no more than 30,000 pounds may be yellowtail rockfish and no more than 9,000 pounds may be canary rockfish.

2) Wholesale fish dealers purchasing more than 30,000 pounds of seabastes complex or 18,000 pounds of yellowtail rockfish must enter the declaration number on the fish receiving ticket.

f. **DTS Complex - (Sablefish, Dover sole and thornyhead rockfish)** - Effective September 1, 1995, cumulative monthly limit of 35,000 pounds of which no more than 8,000 pounds may be thornyhead rockfish. Of the thornyhead, no more than 1,500 pounds may be shortspine thornyheads.

g. **Sablefish -**

(1) **Trawl vessels** - Cumulative limit of 7,000 pounds. In any vessel trip no more than 500 pounds may be sablefish less than 22 inches total length. Sablefish total length of 22 inches is equivalent to dressed length of 15.5 inches. To convert sablefish from dressed weight to round weight, multiply dressed weight by 1.6.

(2) **Non-trawl vessels -**

(A) Effective 12:00 noon September 1, 1995 through 12:00 noon September 30, 1995 cumulative limit of 5,500 pounds round weight. To convert sablefish from dressed weight to round weight, multiply dressed weight by 1.6. Within any trip, no more than 1,500 pounds (round weight) or 3% of sablefish on board may be sablefish less than 22 inches total length. Sablefish total length of 22 inches is equivalent to dressed length of 15.5 inches.

(B) Effective 12:00 noon September 30, 1995, until further notice daily trip limit of 300 pounds (round weight). No minimum size.

h. **Pacific Whiting** - Vessel trip limit of 10,000. No minimum size.

i. **Lingcod** - Cumulative limit of 20,000 pounds. Total length minimum size limit of 22 inches. Lingcod total length of 22 inches is equivalent to dressed length of 18 inches. To convert lingcod from dressed weight to round weight, multiply the dressed weight by 1.5. To convert lingcod from dressed, head on (gutted only), weight, multiply the dressed weight by 1.1.

(1) It shall be lawful to land up to 100 pounds of lingcod under 22 inches taken in the trawl fishery only.

3. **Groundfish open access fishery limits.** The following limits apply to the groundfish open access fishery in Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, and 63, and apply to all listed species and species complexes taken in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Area 29. Notwithstanding the provisions of this subsection, no groundfish open access fishery limit may exceed a groundfish limited entry fishery daily, vessel or cumulative limit:

(1) **Sablefish** - Daily trip limit of 300 pounds (round weight) is lawful. No minimum size.

(2) **Rockfish** - Vessel trip limit of 10,000 pounds. Cumulative limit of 35,000 pounds.

(3) **Lingcod** - cumulative limit of 20,000 pounds. Total length minimum size limit of 22 inches. Lingcod total length of 22 inches is equivalent to dressed length of 18 inches. To convert lingcod from dressed weight to round weight, multiply the dressed weight by 1.5. To convert lingcod from dressed, head on (gutted only), weight, multiply the dressed weight by 1.1.

(4) It is unlawful during the unloading of the catch and prior to its being weighed or leaving the unloading facility to intermix with any other species or category of bottomfish having a cumulative limit, vessel trip limit or daily trip limit.

(5) The fisher's copy of all fish receiving tickets showing landings of species provided for in this section shall be retained aboard the landing vessel for 90 days after landing.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-44-05000T Coastal bottomfish catch limits (95-95)

**WSR 95-18-057
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Order 95-115—Filed August 31, 1995, 11:16 a.m., effective September 1, 1995]

Date of Adoption: August 30, 1995.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-57-13000U, 220-57-13500S, 220-57-20000K, 220-57-38500Y, and 220-57-46000C; amending WAC 220-57-130, 220-57-135, 220-57-200, 220-57-385, and 220-57-460.

Statutory Authority for Adoption: RCW 75.08.080.

Under 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 chinook and coho salmon are available in the Quillayute watershed.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 5, amended 5, repealed 5.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: September 1, 1995.

August 30, 1995
Robert Turner
Director

WSR 95-18-058
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

(Fisheries)

[Order 95-116—Filed August 31, 1995, 11:19 a.m.]

NEW SECTION

WAC 220-57-13000U Bogachiel River. Notwithstanding the provisions of WAC 220-57-130, effective 12:01 a.m. September 1, 1995 through November 30, 1995, it is lawful to fish for and possess salmon taken for personal use from the waters of the Bogachiel River downstream from the Highway 101 Bridge. Bag limit A.

NEW SECTION

WAC 220-57-13500S Calawah River. Notwithstanding the provisions of WAC 220-57-135, effective 12:01 a.m. September 1, 1995 through November 30, 1995, it is lawful to fish for and possess salmon taken for personal use from the waters of the Calawah River downstream from the Highway 101 Bridge. Bag limit A.

NEW SECTION

WAC 220-57-20000K Dickey River. Notwithstanding the provisions of WAC 220-57-200, effective 12:01 a.m. September 1, 1995 through November 30, 1995, it is lawful to fish for and possess salmon taken for personal use from the waters of the Dickey River downstream of the east fork of the Dickey River to the National Park boundary. Bag limit A.

NEW SECTION

WAC 220-57-38500Y Quillayute River. Notwithstanding the provisions of WAC 220-57-385, effective 12:01 a.m. September 1, 1995 through November 30, 1995, it is lawful to fish for and possess salmon taken for personal use from the waters of the Quillayute River downstream from the confluence of the Sol Duc and Bogachiel Rivers. Bag limit A.

NEW SECTION

WAC 220-57-46000C Sol Duc River. Notwithstanding the provisions of WAC 220-57-460, effective 12:01 a.m. September 1, 1995 through November 30, 1995, it is lawful to fish for and possess salmon taken for personal use from the waters of the Sol Duc River downstream from the concrete pump station at the Soleduck Hatchery. Bag limit A.

REPEALER

The following sections of the Washington Administrative Code are repealed effective 12:01 a.m. December 1, 1995:

- WAC 220-57-13000U Bogachiel River
- WAC 220-57-13500S Calawah River
- WAC 220-57-20000K Dickey River
- WAC 220-57-38500Y Quillayute River
- WAC 220-57-46000C Sol Duc River

Date of Adoption: August 30, 1995.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-47-311, 220-47-401, and 220-47-411.

Statutory Authority for Adoption: RCW 75.08.080.

Under 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: These rules correct an error in a permanent rule filing. The permanent filing incorrectly references 1994, rather than 1995. There is no substantive change between this filing and the dates of the various openings in the permanent rule.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 3, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

August 30, 1995
Robert Turner
Director

NEW SECTION

WAC 220-47-31100A Purse seine—Open periods. Notwithstanding the provisions of WAC 220-47-311, effective immediately until further notice, 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:	7 AM		6 PM	10/23, 10/24
	6 AM		5 PM	10/31, 11/01
7B:				11/02, 11/06
				11/07, 11/08
				11/09, 11/10
	6 AM	9/11	4 PM	10/28

EMERGENCY

	6 AM	10/30	4 PM	11/03
	6 AM	11/05	4 PM	11/18
	6 AM	11/20	4 PM	11/22
	6 AM	11/27	4 PM	11/29
8:	6 AM		8 PM	8/29, 8/30 8/31
	6 AM		5 PM	11/06
	7 AM		5 PM	11/14, 11/15 11/16, 11/20 11/21, 11/22
8A, 8D:	7 AM		6 PM	10/23, 10/24
	6 AM		5 PM	10/31, 11/1 11/02, 11/06 11/07, 11/08
	7 AM		5 PM	11/14, 11/15 11/16, 11/20 11/21, 11/22
10, 11:	7 AM		6 PM	10/23
	6 AM		5 PM	10/31, 11/06, 11/07
	7 AM		5 PM	11/14
12, 12B:	6 AM		5 PM	10/31, 11/06, 11/07 11/14, 11/15, 11/16

	6 AM	11/5 through 4 PM	11/18
	6 AM	11/20 through 4 PM	11/22
	6 AM	11/27 through 4 PM	11/29
8:	7 PM -7 AM	NIGHTLY	8/28, 8/29, 8/30
	4 PM -8 AM	NIGHTLY	11/6, 11/13, 11/14 11/20, 11/21, 11/22
8A, 8D:	5 PM -8 AM	NIGHTLY	10/23, 10/24
	4 PM -8 AM	NIGHTLY	10/30, 10/31, 11/1, 11/6, 11/7, 11/8, 11/13, 11/14, 11/15, 11/20, 11/21, 11/22
9A:	6 AM	9/18 through 4 PM	9/22
	6 AM	9/25 through 4 PM	9/29
	6 AM	10/2 through 4 PM	10/6
	6 AM	10/9 through 4 PM	10/13
	6 AM	10/16 through 4 PM	10/20
	6 AM	10/23 through 4 PM	10/27
	6 AM	10/30 through 4 PM	11/3
10, 11:	5 PM	10/23	8 AM 10/24
	4 PM -8 AM	NIGHTLY	10/30, 11/6, 11/7, 11/13
12, 12B	4 PM -8 AM	NIGHTLY	10/30, 11/6, 11/7 11/13, 11/14, 11/15

All other saltwater and freshwater areas - closed.

All other saltwater and freshwater area - closed
Nightly openings refer to the start date.

NEW SECTION

WAC 220-47-40100A Reef net open periods.

Notwithstanding the provisions of WAC 220-47-401, effective immediately until further notice, 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 Catch Reporting Area, during the periods provided for hereinafter in each respective area:

AREA	TIME	DATES
7, 7A	7 AM - 7 PM	Daily 10/01 - 10/21

It is unlawful to retain coho salmon taken with reef net gear. All other saltwater and freshwater areas - closed.

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

NEW SECTION

WAC 220-47-41100A Gill net—Open periods.

Notwithstanding the provisions of WAC 220-47-411, effective immediately until further notice, 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	DATES
7, 7A:	5 PM -8 AM	NIGHTLY 10/21, 10/24
	4 PM -8 AM	NIGHTLY 10/30, 10/31, 11/1, 11/6, 11/7 11/8, 11/9, 11/10
7B:	7 PM -8 AM	NIGHTLY
	6 AM - 9/10 through 4 PM	10/28
	6 AM 10/30 through 4 PM	11/3

**WSR 95-18-060
EMERGENCY RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS**

[Filed August 31, 1995, 3:40 p.m., effective September 1, 1995]

Date of Adoption: August 31, 1995.

Purpose: To enact provisions governing the issuance of small loan endorsements to check sellers so they can make small loans.

Citation of Existing Rules Affected by this Order: Amending WAC 50-30-010, 50-30-020, 50-30-030, 50-30-050, 50-30-070, and 50-30-080.

Statutory Authority for Adoption: RCW 43.320.040 and 31.45.200.

Under 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 legislature enacted legislation allowing the making of small loans by licensed check seller. These rules will allow small loan endorsements to be issued effective September 1, 1995, and allow check sellers [to] engage in making small loans as soon as they receive endorsements to their licenses.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 8, amended 6, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

EMERGENCY

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 8, amended 6, repealed 0.

Effective Date of Rule: September 1, 1995.

August 31, 1995

John L. Bley
Director

NEW SECTION

WAC 50-30-005 Definitions. "Act" means chapter 31.45 RCW.

"Affiliate" means any person who directly or indirectly through one or more intermediaries, controls, or is controlled by, or is in common control with another person.

"Board director" means a director of a corporation or a person occupying a similar status and performing a similar function with respect to an organization, whether incorporated or unincorporated.

"Check casher" means an individual, partnership, unincorporated association, or corporation that, for compensation, engages, in whole or in part, in the business of cashing checks, drafts, money orders, or other commercial paper serving the same purpose.

"Check seller" means an individual, partnership, unincorporated association, or corporation that, for compensation, engages, in whole or in part, in the business of selling checks, drafts, money orders, or other commercial paper serving the same purpose.

"Director" means the director of the department of financial institutions.

"Department" means the department of financial institutions.

"Financial institution" means a bank, savings bank or savings and loan association.

"License" means a license issued by the director to engage in the business of check cashing or check selling under the provision of chapter 31.45 RCW.

"Licensee" means a check casher or seller licensed by the director to engage in business in accordance with chapter 31.45 RCW. For purposes of the enforcement powers, including the power to issue cease and desist orders under RCW 31.45.110, "licensee" also means a check casher or seller who fails to obtain the license required by chapter 31.45 RCW.

"Monetary instrument" means a check, draft, money order or other commercial paper serving the same purpose.

"Person" means a natural person, corporation, company, partnership, or association.

"Principal" means any person who controls, directly or indirectly through one or more intermediaries, alone or in concert with others, a ten percent or greater interest in a partnership, company, association or corporation, and the owner of a sole proprietorship.

"RCW" means the *Revised Code of Washington*.

"Records" means books, accounts, papers, records and files, no matter in what format they are kept, which are used in conducting business under chapter 31.45 RCW.

"Small loan" means a loan of up to five hundred dollars for a period of thirty-one days or less.

"State" means the state of Washington.

"Substitute security" means bonds, notes, debentures, or other obligations of the United States or any agency or instrumentality thereof or guaranteed by the United States or of the state of Washington or of a municipality, county, school district, or instrumentality of the state of Washington or guaranteed by the state.

AMENDATORY SECTION (Amending WSR 92-02-105, filed 1/2/92, effective 2/2/92)

WAC 50-30-010 Application ((~~investigation and supervision~~)) deposit fee. ~~((+))~~ At the time an application for a license is filed, an applicant ~~((at the time of filing an application for a license under this act))~~ shall pay to the ~~((supervisor a reasonable sum determined by the supervisor as))~~ director a deposit fee for investigating the application. The deposit fee is not refundable if ~~((and))~~ the application is denied or withdrawn. The ~~((investigation))~~ deposit fee ~~((shall be))~~ is applied to the actual cost of ~~((investigation of))~~ investigating the application ~~((and))~~. If the deposit fee is not sufficient to cover ~~((said))~~ the cost, the applicant will be assessed and responsible for any additional cost ~~((incurred))~~.

~~((2))~~ The supervisor at least every eighteen months shall conduct an examination of the business and examine the books, accounts, records, and files used therein, of any licensee, of any agent, and of any person who the supervisor has reason to believe is engaging in the business of cashing or selling checks. The licensee so examined shall pay to the supervisor the actual cost of examining and supervising each licensed place of business at the examination hourly rate prescribed. The supervisor may accept an audit report prepared by an independent certified public accountant or an examination prepared by another state in lieu of, in whole or in part, an examination performed by the supervisor.

NEW SECTION

WAC 50-30-015 Examinations. (1) The director or his or her designee shall examine the business and records of any licensee or licensee's agent at least every twenty-four months. Every licensee so examined shall pay to the director the actual cost of examining and supervising each licensed place of business at the examination hourly rate established in WAC 50-30-020(2). The director may accept an audit report prepared by an independent certified public accountant or an examination prepared by another state in lieu of, in whole or in part, an examination performed by the director.

(2) The director may examine the business and records of any agent or person who the director has reason to believe is engaging in business which requires a licensee under chapter 31.45 RCW.

AMENDATORY SECTION (Amending WSR 92-02-105, filed 1/2/92, effective 2/2/92)

WAC 50-30-020 Schedule of fees ~~((for check cashers and sellers))~~ paid by licensees and applicants. (1) The ~~((supervisor))~~ director shall collect the following fees:

(a) ~~((Hourly charges))~~ A fee of ninety dollars per employee hour expended for services plus actual expenses for review of application and investigation for:

- (i) New license application.
- (ii) Additional locations.
- (iii) Change of control.
- (iv) Relocation of office.
- (v) Voluntary or involuntary liquidation of licensee.
- (vi) ~~((Other.))~~ Small loan endorsement application.

(b) ~~((The hourly fee for services shall be ninety dollars per employee hour expended.))~~ The ~~((supervisor))~~ director may require a lump sum payment in advance to cover the anticipated cost of review and investigation of the activities described in (a) of this subsection. ~~((In no event shall))~~ If the lump sum payment required under this section exceeds the actual amounts derived in (a) of this subsection, the amount in excess shall be refunded.

(2) The ~~((hourly))~~ fee for ~~((periodic))~~ examinations described in WAC 50-30-010 (2) and (3) shall be ninety dollars per employee hour expended.

NEW SECTION

WAC 50-30-025 Application for small loan endorsement to a check casher or check seller license. Each applicant for a small loan endorsement to a license must apply to the director by filing the following:

(1) An application in the form prescribed by the director including at least the following information:

(a) The legal name, residence, and business address of the applicant, and if the applicant is a partnership, corporation, or association, the name and address of every member, partner, officer, principal and board director;

(b) The trade name or name under which the applicant will do business under the act, the street and mailing address of each location in which the applicant will engage in business under the act;

(c) The location at which the applicant's records will be kept; and

(d) Financial statements and any other pertinent information the director may require with respect to the applicant and its board directors, officers, trustees, members, principals or employees, including information regarding any civil litigation against the applicant or any substantial investor in the applicant (a person or shareholder with an interest of ten percent or more);

(2) A surety bond and related power of attorney, or other security acceptable to the director in an amount equal to the penal sum of the required bond as set forth in WAC 50-30-030 (2)(b). In lieu of the bond, the applicant may demonstrate to the director net worth in excess of three times the amount of the penal sum of the required bond in accordance with RCW 31.45.030 (5)(b) and (e) and WAC 50-30-030;

(3) A current financial statement as of the most recent quarter end prepared in accordance with generally accepted

accounting principles which includes a statement of assets and liabilities and a profit and loss statement;

(4) Information on the applicant's or any affiliate's current or previous small loan or related type business in this state or any other state, including but not limited to name, address, city, state, licensing authority, and whether any enforcement action is pending or has been taken against the applicant in any state;

(5) A copy of the applicant's proposed procedures for resolving borrowers' complaints; and

(6) An application fee.

AMENDATORY SECTION (Amending WSR 93-16-032, filed 7/27/93, effective 8/27/93)

WAC 50-30-030 Surety bond ~~((for applicants engaging in the business of selling checks, drafts, money orders, or other commercial paper serving the same purpose))~~. (1) ~~((a) RCW 31.45.030 (5)(a) requires))~~ Requirement for bond. A licensee engaged in ~~((the))~~ business ~~((of selling checks, drafts, money orders, or other commercial paper serving the same purpose to))~~ under chapter 31.45 RCW must obtain a bond running to the state at the beginning of each calendar year and file it with the ~~((supervisor a bond running to the state of Washington, which))~~ director. The bond shall be issued by a surety insurer which meets the requirements of chapter 48.28 RCW, and be in a format acceptable to the ~~((supervisor. This surety bond shall))~~ director.

(a) Conditions on bond. The bond shall be continuous and conditioned upon the licensee faithfully abiding by chapter 31.45 RCW and all rules in this chapter. It shall also be conditioned upon the licensee paying all persons who purchase ~~((checks, drafts, or money orders))~~ monetary instruments from the licensee the face value of any ~~((check, draft, or money order which is))~~ monetary instrument dishonored by the drawee ~~((bank, savings bank, or savings and loan association))~~ financial institution due to insufficient funds or by reason of the account having been closed. The ~~((bond))~~ surety shall only be liable for the face value of the dishonored ~~((check, draft, or money order))~~ monetary instrument, and shall not be liable for any interest or consequential damages. For a licensee with a small loan endorsement, the bond shall run to the benefit of the state and any person or persons who suffer loss due to the licensee's violation of chapter 31.45 RCW or this chapter.

(b) Cancellation of bond. The bond ~~((shall be continuous and))~~ may be canceled by the surety ~~((upon the surety))~~ by giving written notice to the ~~((supervisor))~~ director and licensee of its intent to cancel the bond. The cancellation is effective thirty days after the notice is received by the ~~((supervisor))~~ director.

(c) Liability of surety. Whether or not the bond is renewed, continued, reinstated, reissued, or otherwise extended, replaced, or modified, including increases or decreases in the penal sum, it shall be considered one continuous obligation, and the surety ~~((upon the bond))~~ shall not be liable in an aggregate or cumulative amount exceeding the penal sum set forth on the face of the bond. In no event shall the penal sum, or any portion thereof, at two or more points in time be added together in determining the surety's liability. The ~~((bond))~~ surety shall not be liable for any

liability of the licensee for tortious acts, whether or not such liability is imposed by statute or common law, or is imposed by contract. The bond shall not be a substitute or supplement to any liability or other insurance required by law or by ~~((the))~~ contract. If the surety desires to make payment without awaiting court action against it, the penal sum of the bond shall be reduced to the extent of any payment made by the surety in good faith under the bond.

(d) Claiming against the bond—Jurisdiction and venue. Any person who is a purchaser of a ~~((check, draft, or money order))~~ monetary instrument from the licensee having a claim against the licensee for the dishonor of any ~~((check, draft, or money order))~~ monetary instrument by the drawee ~~((bank, savings bank, or savings and loan association))~~ financial institution due to insufficient funds or by reason of the account having been closed, or any person who obtained a small loan from the licensee and was damaged by the licensee's violation of chapter 31.45 RCW or this chapter, may bring suit upon such bond or deposit in the superior court of the county in which the ~~((check, draft, or money order))~~ monetary instrument was purchased, or in the superior court of a county in which the licensee maintains a place of business. Jurisdiction shall be exclusively in the superior court. Any ~~((such))~~ action must be brought not later than one year after the dishonor of the ~~((check, draft, or money order))~~ monetary instrument on which the claim is based. ~~((In the event said))~~ If the claims against a bond or deposit exceed the amount of the bond or deposit, each claimant shall only be entitled to a pro rata amount, based on the amount of the claim as it is valid against the bond, or deposit, without regard to the date of filing of any claim or action.

~~((b))~~ **(e) Notification of claims against bond.** The licensee must notify the department of any claim against the bond within ten days after receiving notice of a claim.

(2) Amount of bond.

(a) Check sellers. The penal sum of the surety bond ~~((that shall be filed by each licensee))~~ for a person with a check seller license shall not be less than the amount established in the following table:

Highest Monthly Liability*	Required Bond	Plus Percentage of Excess Over
Up to \$50,000	Highest Monthly Liability	Highest Monthly Liability
\$50,001 to \$100,000	\$50,000	.5 above \$50,000
\$100,000 plus	\$75,000	.25 above \$100,000

The maximum fidelity coverage required shall be three million dollars.

* The monthly liability is the total sum of checks for a given month. The "Highest Monthly Liability" shall be determined by multiplying the highest monthly liability of checks from the preceding calendar year ~~((multiplied))~~ by seventy-five percent.

~~((2))~~ In lieu of such surety bond, the applicant may deposit with such banks, savings banks, savings and loan associations, or trust companies in this state as such applicant may designate and the supervisor may approve, bonds, notes, debentures, or other obligations of the United States or any agency or instrumentality thereof or guaranteed by the United States or of the state of Washington or of a municipality, county, school district, or instrumentality of the state of Washington or guaranteed by the state to an aggregate amount, based on principal amount or market value, whichever is lower, of not less than the amount of the

~~required fidelity bond or portion thereof. The securities shall be deposited as aforesaid and held to secure the same obligations as would the fidelity bond, but the depositor shall be entitled to receive all interest and dividends thereon, shall have the right, with the approval of the supervisor, to substitute other qualified securities for those deposited, and shall be required so to do on written order of the supervisor made for good cause shown.~~

~~(3) In lieu of such surety bond, the applicant may deposit with the supervisor an irrevocable letter of credit drawn in favor of the supervisor for an amount equal to or greater than the required bond. The irrevocable letter of credit must be issued by a bank, savings bank, or savings and loan association in this state as such applicant may designate and the supervisor may approve.)~~

(b) Small loan endorsement. The required penal sum of the bond for a small loan endorsement shall be calculated according to the following table. This amount is in addition to the bond amount required for holders of a license to do business as a check seller. The licensee may combine the penal sums of the bonding requirements and file one bond.

Number of Branch Offices	Penal Sum of the Bond
1	\$10,000
2	\$11,000

Plus an additional one thousand dollars for each licensed branch office beyond two branches.

NEW SECTION

WAC 50-30-035 Alternatives to the surety bond. (1) **Type of alternative allowed.** In lieu of the surety bond required in WAC 50-30-030, an applicant or licensee may substitute one of the following alternatives with the approval of the director. Any alternative to the surety bond shall secure the same obligations as would the surety bond. The amount of alternative substituted under (a), (b) and (c) of this subsection must be equal to or greater than the amount of the required surety bond.

(a) Securities. Substitute security assigned to the director. The value of the substitute security shall be based on the principal amount or market value, whichever is lower. The applicant or licensee must deposit the substitute security with a financial institution in this state approved by the director. The depositor is entitled to receive all interest and dividends on the substitute security, has the right, with the approval of the director, to substitute other qualified securities for those deposited, and shall be required to do so on written order of the director made for good cause shown.

(b) Irrevocable letter of credit. An irrevocable letter of credit issued in favor of the director. The irrevocable letter of credit must be issued by a financial institution in the state approved by the director and deposited with the director. An irrevocable letter of credit may only be substituted if it provides the same protection to consumers as would a surety bond.

(c) Time deposit. An assignment in favor of the director of a certificate of deposit. The certificate of deposit must be issued by a financial institution in the state. The depositor is entitled to receive all interest and dividends on the certificate of deposit.

EMERGENCY

(d) **Demonstration of net worth.** A licensee or applicant for a small loan endorsement may demonstrate net worth in excess of three times the amount of the required bond. The licensee shall notify the director within ten business days of any date upon which its net worth decreases below the required amount. A licensee that fails to maintain the required level of net worth and continues to operate under a small loan endorsement will be required to maintain a surety bond for five years after the date of noncompliance. During this five-year period, the director will not accept a demonstration of net worth in lieu of a surety bond.

(i) **Reports required.** A licensee that maintains net worth in lieu of a surety bond shall submit to the director within forty-five days after the close of each quarter year-to-date financial statements prepared in accordance with generally accepted accounting principles. The financial statements must include at a minimum a statement of assets and liabilities and a profit and loss statement. The director may continue to require other documents, agreements or information necessary to properly evaluate and ensure that the licensee remains in compliance with this section.

(ii) **Bad debts and judgments.** A licensee that maintains net worth in lieu of a surety bond may not consider bad debts and certain judgments as assets. The director may approve exceptions in writing. The licensee must charge off its books any debt upon which any payment is six months or more past due. The licensee may not count as an asset any judgment more than two years old which has not been paid. Time consumed by an appeal from a judgment is not counted in the two-year limit.

(2) **Noncompliance.** A licensee that does not comply with this section must obtain and file with the director a surety bond in the required amount in WAC 50-30-030 by the date specified by the director.

AMENDATORY SECTION (Amending WSR 92-02-105, filed 1/2/92, effective 2/2/92)

WAC 50-30-050 Issuance of license or small loan endorsement. If the ~~((supervisor))~~ director determines that all licensing criteria of ~~((section 4, chapter 355, Laws of 1991 has))~~ chapter 31.45 RCW have been met and the appropriate fees paid, the ~~((supervisor))~~ director shall issue a nontransferable license for the applicant to engage in the business of cashing and/or selling checks or a small loan endorsement to a licensee. The license shall remain in effect for a period of five years from the date of its issuance unless earlier surrendered, suspended, or revoked. The small loan endorsement will expire at the same time as the license unless earlier surrendered, suspended or revoked.

NEW SECTION

WAC 50-30-065 The note. Each small loan made under a small loan endorsement pursuant to chapter 31.45 RCW shall be evidenced by a written note which shall state at least the following:

- (1) The date of the loan;
- (2) The principal amount of the loan which is defined as the face amount of the debt instrument on which interest is owed;
- (3) The manner in which it is to be repaid;
- (4) The maturity date of the debt; and

- (5) The rate of interest and the method of calculating interest.

NEW SECTION

WAC 50-30-068 Contents of disclosure statement to borrower. (1) The licensee shall deliver to the borrower at the time a small loan is made a statement which meets the requirements of all applicable laws, including the federal Truth in Lending Act.

(2) Sufficient information must be maintained in the licensee's files to show compliance with the consumer disclosure requirements of state and federal law.

AMENDATORY SECTION (Amending WSR 92-02-105, filed 1/2/92, effective 2/2/92)

WAC 50-30-070 Accounting and financial records ~~((to be maintained by the licensee)). ((Cashers of checks and/or sellers of checks, drafts, money orders, or other commercial paper serving the same purpose shall be required to))~~ licensees shall maintain as a minimum the following ~~((books and))~~ records for at least two years.

(1) A daily record of checks cashed shall be maintained as a record of all check cashing transactions occurring each day. Such daily record shall be limited to the following provided a sufficient audit trail is available through records obtainable from the licensee's bank of account.

- (a) Amount of the check cashed;
- (b) Amount of fee charged for cashing the check;
- (c) Amount of cash deducted from the transaction for the sales of other services or products.

(2) A daily cash reconciliation shall be maintained summarizing each day's activity and reconciling cash on hand at the opening of business to cash on hand at the close of business. Such reconciliation shall separately reflect cash received from the sale of checks, redemption of returned items, bank cash withdrawals, cash disbursed in cashing of checks, and bank cash deposits.

(3) Records required under subsections (1) and (2) of this section may be maintained in combined form, hand or machine posted, or automated.

(4) A general ledger containing records of all assets, liabilities, capital, income, and expenses shall be maintained. The general ledger shall be posted from the daily record of checks cashed or other record of original entry, at least monthly, and shall be maintained in such manner as to facilitate the preparation of an accurate trial balance of accounts in accordance with generally accepted accounting practices. A consolidated general ledger reflecting activity at two or more locations by the same licensee may be maintained provided books of original entry are separately maintained for each location.

(5) ~~((All checks, drafts, and money orders drawn on a financial institution domiciled in the United States and cashed by a licensee shall be sent for deposit to the licensee's account at a depository financial institution located in Washington state or sent for collection not later than close of business on the third business day after the day on which the check was accepted for cash.))~~

~~((6))~~ Every licensee shall maintain current personnel files for its employees.

(6) For licensees with small loan endorsements, each loan file shall contain at least a copy of the note and a copy of any disclosure statement.

NEW SECTION

WAC 50-30-075 Monetary instruments—Deposit requirements. (1) **Check cashers.** All monetary instruments drawn on a financial institution domiciled in the United States and cashed by a licensee shall be sent for deposit to the licensee's account at a depository financial institution located in Washington state or sent for collection not later than close of business on the third business day after the day on which the monetary instrument was accepted for cash. If the monetary instrument was accepted as part of a small loan transaction under chapter 31.45 RCW, this subsection does not apply.

(2) **Licensees with small loan endorsements.** A licensee with a small loan endorsement may not deposit a monetary instrument accepted in the course of making a small loan under the act prior to the date on the monetary instrument, unless otherwise agreed to in writing by the borrower.

AMENDATORY SECTION (Amending WSR 92-02-105, filed 1/2/92, effective 2/2/92)

WAC 50-30-080 Licensees are required to comply with federal and state laws including but not limited to the following. (1) Each licensee shall comply with section 103.29 of the Code of Federal Regulations and maintain detailed records to satisfy currency transaction reporting requirements of the United States Treasury Department.

(2) Each licensee must comply with chapter 63.29 RCW, the Uniform Unclaimed Property Act.

(3) Each licensee with a small loan endorsement must comply with the federal Truth in Lending Act.

NEW SECTION

WAC 50-30-085 Licensee with small loan endorsement—Powers—Restrictions. (1) A licensee with a small loan endorsement may:

(a) Agree with the borrower for the payment of fees for a credit report received from a recognized credit reporting company when such fees are actually paid by the licensee to an unaffiliated third party for such services or purposes;

(b) Charge or collect a fee equal to or less than twenty-five dollars for a check returned unpaid by the bank drawn upon. Only one fee may be collected with respect to a particular check even if it has been redeposited and returned more than once.

(2) A licensee with a small loan endorsement is subject to the following restrictions:

(a) No loan made under this act shall be repaid by proceeds of another loan made under chapter 31.45 RCW by the same lender or affiliate. The proceeds from any loan made under this act shall not be applied to any other loan from the same lender or affiliate;

(b) A licensee shall not make any loan under authority granted by chapter 31.45 RCW under any name or at any place of business other than that named on the license and small loan endorsement;

(c) A licensee may not hold a check or checks in an aggregate face amount of more than five hundred dollars plus allowable fees from any one borrower at any one time;

(d) A licensee may not hold a check for more than thirty-one days unless requested to do so by the borrower. The licensee may not charge additional fees for holding the check; and

(e) A licensee may not charge an additional fee to cash a monetary instrument issued as part of a small loan made under chapter 31.45 RCW.

WSR 95-18-061

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 3888—Filed August 31, 1995, 4:30 p.m., effective September 1, 1995, 12:01 a.m.]

Date of Adoption: August 31, 1995.

Purpose: Update need standard to determine eligibility for public assistance programs. Current rule is inaccurate and the standard lower than what is needed by eligible clients for basic service. This change removes the dollar figure from this standard and ties the standard to the threshold amount of the Washington telephone assistance program (WTAP). This will allow the standard to automatically change when the WTAP threshold changes. The WTAP threshold changed July 1, 1994, from \$8 to \$9.25. This change will increase the amount to \$9.25, but actually remove the dollar figure from the standard.

Citation of Existing Rules Affected by this Order: Amending WAC 388-250-1250 Standards of assistance—Need standards, 388-250-1300 Standards of assistance—One hundred eighty-five percent of need standards, and 388-250-1750 Standards of assistance—Additional requirements.

Statutory Authority for Adoption: RCW 74.08.025, 74.08.090, and 80.36.420 (3)(a)(b).

Under 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: Figures needed to update standard were available to file regular adoption. Increasing need standard allows some persons previously ineligible for various public assistance programs to be eligible. Increasing additional requirement for telephone reduces the amount eligible clients have to pay. Both are client beneficial.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 3, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 3, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 3, repealed 0.

Effective Date of Rule: September 1, 1995, 12:01 a.m.

August 31, 1995

Jeanette Sevedge-App

Acting Chief

Office of Vendor Services

Recipients in Household	185% of Need Standard
1	\$ ((1,391)) <u>1,480</u>
2	((1,759)) <u>1,870</u>
3	((2,179)) <u>2,316</u>
4	((2,562)) <u>2,723</u>
5	((2,953)) <u>3,137</u>
6	((3,350)) <u>3,561</u>
7	((3,870)) <u>4,112</u>
8	((4,283)) <u>4,552</u>
9	((4,705)) <u>5,000</u>
10 or more	((5,112)) <u>5,433</u>

(2) Effective September 1, ((1994)) 1995, the department shall determine one hundred eighty-five percent of the statewide monthly need standard for basic requirements for a household with shelter provided at no cost to be:

AMENDATORY SECTION (Amending Order 3784, filed 9/28/94, effective 10/29/94)

WAC 388-250-1250 Standards of assistance—Need standards. (1) Effective September 1, ((1994)) 1995, the department shall determine the statewide monthly need standard for a household with an obligation to pay shelter to be:

Recipients in Household	185% of Need Standard
1	\$ ((849)) <u>925</u>
2	((1,074)) <u>1,169</u>
3	((1,332)) <u>1,448</u>
4	((1,565)) <u>1,702</u>
5	((1,803)) <u>1,961</u>
6	((2,047)) <u>2,227</u>
7	((2,364)) <u>2,571</u>
8	((2,617)) <u>2,847</u>
9	((2,874)) <u>3,126</u>
10 or more	((3,124)) <u>3,396</u>

Recipients in Household	Need Standard
1	\$ ((752)) <u>800</u>
2	((951)) <u>1,011</u>
3	((1,178)) <u>1,252</u>
4	((1,385)) <u>1,472</u>
5	((1,596)) <u>1,696</u>
6	((1,811)) <u>1,925</u>
7	((2,092)) <u>2,223</u>
8	((2,315)) <u>2,461</u>
9	((2,543)) <u>2,703</u>
10 or more	((2,763)) <u>2,937</u>

AMENDATORY SECTION (Amending Order 3729, filed 4/6/94, effective 5/7/94)

WAC 388-250-1750 Standards of assistance—Additional requirements. (1) The department shall determine:

(a) **Restaurant meals** - Effective January 1, 1993, the monthly standard for restaurant meals to be one hundred eighty-seven dollars and nine cents.

(b) **Home-delivered meals** - The monthly standard to be the amount charged by the agency delivering the service when a plan for use of this service is approved by the department.

(c) **Food for guide dog or service animal** - Effective January 1, 1991, the monthly standard for food for guide dog or service animal to be thirty-three dollars and sixty-six cents.

(d) **Telephone** - The monthly standard for telephone is the ~~((current))~~ amount of the client threshold for the Washington telephone assistance program (WTAP) ((discounted payment amount of eight dollars)) or the minimum standard residential rate available in the area for the service, whichever is less.

(e) **Laundry** - Effective January 1, 1993, the monthly standard for laundry to be eleven dollars and thirteen cents.

(f) **Winterizing homes—AFDC** - Effective January 1991, the maximum allowance for winterizing a home is five hundred dollars.

(2) The department shall ensure the total of payments made under this section for one month does not exceed one month's AFDC payment standard for a household with an

(2) Effective September 1, ((1994)) 1995, the department shall determine a household with shelter provided at no cost, except as described under WAC 388-250-1200, to be:

Recipients in Household	Need Standard
1	\$ ((459)) <u>500</u>
2	((581)) <u>632</u>
3	((720)) <u>783</u>
4	((846)) <u>920</u>
5	((975)) <u>1,060</u>
6	((1,107)) <u>1,204</u>
7	((1,278)) <u>1,390</u>
8	((1,415)) <u>1,539</u>
9	((1,554)) <u>1,690</u>
10 or more	((1,689)) <u>1,836</u>

AMENDATORY SECTION (Amending Order 3797, filed 10/12/94, effective 11/12/94)

WAC 388-250-1300 Standards of assistance—One hundred eighty-five percent of need standards. (1) Effective September 1, ((1994)) 1995, the department shall determine one hundred eighty-five percent of the statewide monthly need standard for basic requirements for a household with an obligation to pay shelter costs to be:

EMERGENCY

obligation to pay for shelter. See Additional requirements—Emergent needs situations (WAC 388-255-1350).

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

WSR 95-18-076
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)

[Order 95-117—Filed September 1, 1995, 12:25 p.m.]

Date of Adoption: August 31, 1995.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-56-19000B; and amending WAC 220-56-190.

Statutory Authority for Adoption: RCW 75.08.080.

Under 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: Catch Record Card Area 1 is projected to reach the coho subarea quota of 37,500 by September 5, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 1, amended 1, repealed 1; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

August 31, 1995

Judith Freeman

Deputy

for Robert Turner

Director

NEW SECTION

WAC 220-56-19000B Coastal salmon—Saltwater seasons and bag limits. Notwithstanding the provisions of WAC 220-56-190, effective immediately until further notice it is unlawful to take, fish for or possess salmon taken for personal use from Catch Record Card Areas 1 through 4 except as provided below:

(1) Catch Record Card Area 1 - Immediately through September 5 - Daily limit F except release chinook salmon.

Open Sunday through Thursday only. Closed within three miles of shore. Cumulative limit with area 2 of no more than four salmon in any seven consecutive days.

(2) Catch Record Card Area 2 - Immediately through September 28 - Daily limit F except release chinook salmon. Open Sunday through Thursday only. Closed within three miles of shore. Cumulative limit with area 1 of no more than four salmon in any seven consecutive days.

(3) Catch Record Card Area 3 - Immediately through September 28 - Daily limit F except release chinook salmon. Open Sunday through Thursday only. Closed within three miles of shore.

(4) Catch Record Card Area 4 waters east of the Bonnilla-Tatoosh line - Immediately through September 4 - Daily limit F except release chinook and coho salmon.

(5)(a) Catch Record Card Area 2-2 (Grays Harbor) waters of the Westport boat basin - August 16 until further notice - Daily limit A.

(5)(b) Catch Record Card Area 2-2 (Grays Harbor) waters east of the Channel Marker 13 Line - September 16 until further notice - Daily limit A.

(6) Catch Record Card Area 2-1 (Willapa Bay) - August 16 until further notice - Daily limit A.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-19000A	Coastal salmon-saltwater seasons and daily limits. (95-97)
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WSR 95-18-077
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)

[Order 95-118—Filed September 1, 1995, 12:33 p.m.]

Date of Adoption: August 31, 1995.

Purpose: Amend commercial rules.

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

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: A harvestable surplus of salmon is available for the troll fleet. The landing and possession limit in this fishery will remain at 375 coho, consistent with the recommendation of the Pacific Fisheries Management Council in a conference call August 31, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 1, amended 1, repealed 1; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

August 31, 1995
Judith Freeman, Deputy
for Robert Turner, Director

NEW SECTION

WAC 220-24-02000Z Commercial salmon troll. Notwithstanding the provisions of WAC 220-24-010, 220-24-020 and WAC 220-24-030, effective immediately until further notice it is unlawful to fish for or possess salmon taken for commercial purposes with troll gear from those waters west of the Bonilla-Tatoosh, the Pacific Ocean and waters west of the Buoy 10 Line at the mouth of the Columbia River except as provided for in this section:

(1)(a) In waters north of Carroll Island (48°00'18" N) it is lawful to fish for and possess all salmon species other than chinook salmon on the following days:

September 2 through September 3

(b) Lawful terminal gear during the fishing period provided for in this subsection is restricted to flashers with barbless, bare, blued hooks or flashers with barbless hooks and pink hoochies 3 inches or less.

(c) No vessel may land or possess more than 375 coho salmon in the two day open period provided for in this subsection.

(2) In the fisheries authorized in this section:

(a) No coho salmon smaller than 16 inches in total length may be taken or retained. Except that frozen salmon taken in this fishery may be landed pursuant to WAC 220-20-015.

(b) It is unlawful to fish for or possess salmon taken for commercial purposes with gear other than troll gear.

(c) It is unlawful to land salmon taken south of Cape Falcon in any port north of Cape Falcon, except when the waters north of Cape Falcon are closed. It is unlawful to take or retain chinook south of Cape Falcon that are less than 26 inches in length.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-24-02000Y Commercial salmon troll.
(95-108)

WSR 95-18-079

EMERGENCY RULES

PUBLIC DISCLOSURE COMMISSION

[Filed September 1, 1995, 2:35 p.m.]

Date of Adoption: August 29, 1995.

Purpose: Amend lobbyist expenditure report (L-2) and L-2 Memo Report.

Citation of Existing Rules Affected by this Order: Amending WAC 390-20-020.

Statutory Authority for Adoption: RCW 42.17.390.

Under 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 397, Laws of 1995 amended chapter 42.17 RCW with respect to lobbyist reporting requirements. Changes to the law requires amendment to the forms filed by lobbyists. The law becomes effective September 1, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 1, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

August 30, 1995
Melissa Warheit
Executive Director

AMENDATORY SECTION (Amending WSR 93-04-072, filed 1/29/93)

WAC 390-20-020 Forms for lobbyist report of expenditures. The official form for the lobbyist report of expenditures is designated "L-2," revised ((11/92)) 9/95. Copies of this form are available at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504. Any attachments shall be on 8-1/2" x 11" white paper. (WSR 93-04-072, filed 1/29/93; EM. WSR 92-24-013, filed 11/20/92; WSR 91-24-011, filed 11/22/91; WSR 91-20-153, filed 10/2/91; WSR 90-20-088, filed 9/28/90; Order 85-05, filed 11/26/85; Order 82-07, filed 10/12/82; Order 80-01, filed 1/17/80; Order 94, filed 10/31/77; Order 88, filed 12/29/76; Order 62, filed 8/26/75; Order 45, filed 9/26/74; Order 6, filed 3/23/73.)

EMERGENCY

PUBLIC DISCLOSURE COMMISSION
711 CAPITOL WAY RM 403 FJ42
PO BOX 40908
OLYMPIA WA 98504-0908
(206) 753-1111

Form L2 12/92

PDC OFFICE USE

LOBBYIST MONTHLY EXPENSE REPORT

1. Lobbyist Name
Mailing Address
City State Zip + 4

2. This report is for the period (Month) (Year)
This report corrects or amends the report for (Month) (Year)
Business Telephone ()

Table with columns: EXPENSE CATEGORY, TOTAL AMOUNT THIS MONTH, Amounts paid from lobbyist's own funds, and three Employer No. columns (B, C, D). Rows include Compensation, Personal Expenses, Entertainment, Contributions, Advertising, and Total Compensation.

(Attach additional page(s) if you lobby for more than three employers.)

10. EMPLOYERS' NAMES
No. (B)
No. (C)
No. (D)

11. Subject matter of proposed legislation or other legislative activity or rulemaking the lobbyist was supporting or opposing.
Subject Matter, Issue or Bill No. Legislative Committee or State Agency Considering Matter Employer Represented

Information continued on attached pages
Estimate the percentage of your time or lobbying effort devoted to: the Legislature % State Agencies %

12. TERMINATION: (COMPLETE THIS ITEM ONLY IF YOU WISH TO TERMINATE YOUR REGISTRATION)
Date registration ends: Employer's name:
I understand that an L-2 report is required for any month or portion thereof in which I am a registered lobbyist...

CERTIFICATION
I certify that this report is a true and complete account of all information attributable directly or indirectly to lobbying activities for the period specified.

CONTINUE ON REVERSE SIDE

EMERGENCY

Show all of the following expenditures that were incurred by lobbyist or lobbyist employer(s):

- **Entertainment expenditures exceeding \$25 per occasion** (including lobbyist's expense) for meals, beverages, tickets, passes, transportation and any travel-related expenses or for other forms of entertainment provided to legislators, state officials, state employees and members of their immediate families.
- **Receptions:** If a reception cost more than \$100 per participant, show the pro rata cost of the reception as a gift to state elected officials and state executive officers who attended in space below or on Memo Report.
- **Entertainment Gifts (except receptions):** If more than \$50 per occasion was spent on a state elected official (including family) or a state executive officer (including family), itemize the gift, including the amount attributable to the official and family, below or on a Memo Report.
- **Other expenditures exceeding \$50** for gifts benefiting state elected officials, state executive officers and/or members of their immediate families.

Date	Names of all Persons Entertained or Provided Gifts	Description, Place, Etc.	Sponsoring Employer	Amount
N/A	Total gift expense itemized on attached Memo Reports			

Continued on attached pages.

14. If a monetary or in-kind contribution exceeding \$25 was given to any of the following, itemize the contribution below or on a Memo Report: local, state and federal candidates or elected officials; local and state officers and employees; political committees supporting or opposing any candidate, elected official, officer or employee or any local or state ballot proposition. If a contribution exceeding \$25 was given to the following, itemize the contribution below: a legislative caucus fund; a political party; or a grass roots lobbying campaign.

Date	Name of Individual or Committee Receiving Benefit	Employer for Whom Contribution was Made	Amount
Total contributions itemized on attached Memo Reports			

If contributions were made by a political action committee associated, affiliated or sponsored by your employer, show name of the PAC below. (Information reported by PAC on C-4 report need not be again included in this L-2 report.)

Continued on attached pages. PAC Name: _____

15. Payments by the lobbyist for other lobbying expenses and services, including payments to subcontract lobbyists, expert witnesses and others retained to provide lobbying services or assistance in lobbying and payments for grass roots lobbying campaigns (except advertising/printing costs listed in Item 7).

Recipient's Name and Address	Employer for Whom Expense was Incurred or Lobbying Done	Amount
Continued on attached page.		

Continued on attached page.

EMERGENCY



L-2 Memo Report Lobbyist Contributions and Gifts

Instructions: This Memo Report may be used by a lobbyist to notify designated recipients of contributions and gifts given during the reporting period. The positions of potential recipients are listed after "Contributions and Gifts" below. If this detailed information does not also appear on the lobbyist's L-2 Report, a copy of this Memo Report must accompany the L-2. See L-2 instructional manual.

TO: _____
(Recipient's Name)

FROM: _____
(Lobbyist's Name)

(Address)

This report is for the period _____
(Month) (Year)

This report corrects or amends the report for _____
(Month) (Year)

Business Telephone (_____) _____

CONTRIBUTIONS to any candidate, elected official, state employee, legislative staff and caucus or ballot issue committee

Date Made	Amount or Value	Description (if in-kind)	Source of Contribution (Employer's Name or Own Funds)

GIFTS to any state elected official, including legislators, or member of the official's immediate family*

Date Given	Amount or Value	Description	Source of Gift (Employer's Name or Own Funds)	Recipient (if family member)

Lobbyist's Signature Date

*Gifts given to executive state officers and members of their families must be itemized on the L-2, but notification is not required.

EMERGENCY



PUBLIC DISCLOSURE COMMISSION
711 CAPITOL WAY RM 403
PO BOX 40908
OLYMPIA WA 98504-0908
(360) 753-1111

L2
9/85

PDC OFFICE USE

LOBBYIST MONTHLY EXPENSE REPORT

1. Lobbyist Name
Mailing Address
City State Zip + 4
New Address? Yes ___ No ___

2. This report is for the period (Month) (Year)
This report corrects or amends the report for (Month) (Year)
Business Telephone ()

Table with columns: EXPENSE CATEGORY, TOTAL AMOUNT THIS MONTH, Amounts paid from lobbyist's own funds, and three Employer No. columns (B, C, D). Rows include Compensation, Personal Expenses, Entertainment, etc.

(Attach additional page(s) if you lobby for more than three employers.)

11. EMPLOYERS' NAMES
No. (B)
No. (C)
No. (D)

12. Subject matter of proposed legislation or other legislative activity or rulemaking the lobbyist was supporting or opposing.
Subject Matter, Issue or Bill No. Legislative Committee or State Agency Considering Matter Employer Represented

Continued on attached pages

13. Of the time spent lobbying, what percentage was devoted to lobbying: the Legislature % State Agencies %.

14. TERMINATION: (COMPLETE THIS ITEM ONLY IF YOU WISH TO TERMINATE YOUR REGISTRATION)
Date registration ends: Employer's name:
I understand that an L-2 report is required for any month or portion thereof in which I am a registered lobbyist. I also understand that once I have terminated my registration, I must file a new registration prior to lobbying for that employer in the future. All registrations terminate automatically on the second Monday in January of each odd numbered year.

CERTIFICATION

I certify that this report is true and complete to the best of my knowledge.

LOBBYIST SIGNATURE

DATE

EMERGENCY

15. Itemize all of the following expenditures that were incurred by lobbyist or lobbyist employer(s) for legislators, state officials, state employees and members of their immediate families. Show the actual amount incurred for each individual or the amount fairly attributed to each.
- Entertainment expenditures exceeding \$25 per occasion (including lobbyist's expense) for meals, beverages, tickets, passes, or for other forms of entertainment.
 - Travel, lodging and subsistence expenses in connection with a speech, presentation, appearance, trade mission, seminar or educational program.
 - Enrollment and course fees in connection with a seminar or educational program.
- Lobbyists must provide an elected official with a copy of the L-2 or Memo Report if the lobbyist reports: 1) spending on one occasion over \$50 for food or beverages for the official and/or his or her family member(s); or 2) providing travel, lodging, subsistence expenses or enrollment or course fees for the official and, if permitted, the official's family.

Date	Names of all Persons Entertained or Provided Travel, etc.	Description, Place, etc.	Sponsoring Employer	Amount	
N/A	Total expenses itemized on attached Memo Reports				

Continued on attached pages.

16. If a monetary or in-kind contribution exceeding \$25 was given or transmitted by the lobbyist to any of the following, itemize the contribution below or on a Memo Report: local and state candidates or elected officials; local and state officers or employees; political committees supporting or opposing any candidate, elected official, officer or employee or any local or state ballot proposition. If a contribution exceeding \$25 was given to the following, itemize the contribution below: a caucus political committee; a political party; or a grass roots lobbying campaign.

Date	Name of Individual or Committee Receiving Contribution	Source of Contribution	Amount	
N/A	Total contributions itemized on attached Memo Reports			

If contributions were made directly by a political action committee associated, affiliated or sponsored by your employer, show name of the PAC below. (Information reported by PAC on C-4 report need not be again included in this L-2 report.)

Continued on attached pages. PAC Name: _____

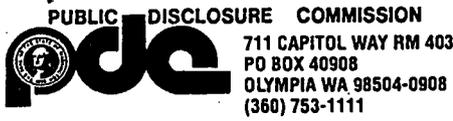
17. Expenditures for: a) political advertising supporting or opposing a state or local candidate or ballot measure; or b) public relations, telemarketing, polling or similar activities that directly or indirectly are lobbying-related must be itemized by amount, vendor or person receiving payment, and a brief description of the activity. Itemize each expenditure on an attached page that also shows lobbyist name and report date. Put the aggregate total of these expenditures on line 8.

18. Payments by the lobbyist for other lobbying expenses and services, including payments to subcontract lobbyists, expert witnesses and others retained to provide lobbying services or assistance in lobbying and payments for grass roots lobbying campaigns (except advertising/printing costs listed in Item 7).

Date	Recipient's Name and Address	Employer for Whom Expense was Incurred	Amount

Continued on attached page.

EMERGENCY



L-2 Memo Report

9/95

Instructions: This Memo Report may be used by a lobbyist to notify a state elected official or other recipient of contributions, meals, travel expenses or educational benefits that have been provided during the preceding calendar month. The specific list of persons to whom a copy of this report must be delivered is shown below in the "Contributions" and "Meals, Travel, Seminars" sections. If the expenditures disclosed on this Memo Report do not also appear on the lobbyist's L-2 Report, a copy of this Memo Report must accompany the L-2 filing. See L-2 instruction manual for further details.

<p>TO: _____ Recipient's Name*</p> <p>FROM: _____ Lobbyist's Name</p> <p>_____</p> <p>Mailing Address</p> <p>_____</p> <p>City _____ State _____ Zip + 4 _____</p>	<p>PDC OFFICE USE</p>
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This report is for the period _____ <small>(Month) (Year)</small>	This report corrects or amends the report for _____ <small>(Month) (Year)</small>	Business Telephone ()
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CONTRIBUTIONS to state or local candidate, elected official, or employee, legislative staff person or ballot issue committee.

Date Made	Amount or Value	Description (if in-kind)	Source of Contribution (Employer's Name or Own Funds)

MEALS, TRAVEL, SEMINARS to a state elected official, including a legislator, or members of the official's immediate family. Disclose: a) expenditures totaling over \$50 on one occasion for food or beverages for the official and/or the official's family; or b) expenditures for providing permissible travel, lodging, subsistence expenses or enrollment or course fees for the official and the official's family.

Date Given	Amount or Value	Description	Source of Gift (Employer's Name or Own Funds)	Recipient (if family member)

 Lobbyist's Signature Date

*Recipients of contributions will report receipt of a cash donation on a C-3 report or in-kind on a Schedule B to the C-4 report; recipients of meals, travel and seminars will report receipt of these items on their annual F-1 statement.

PDC FORM L-2 MEMO REPORT 8/95 * * *

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.

EMERGENCY

WSR 95-18-017
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE LIBRARY
 (Library Commission)
 [Memorandum—August 21, 1995]

The Washington State Library Commission will meet for a briefing on Thursday, September 7, 1995, at Stuart Anderson's Cattle Co., 6:30 p.m. Vancouver, Washington.

The Washington State Library Commission will hold its regular business meeting on Friday, September 8, 1995, 10:00 a.m., at the Vancouver Community Library, Library Hall, 1007 East Mill Plain Boulevard, Vancouver, WA.

If you are a person with a disability and need special accommodations, please contact Cathy Stussy at (360) 753-2914.

WSR 95-18-028
HEALTH CARE AUTHORITY
 [Filed August 25, 1995, 2:40 p.m.]

1994-1995 Significant Rule-Making Agenda

Approximate Preproposal	Purpose of the Rule Why is this Significant?	Other Agencies who Rule(s) Mandate	may have interest in the Subject of Rule(s)
1. Date			
2. Subject Area			
3. Contact/Telephone Number			
1. November, 1995	Insures compliance by the HCA and Public Employees Benefits Board (PEBB) with provisions of chapter 42.17 RCW dealing with public records, and establishes for the HCA and PEBB rules for employee benefits administration.	Legislative mandate and agency policy.	Health Care Policy Board
2. WAC 182-04-010 through 182-04-040 and WAC 182-08-010 through 182-08-300. Rewrite of the HCA administrative rules to reflect new legislation and agency policy.			
3. Elin Meyer, 923-2801			
1. November, 1995	Amends PEBB eligibility rules for: (1) Enrollment by school districts and educational services districts; (2) enrollment by retirees of school districts; (3) enrollment of part-time state employees	These changes are required by chapter 386, Laws of 1993 (SHB 1784). Statute: Chapter 41.05 RCW.	Health Care Policy Board
2. WAC 182-12-110, 182-12-111, 182-12-115, 182-12-122. Rewrite of the PEBB administrative and eligibility rules to reflect new legislation and board policy.			
3. Elin Meyer, 923-2801			
1. January, 1996	To effectuate chapter 6, Laws of 1995 for special session and comply with Section 125 of the federal IRS code. We develop the necessary plan documents required by the federal IRS code.	Legislative mandate and agency policy.	Health Care Policy Board
2. Section 125, Payroll Health Insurance Deductions.			
3. Elin Meyer, 923-2801			
1. December, 1995	Rewrite of the BHP participation and administrative rules to reflect new legislation and agency policy.	Legislative mandate and agency policy.	Health Care Policy Board
2. WAC 55-01-010, 55-01-020, 55-01-030, 55-01-040, 55-01-050, 55-01-060, 55-01-070. Rewrite of Basic Health Plan (BHP) WAC.			
3. Elin Meyer, 923-2801			

*All agencies, in that the eligibility rules will affect all state employees.

Contact/telephone: Elin Meyer, 923-2801.

WSR 95-18-032
NOTICE OF PUBLIC MEETINGS
WORKFORCE TRAINING AND
EDUCATION COORDINATING BOARD
 [Memorandum—August 25, 1995]

WASHINGTON STATE
 WORKFORCE TRAINING AND
 EDUCATION COORDINATING BOARD
 MEETING NO. 39
 SEPTEMBER 14, 1995

SPOKANE INTERCOLLEGIATE RESEARCH
 AND TECHNOLOGY INSTITUTE (SIRTI) BOARD ROOM
 665 NORTH RIVERPOINT BOULEVARD
 SPOKANE, WA 99202-1665
 (509) 358-2000

September 13, 1995, 6:30 p.m., dinner, the Workforce Training and Education Board members will hold a dinner meeting with interagency committee members at East 211 Meadowlane Road, Spokane. No action will be taken at this meeting.

September 14, 1995, SIRTI, Board Room, 8:00 a.m. - 3:00 p.m., the Workforce Training and Education Coordinating Board (WTECB) will hold a regular business meeting on Thursday, September 14, 1995, beginning at 8:00 a.m. The meeting will be held at Spokane Intercollegiate Research and Technology Institute.

The meeting will include action and information items: Employment Security Department's plan for use of employ-

MISCELLANEOUS

ment and training trust funds; update on SB 5992 accountability assignments and NGA project; communications/public awareness plan review; and review of plan for constituent outreach on federal policy issues.

The meeting site is barrier free. People needing special accommodations, please call Anne Townsend at least ten days in advance at (360) 753-5677.

WSR 95-18-042
OFFICE OF MARINE SAFETY

[Filed August 29, 1995, 2:38 p.m.]

**SIGNIFICANT RULE-MAKING AGENDA
FOR FY 1996**

The following is the proposed agenda for significant rule making in FY 1996 for the Office of Marine Safety as required by Executive Order 94-07:

Subject: Substantial Risk Cargo and Passenger Vessels.

Purpose: The office considering drafting new rules to establish specific criteria for determining when cargo and passenger vessels over 300 gross tons pose a substantial risk of harm to the public health and safety, and the environment.

Rule Mandate: RCW 88.46.050.

CR-101 Filing: Filed March 23, 1995

Planned CR-102 Filing: November 1995.

Planned CR-103 Filing: February 1996.

Other Agencies with Interest: Board of Pilotage Commissioners, Department of Ecology, Washington State Ferry System, United States Coast Guard.

Contact: Stan Norman, (206) 389-2426.

Subject: Oil Spill Prevention Plans.

Purpose: The office intends to amend chapter 317-21 WAC to make technical corrections and clarifications of provisions relating to pilot coordination, voyage planning and drug and alcohol testing programs.

Rule Mandate: RCW 88.46.040.

Planned CR-101 Filing: Filed August 2, 1995.

Planned CR-102 Filing: October 18, 1995.

Planned CR-103 Filing: December 6, 1995.

Other Agencies with Interest: Board of Pilotage Commissioners, Department of Ecology, United States Coast Guard.

Contact: Stan Norman, (206) 389-2426.

Subject: Bunkering Operations.

Purpose: The office intends to amend chapter 317-40 WAC to make technical corrections.

Rule Mandate: RCW 88.46.170.

Planned CR-101 Filing: N/A.

Planned CR-102 Filing: September 1995.

Planned CR-103 Filing: November 1995.

Other Agencies with Interest: Board of Pilotage Commissioners, Department of Ecology, Washington State Ferry System, United States Coast Guard.

Contact: Mike Lynch, (360) 664-9110.

Subject: Financial Responsibility.

Purpose: The office is considering adopting rules establishing criteria for acceptable evidence of financial

responsibility and for reducing statutory amounts for tank vessels.

Rule Mandate: RCW 88.40.020 and 88.40.030.

Planned CR-101 Filing: Not known.

Planned CR-102 Filing: Not known.

Planned CR-103 Filing: Not known.

Other Agencies with Interest: Board of Pilotage Commissioners, Department of Ecology, Washington State Ferry System, United States Coast Guard.

Contact: Jeff Fishel, (360) 664-9110.

WSR 95-18-049

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF AGRICULTURE**

(Barley Commission)

[Memorandum—September 1, 1995]

The Washington Barley Commission's September 27, 1995, regular meeting has been rescheduled. The meeting will now be held on October 6, 1995. The meeting will convene at the previously scheduled time.

WSR 95-18-053

**NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY COLLEGES**

[Memorandum—August 28, 1995]

Seattle Community College District board of trustees will hold their regular meeting at 6:00 p.m. on September 5, 1995, at the Duwamish Apprenticeship and Training Center, South Seattle Community College, Room B113, 6770 East Marginal Way South, Seattle, WA 98108.

The meeting will be preceded by a work session at 5:00 p.m., in the Room B106.

WSR 95-18-059

**RULES COORDINATOR
DEPARTMENT OF COMMUNITY,
TRADE AND ECONOMIC DEVELOPMENT**

[Filed August 31, 1995, 2:51 p.m.]

This letter is to inform you of the change of rules coordinator for the Department of Community, Trade and Economic Development. The new coordinator is Ann D. Barieman, P.O. Box 48300, Olympia, WA 98504-8300, and her phone number is (360) 586-8966.

Mollie Doyer
Executive Assistant

WSR 95-18-073

**NOTICE OF PUBLIC MEETINGS
CONSERVATION COMMISSION**

[Memorandum—September 1, 1995]

There will be a special meeting of the Conservation Commission at 7:30 a.m., Thursday, September 7, 1995, via telephone conference call, for the purpose of acting on the request to change HB 1309 standards adopted in December

1994. The Joint Administrative Rules Review Committee (JARRC) postponed any action on the issue until their September 19, 1995, meeting to allow the commission to respond.

The meeting is open to the public and will be held at the Washington State Conversation Commission, Conference Room, 300 Desmond Drive (Corridor A1C-27), Room #1C-11, Lacey, WA 98503.

WSR 95-18-082

**NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE LIBRARY**

(Public Information Access Policy Task Force)
[Memorandum—September 1, 1995]

Please note time and location change for the September 25, 1995, PIAPTF meeting:

- OLD: DATE: September 25, 1995
 TIME: 10:00 a.m. to 3:00 p.m.
 LOCATION: Senate Conference Room B & C
 John A. Cherberg Building
 Capitol Campus
 Olympia, WA
- NEW: DATE: September 25, 1995
 TIME: 9:00 a.m. to 4:00 p.m.
 LOCATION: SEA TAC Towers I
 Suite 500
 18000 Pacific Highway South
 SeaTac, WA 98188

Please do not hesitate to contact Cathy M. Stussy at (360) 753-2914 or cstussy@wln.com for questions regarding the PIAPTF meetings.

WSR 95-18-083

**NOTICE OF PUBLIC MEETINGS
GOVERNOR'S TELECOMMUNICATIONS
POLICY COORDINATION TASK FORCE**

[Memorandum—September 5, 1995]

Public Hearing Notice

- Hearing Date: September 12, 1995
 9:00 a.m. - 5:00 p.m.
 John A. Cherberg Building
 Senate Hearing Room 4
 Olympia - Capitol Campus

Note: The task force has tentatively scheduled a hearing for September 13. However, this will not be confirmed until September 7. Once this hearing has been confirmed, the agenda will be made available at the September 12 hearing or by calling the Department of Revenue's Telephone Information Center at 1-800-647-7706.

WSR 95-18-086

**NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE CENTER**

[Memorandum—September 5, 1995]

A regular meeting of the board of directors of the Washington State Convention and Trade Center will be held on Wednesday, September 13 at 1:30 p.m. in Room 310 of the Convention Center, 800 Convention Place, Seattle, Washington.

If you have any questions regarding this meeting, please call 447-5000.

WSR 95-18-101

**PUGET SOUND AIR
POLLUTION CONTROL AGENCY**

[Filed September 6, 1995, 11:23 a.m.]

Notice of Scheduled October 26, 1995 Public Hearing on the Redesignation Requests and Maintenance Plans for Carbon Monoxide and Ozone in the Central Puget Sound Region

This letter serves as a formal notification from the Puget Sound Air Pollution Control Agency (PSAPCA) regarding its intent to conduct a joint public hearing on October 26, 1995, with the Washington State Department of Ecology (ecology) on the proposed Redesignation Requests and Maintenance Plans for the National Ambient Air Quality Standards for Carbon Monoxide and Ozone in the Central Puget Sound Region. Both written and in person testimony will be accepted at this hearing.

The PSAPCA/ecology joint hearing will convene at 9:30 a.m. on Thursday, October 26, 1995, at PSAPCA, 110 Union Street, Suite 500, Seattle, WA 98101. PSAPCA's office is located in downtown Seattle just east of the intersection of First Avenue and Union Street. For additional information about the hearing, please call Brian O'Sullivan at (206) 689-4063.

On September 14, 1995, the PSAPCA board is expected to make both of the proposed plans available for public review. Copies of the plans will be available for review at a number of municipal, county and public agency library locations around the region. All comments must be received by PSAPCA no later than 4:30 p.m. on October 26, 1995.

Dennis J. McLerran
 Air Pollution Control Officer

MISCELLANEOUS



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.

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1-21-010	AMD	95-17-070	16-158-040	AMD-P	95-10-098	16-166-050	REP-P	95-10-100
1-21-020	AMD-P	95-14-044	16-158-040	AMD	95-13-072	16-166-050	REP	95-13-074
1-21-020	AMD	95-17-070	16-158-050	AMD-P	95-10-098	16-166-060	REP-P	95-10-100
1-21-040	AMD-P	95-14-044	16-158-050	AMD	95-13-072	16-166-060	REP	95-13-074
1-21-040	AMD	95-17-070	16-158-060	AMD-P	95-10-098	16-166-070	REP-P	95-10-100
1-21-050	AMD-P	95-14-044	16-158-070	REP-P	95-10-098	16-166-070	REP	95-13-074
1-21-050	AMD	95-17-070	16-158-070	REP	95-13-072	16-166-080	REP-P	95-10-100
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16-144-146	NEW	95-16-062	16-164-030	AMD	95-13-073	16-414-020	AMD	95-13-038
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16-144-147	NEW	95-16-062	16-164-035	NEW	95-13-073	16-414-030	AMD	95-13-038
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16-144-148	NEW	95-16-062	16-164-040	AMD	95-13-073	16-414-085	NEW	95-13-038
16-144-149	NEW-P	95-12-084	16-164-060	AMD-P	95-10-099	16-414-090	AMD-P	95-09-038
16-144-149	NEW	95-16-062	16-164-060	AMD	95-13-073	16-414-090	AMD	95-13-038
16-144-150	NEW-P	95-12-084	16-164-070	AMD-P	95-10-099	16-414-095	NEW-P	95-09-038
16-144-150	NEW	95-16-062	16-164-070	AMD	95-13-073	16-414-095	NEW	95-13-038
16-144-151	NEW-P	95-12-084	16-164-080	AMD-P	95-10-099	16-461-010	AMD-P	95-09-038
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16-158	AMD	95-13-072	16-164-100	AMD-P	95-10-099	16-493-005	NEW-P	95-15-097
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16-532-101	PREP	95-09-079	30-01-060	AMD	95-15-040	30-16-050	REP-P	95-12-098
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16-585-050	NEW	95-15-102	30-12-030	AMD	95-15-040	30-18-050	NEW-P	95-12-098
16-585-060	NEW-P	95-05-071	30-12-050	AMD-P	95-12-098	30-18-050	NEW	95-15-040
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30-18-090	NEW-P	95-12-098	30-26-030	NEW	95-15-040	30-44	AMD-P	95-12-098
30-18-090	NEW	95-15-040	30-26-040	NEW-P	95-12-098	30-44	AMD	95-15-040
30-18-100	NEW-P	95-12-098	30-26-040	NEW	95-15-040	30-44-010	AMD-P	95-12-098
30-18-100	NEW	95-15-040	30-26-050	NEW-P	95-12-098	30-44-010	AMD	95-15-040
30-18-110	NEW-P	95-12-098	30-26-050	NEW	95-15-040	30-44-020	AMD-P	95-12-098
30-18-110	NEW	95-15-040	30-26-060	NEW-P	95-12-098	30-44-020	AMD	95-15-040
30-20-010	REP-P	95-12-098	30-26-060	NEW	95-15-040	30-44-030	AMD-P	95-12-098
30-20-010	REP	95-15-040	30-26-070	NEW-P	95-12-098	30-44-030	AMD	95-15-040
30-20-020	REP-P	95-12-098	30-26-070	NEW	95-15-040	30-44-040	AMD-P	95-12-098
30-20-020	REP	95-15-040	30-26-080	NEW-P	95-12-098	30-44-040	AMD	95-15-040
30-20-030	REP-P	95-12-098	30-26-080	NEW	95-15-040	30-44-050	AMD-P	95-12-098
30-20-030	REP	95-15-040	30-26-090	NEW-P	95-12-098	30-44-050	AMD	95-15-040
30-20-040	REP-P	95-12-098	30-26-090	NEW	95-15-040	30-44-060	NEW-P	95-12-098
30-20-040	REP	95-15-040	30-28-010	REP-P	95-12-098	30-44-060	NEW	95-15-040
30-20-050	REP-P	95-12-098	30-28-010	REP	95-15-040	30-48-010	REP-P	95-12-098
30-20-050	REP	95-15-040	30-28-020	REP-P	95-12-098	30-48-010	REP	95-15-040
30-20-060	REP-P	95-12-098	30-28-020	REP	95-15-040	30-48-020	REP-P	95-12-098
30-20-060	REP	95-15-040	30-28-030	REP-P	95-12-098	30-48-020	REP	95-15-040
30-20-070	REP-P	95-12-098	30-28-030	REP	95-15-040	30-48-030	REP-P	95-12-098
30-20-070	REP	95-15-040	30-28-040	REP-P	95-12-098	30-48-030	REP	95-15-040
30-20-080	REP-P	95-12-098	30-28-040	REP	95-15-040	30-48-040	REP-P	95-12-098
30-20-080	REP	95-15-040	30-32-010	REP-P	95-12-098	30-48-040	REP	95-15-040
30-20-090	REP-P	95-12-098	30-32-010	REP	95-15-040	30-48-050	REP-P	95-12-098
30-20-090	REP	95-15-040	30-32-020	REP-P	95-12-098	30-48-050	REP	95-15-040
30-20-100	REP-P	95-12-098	30-32-020	REP	95-15-040	30-48-060	REP-P	95-12-098
30-20-100	REP	95-15-040	30-32-030	REP-P	95-12-098	30-48-060	REP	95-15-040
30-20-110	REP-P	95-12-098	30-32-030	REP	95-15-040	30-48-070	REP-P	95-12-098
30-20-110	REP	95-15-040	30-32-040	REP-P	95-12-098	30-48-070	REP	95-15-040
30-20-120	REP-P	95-12-098	30-32-040	REP	95-15-040	50-20	PREP	95-13-090
30-20-120	REP	95-15-040	30-32-050	REP-P	95-12-098	50-30	PREP	95-16-025
30-22-010	NEW-P	95-12-098	30-32-050	REP	95-15-040	50-30-005	NEW-E	95-18-060
30-22-010	NEW	95-15-040	30-32-060	REP-P	95-12-098	50-30-010	AMD-E	95-18-060
30-22-020	NEW-P	95-12-098	30-32-060	REP	95-15-040	50-30-015	NEW-E	95-18-060
30-22-020	NEW	95-15-040	30-32-070	REP-P	95-12-098	50-30-020	AMD-E	95-18-060
30-22-030	NEW-P	95-12-098	30-32-070	REP	95-15-040	50-30-025	NEW-E	95-18-060
30-22-030	NEW	95-15-040	30-32-080	REP-P	95-12-098	50-30-030	AMD-E	95-18-060
30-22-040	NEW-P	95-12-098	30-32-080	REP	95-15-040	50-30-035	NEW-E	95-18-060
30-22-040	NEW	95-15-040	30-36-010	REP-P	95-12-098	50-30-050	AMD-E	95-18-060
30-22-050	NEW-P	95-12-098	30-36-010	REP	95-15-040	50-30-065	NEW-E	95-18-060
30-22-050	NEW	95-15-040	30-36-020	REP-P	95-12-098	50-30-068	NEW-E	95-18-060
30-22-060	NEW-P	95-12-098	30-36-020	REP	95-15-040	50-30-070	AMD-E	95-18-060
30-22-060	NEW	95-15-040	30-36-030	REP-P	95-12-098	50-30-075	NEW-E	95-18-060
30-22-070	NEW-P	95-12-098	30-36-030	REP	95-15-040	50-30-080	AMD-E	95-18-060
30-22-070	NEW	95-15-040	30-36-040	REP-P	95-12-098	50-30-085	NEW-E	95-18-060
30-22-080	NEW-P	95-12-098	30-36-040	REP	95-15-040	50-60-010	AMD-P	95-05-084
30-22-080	NEW	95-15-040	30-36-050	REP-P	95-12-098	50-60-010	AMD	95-13-091
30-22-090	NEW-P	95-12-098	30-36-050	REP	95-15-040	50-60-020	AMD-P	95-05-084
30-22-090	NEW	95-15-040	30-36-060	REP-P	95-12-098	50-60-020	AMD	95-13-091
30-24-010	REP-P	95-12-098	30-36-060	REP	95-15-040	50-60-030	AMD-P	95-05-084
30-24-010	REP	95-15-040	30-36-070	REP-P	95-12-098	50-60-030	AMD	95-13-091
30-24-020	REP-P	95-12-098	30-36-070	REP	95-15-040	50-60-035	NEW-P	95-05-084
30-24-020	REP	95-15-040	30-36-080	REP-P	95-12-098	50-60-035	NEW	95-13-091
30-24-030	REP-P	95-12-098	30-36-080	REP	95-15-040	50-60-040	AMD-P	95-05-084
30-24-030	REP	95-15-040	30-36-090	REP-P	95-12-098	50-60-040	AMD	95-13-091
30-24-040	REP-P	95-12-098	30-36-090	REP	95-15-040	50-60-042	NEW-P	95-05-084
30-24-040	REP	95-15-040	30-36-100	REP-P	95-12-098	50-60-042	NEW	95-13-091
30-24-050	REP-P	95-12-098	30-36-100	REP	95-15-040	50-60-045	AMD-P	95-05-084
30-24-050	REP	95-15-040	30-36-110	REP-P	95-12-098	50-60-045	AMD	95-13-091
30-24-060	REP-P	95-12-098	30-36-110	REP	95-15-040	50-60-050	AMD-P	95-05-084
30-24-060	REP	95-15-040	30-40-020	AMD-P	95-12-098	50-60-050	AMD	95-13-091
30-24-070	REP-P	95-12-098	30-40-020	AMD	95-15-040	50-60-060	AMD-P	95-05-084
30-24-070	REP	95-15-040	30-40-030	REP-P	95-12-098	50-60-060	AMD	95-13-091
30-24-080	REP-P	95-12-098	30-40-030	REP	95-15-040	50-60-070	AMD-P	95-05-084
30-24-080	REP	95-15-040	30-40-050	AMD-P	95-12-098	50-60-070	AMD	95-13-091
30-24-090	REP-P	95-12-098	30-40-050	AMD	95-15-040	50-60-080	AMD-P	95-05-084
30-24-090	REP	95-15-040	30-40-060	AMD-P	95-12-098	50-60-080	AMD	95-13-091
30-24-100	REP-P	95-12-098	30-40-060	AMD	95-15-040	50-60-08001	NEW-P	95-05-084
30-24-100	REP	95-15-040	30-40-070	AMD-P	95-12-098	50-60-08002	NEW-P	95-05-084
30-26-010	NEW-P	95-12-098	30-40-070	AMD	95-15-040	50-60-08003	NEW-P	95-05-084

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
132G-126-220	REP	95-07-103	132K-120-055	REP	95-17-073	137-28-035	REP	95-15-044
132G-126-230	REP-P	95-04-008	132K-120-060	REP-P	95-12-103	137-28-040	REP	95-15-044
132G-126-230	REP	95-07-103	132K-120-060	REP	95-17-073	137-28-045	REP	95-15-044
132G-126-240	REP-P	95-04-008	132K-120-065	REP-P	95-12-103	137-28-050	REP	95-15-044
132G-126-240	REP	95-07-103	132K-120-065	REP	95-17-073	137-28-055	REP	95-15-044
132G-126-250	REP-P	95-04-008	132K-120-070	REP-P	95-12-103	137-28-065	REP	95-15-044
132G-126-250	REP	95-07-103	132K-120-070	REP	95-17-073	137-28-072	REP	95-15-044
132G-126-260	REP-P	95-04-008	132K-120-075	REP-P	95-12-103	137-28-075	REP	95-15-044
132G-126-260	REP	95-07-103	132K-120-075	REP	95-17-073	137-28-080	REP	95-15-044
132G-126-270	REP-P	95-04-008	132K-120-080	REP-P	95-12-103	137-28-085	REP	95-15-044
132G-126-270	REP	95-07-103	132K-120-080	REP	95-17-073	137-28-090	REP	95-15-044
132G-126-280	REP-P	95-04-008	132K-120-085	REP-P	95-12-103	137-28-093	REP	95-15-044
132G-126-280	REP	95-07-103	132K-120-085	REP	95-17-073	137-28-094	REP	95-15-044
132G-126-290	REP-P	95-04-008	132K-130-010	PREP	95-11-137	137-28-095	REP	95-15-044
132G-126-290	REP	95-07-103	132K-130-010	NEW-P	95-12-102	137-28-097	REP	95-15-044
132G-126-300	REP-P	95-04-008	132K-130-010	NEW	95-17-072	137-28-100	REP	95-15-044
132G-126-300	REP	95-07-103	132M-108-020	AMD-P	95-13-097	137-28-105	REP	95-15-044
132G-126-310	REP-P	95-04-008	132M-108-020	AMD	95-16-069	137-28-107	REP	95-15-044
132G-126-310	REP	95-07-103	132M-108-090	NEW-P	95-06-052	137-28-110	REP	95-15-044
132G-126-320	REP-P	95-04-008	132M-108-090	NEW	95-11-014	137-28-115	REP	95-15-044
132G-126-320	REP	95-07-103	132M-160-040	NEW-P	95-13-097	137-28-120	REP	95-15-044
132G-126-330	REP-P	95-04-008	132M-160-040	NEW	95-16-069	137-28-130	REP	95-15-044
132G-126-330	REP	95-07-103	132M-160-050	NEW-P	95-13-097	137-28-140	NEW	95-15-044
132G-126-340	REP-P	95-04-008	132M-160-050	NEW	95-16-069	137-28-150	NEW	95-15-044
132G-126-340	REP	95-07-103	132Q-04-076	NEW-P	95-11-019	137-28-160	NEW	95-15-044
132G-126-350	REP-P	95-04-008	132Q-04-076	NEW	95-16-066	137-28-170	NEW	95-15-044
132G-126-350	REP	95-07-103	132Q-04-077	NEW-P	95-11-020	137-28-180	NEW	95-15-044
132G-126-360	REP-P	95-04-008	132Q-04-077	NEW	95-16-067	137-28-190	NEW	95-15-044
132G-126-360	REP	95-07-103	132Q-04-078	NEW-P	95-11-021	137-28-200	NEW	95-15-044
132G-126-370	REP-P	95-04-008	132Q-04-078	NEW	95-16-068	137-28-210	NEW	95-15-044
132G-126-370	REP	95-07-103	132Q-04-097	NEW	95-03-060	137-28-220	NEW	95-15-044
132G-126-380	REP-P	95-04-008	133-10-010	PREP	95-12-079	137-28-230	NEW	95-15-044
132G-126-380	REP	95-07-103	133-10-010	AMD-P	95-13-075	137-28-240	NEW	95-15-044
132G-126-390	REP-P	95-04-008	133-10-020	PREP	95-12-079	137-28-250	NEW	95-15-044
132G-126-390	REP	95-07-103	133-10-020	AMD-P	95-13-075	137-28-260	NEW	95-15-044
132G-126-400	REP-P	95-04-008	133-10-030	AMD-P	95-13-075	137-28-270	NEW	95-15-044
132G-126-400	REP	95-07-103	133-20-010	PREP	95-12-080	137-28-280	NEW	95-15-044
132G-160-075	PREP	95-15-016	133-20-010	AMD-P	95-13-078	137-28-290	NEW	95-15-044
132H-121-020	NEW-P	95-14-069	133-20-020	PREP	95-12-080	137-28-300	NEW	95-15-044
132H-160-052	NEW-P	95-14-070	133-20-020	AMD-P	95-13-078	137-28-310	NEW	95-15-044
132H-160-093	REP-P	95-14-070	133-20-040	PREP	95-12-080	137-28-320	NEW	95-15-044
132H-160-094	REP-P	95-14-070	133-20-040	AMD-P	95-13-078	137-28-330	NEW	95-15-044
132H-160-095	REP-P	95-14-070	133-20-060	PREP	95-12-080	137-28-340	NEW	95-15-044
132H-160-182	AMD-E	95-11-098	133-20-060	AMD-P	95-13-078	137-28-350	NEW	95-15-044
132H-160-182	PREP	95-14-068	133-20-100	AMD-P	95-13-078	137-28-360	NEW	95-15-044
132I-130	PREP	95-06-004	133-20-120	PREP	95-12-080	137-28-370	NEW	95-15-044
132I-130-030	NEW-P	95-06-083	133-20-120	AMD-P	95-13-078	137-28-380	NEW	95-15-044
132I-130-030	NEW	95-09-072	133-30	PREP	95-12-081	137-28-390	NEW	95-15-044
132I-160	PREP	95-10-021	133-30-010	REP-P	95-13-077	137-28-400	NEW	95-15-044
132I-160-110	AMD-P	95-11-102	133-30-020	REP-P	95-13-077	137-28-410	NEW	95-15-044
132I-160-110	AMD	95-15-026	133-30-030	REP-P	95-13-077	137-28-420	NEW	95-15-044
132K-120	PREP	95-11-136	133-30-040	REP-P	95-13-077	137-28-430	NEW	95-15-044
132K-120-005	REP-P	95-12-103	133-30-050	REP-P	95-13-077	139-10-210	AMD-P	95-04-068
132K-120-005	REP	95-17-073	133-30-060	REP-P	95-13-077	139-10-210	AMD	95-08-036
132K-120-010	REP-P	95-12-103	133-30-070	REP-P	95-13-077	139-10-210	AMD	95-09-070
132K-120-010	REP	95-17-073	133-30-080	REP-P	95-13-077	162-12	PREP	95-18-047
132K-120-015	REP-P	95-12-103	133-40-010	PREP	95-12-082	162-22	PREP	95-18-047
132K-120-015	REP	95-17-073	133-40-010	AMD-P	95-13-076	162-30	PREP	95-18-047
132K-120-020	REP-P	95-12-103	133-40-020	PREP	95-12-082	173-06-010	REP-P	95-03-081
132K-120-020	REP	95-17-073	133-40-020	AMD-P	95-13-076	173-06-010	REP	95-07-058
132K-120-025	REP-P	95-12-103	133-40-030	PREP	95-12-082	173-06-020	REP-P	95-03-081
132K-120-025	REP	95-17-073	133-40-030	AMD-P	95-13-076	173-06-020	REP	95-07-058
132K-120-030	REP-P	95-12-103	133-40-040	PREP	95-12-082	173-06-030	REP-P	95-03-081
132K-120-030	REP	95-17-073	133-40-040	AMD-P	95-13-076	173-06-030	REP	95-07-058
132K-120-035	REP-P	95-12-103	137-28-005	REP	95-15-044	173-06-040	REP-P	95-03-081
132K-120-035	REP	95-17-073	137-28-006	REP	95-15-044	173-06-040	REP	95-07-058
132K-120-040	REP-P	95-12-103	137-28-010	REP	95-15-044	173-06-100	NEW-P	95-03-081
132K-120-040	REP	95-17-073	137-28-015	REP	95-15-044	173-06-100	NEW	95-07-058
132K-120-045	REP-P	95-12-103	137-28-020	REP	95-15-044	173-06-110	NEW-P	95-03-081
132K-120-045	REP	95-17-073	137-28-025	REP	95-15-044	173-06-110	NEW	95-07-058
132K-120-050	REP-P	95-12-103	137-28-030	REP	95-15-044	173-06-120	NEW-P	95-03-081
132K-120-050	REP	95-17-073	137-28-031	REP	95-15-044	173-06-120	NEW	95-07-058
132K-120-055	REP-P	95-12-103	137-28-032	REP	95-15-044	173-06-130	NEW-P	95-03-081

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
173-06-130	NEW	95-07-058	173-204-510	AMD-P	95-16-023	173-303-506	AMD-P	95-11-113
173-12	PREP	95-03-080	173-204-520	AMD-P	95-16-023	173-303-510	AMD-P	95-11-113
173-12-010	REP-P	95-05-065	173-204-530	AMD-P	95-16-023	173-303-515	REP-P	95-15-104
173-12-010	REP	95-09-036	173-204-560	AMD-P	95-16-023	173-303-550	AMD-P	95-11-113
173-12-020	REP-P	95-05-065	173-204-590	AMD-P	95-16-023	173-303-560	AMD-P	95-11-113
173-12-020	REP	95-09-036	173-221A	PREP	95-07-057	173-303-600	AMD-P	95-11-113
173-12-030	REP-P	95-05-065	173-221A-030	AMD-P	95-17-107	173-303-610	AMD-P	95-11-113
173-12-030	REP	95-09-036	173-221A-100	AMD-P	95-17-107	173-303-620	AMD-P	95-11-113
173-12-040	REP-P	95-05-065	173-221A-110	NEW-P	95-17-107	173-303-630	AMD-P	95-11-113
173-12-040	REP	95-09-036	173-224-040	AMD-P	95-15-045	173-303-640	AMD-P	95-11-113
173-12-050	REP-P	95-05-065	173-224-050	AMD-P	95-15-045	173-303-645	AMD-P	95-11-113
173-12-050	REP	95-09-036	173-224-070	REP-P	95-15-045	173-303-646	AMD-P	95-11-113
173-12-060	REP-P	95-05-065	173-224-090	AMD-P	95-15-045	173-303-650	AMD-P	95-11-113
173-12-060	REP	95-09-036	173-303	PREP	95-05-062	173-303-655	AMD-P	95-11-113
173-19-1202	PREP	95-11-087	173-303-016	AMD-P	95-11-113	173-303-660	AMD-P	95-11-113
173-19-1301	AMD	95-12-057	173-303-017	AMD-P	95-11-113	173-303-665	AMD-P	95-11-113
173-19-250	PREP	95-04-101	173-303-020	AMD-P	95-11-113	173-303-670	AMD-P	95-11-113
173-19-250	AMD-P	95-07-144	173-303-030	AMD-P	95-11-113	173-303-675	NEW-P	95-11-113
173-19-2513	PREP	95-05-063	173-303-040	AMD-P	95-11-113	173-303-680	AMD-P	95-11-113
173-19-2515	PREP	95-07-020	173-303-045	AMD-P	95-11-113	173-303-690	NEW-P	95-11-113
173-19-2519	PREP	95-07-022	173-303-060	AMD-P	95-11-113	173-303-691	NEW-P	95-11-113
173-19-2519	AMD-P	95-12-092	173-303-070	AMD-P	95-11-113	173-303-695	NEW-P	95-11-113
173-19-2519	AMD	95-17-039	173-303-071	AMD-P	95-11-113	173-303-700	AMD-P	95-11-113
173-19-2521	PREP	95-07-021	173-303-072	AMD-P	95-11-113	173-303-800	AMD-P	95-11-113
173-19-2521	AMD-P	95-11-088	173-303-073	NEW-P	95-11-113	173-303-801	AMD-P	95-11-113
173-19-2521	AMD	95-16-024	173-303-075	AMD-P	95-11-113	173-303-802	AMD-P	95-11-113
173-19-260	PREP	95-04-076	173-303-081	AMD-P	95-11-113	173-303-804	AMD-P	95-11-113
173-19-260	AMD-P	95-05-064	173-303-082	AMD-P	95-11-113	173-303-805	AMD-P	95-11-113
173-19-260	AMD-W	95-18-048	173-303-083	AMD-P	95-11-113	173-303-806	AMD-P	95-11-113
173-19-280	PREP	95-11-085	173-303-090	AMD-P	95-11-113	173-303-807	AMD-P	95-11-113
173-19-3101	AMD	95-10-051	173-303-100	AMD-P	95-11-113	173-303-808	AMD-P	95-11-113
173-19-3507	AMD-S	95-03-082	173-303-104	AMD-P	95-11-113	173-303-809	AMD-P	95-11-113
173-19-3507	AMD	95-08-042	173-303-110	AMD-P	95-11-113	173-303-810	AMD-P	95-11-113
173-19-3514	AMD-P	95-03-078	173-303-120	AMD-P	95-11-113	173-303-830	AMD-P	95-11-113
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173-19-360	AMD	95-07-125	173-303-145	AMD-P	95-11-113	173-303-905	AMD-P	95-11-113
173-19-360	AMD-P	95-09-052	173-303-150	AMD-P	95-11-113	173-303-910	AMD-P	95-11-113
173-19-360	AMD	95-18-102	173-303-160	AMD-P	95-11-113	173-303-9903	AMD-P	95-11-113
173-19-370	AMD	95-12-026	173-303-161	AMD-P	95-11-113	173-303-9904	AMD-P	95-11-113
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173-19-420	AMD-P	95-11-089	173-303-180	AMD-P	95-11-113	173-303-9906	AMD-P	95-11-113
173-19-420	AMD	95-16-048	173-303-190	AMD-P	95-11-113	173-330-010	REP-P	95-15-104
173-19-4205	AMD-P	95-11-089	173-303-200	AMD-P	95-11-113	173-330-020	REP-P	95-15-104
173-19-4205	AMD	95-16-048	173-303-201	AMD-P	95-11-113	173-330-030	REP-P	95-15-104
173-175	PREP	95-15-064	173-303-210	AMD-P	95-11-113	173-330-040	REP-P	95-15-104
173-175-020	AMD-P	95-18-104	173-303-220	AMD-P	95-11-113	173-330-050	REP-P	95-15-104
173-175-030	AMD-P	95-18-104	173-303-230	AMD-P	95-11-113	173-330-060	REP-P	95-15-104
173-175-070	AMD-P	95-18-104	173-303-240	AMD-P	95-11-113	173-330-070	REP-P	95-15-104
173-175-390	AMD-P	95-18-104	173-303-250	AMD-P	95-11-113	173-330-900	REP-P	95-15-104
173-175-700	REP-P	95-18-104	173-303-260	AMD-P	95-11-113	173-340-200	AMD-P	95-15-078
173-175-710	REP-P	95-18-104	173-303-270	AMD-P	95-11-113	173-340-440	AMD-P	95-15-078
173-175-720	REP-P	95-18-104	173-303-280	AMD-P	95-11-113	173-340-530	AMD-P	95-15-078
173-175-730	REP-P	95-18-104	173-303-281	AMD-P	95-11-113	173-340-700	AMD-P	95-15-078
173-175-740	REP-P	95-18-104	173-303-282	AMD-P	95-11-113	173-340-706	AMD-P	95-15-078
173-175-750	REP-P	95-18-104	173-303-283	AMD-P	95-11-113	173-340-740	AMD-P	95-15-078
173-175-760	REP-P	95-18-104	173-303-290	AMD-P	95-11-113	173-340-745	AMD-P	95-15-078
173-175-770	REP-P	95-18-104	173-303-300	AMD-P	95-11-113	173-351	PREP	95-13-088
173-175-780	REP-P	95-18-104	173-303-310	AMD-P	95-11-113	173-354	NEW-C	95-16-109
173-175-790	REP-P	95-18-104	173-303-320	AMD-P	95-11-113	173-354-008	NEW-P	95-15-104
173-175-800	REP-P	95-18-104	173-303-330	AMD-P	95-11-113	173-354-010	NEW-P	95-15-104
173-175-810	REP-P	95-18-104	173-303-335	NEW-P	95-11-113	173-354-020	NEW-P	95-15-104
173-175-820	REP-P	95-18-104	173-303-340	AMD-P	95-11-113	173-354-050	NEW-P	95-15-104
173-204-100	AMD-P	95-16-023	173-303-350	AMD-P	95-11-113	173-354-070	NEW-P	95-15-104
173-204-130	AMD-P	95-16-023	173-303-355	AMD-P	95-11-113	173-354-090	NEW-P	95-15-104
173-204-200	AMD-P	95-16-023	173-303-360	AMD-P	95-11-113	173-354-100	NEW-P	95-15-104
173-204-315	AMD-P	95-16-023	173-303-370	AMD-P	95-11-113	173-354-150	NEW-P	95-15-104
173-204-320	AMD-P	95-16-023	173-303-380	AMD-P	95-11-113	173-354-200	NEW-P	95-15-104
173-204-400	AMD-P	95-16-023	173-303-390	AMD-P	95-11-113	173-354-230	NEW-P	95-15-104
173-204-410	AMD-P	95-16-023	173-303-395	AMD-P	95-11-113	173-354-300	NEW-P	95-15-104
173-204-412	NEW-P	95-16-023	173-303-400	AMD-P	95-11-113	173-354-320	NEW-P	95-15-104
173-204-415	AMD-P	95-16-023	173-303-500	AMD-P	95-11-113	173-354-340	NEW-P	95-15-104
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173-354-460	NEW-P	95-15-104	173-420-080	AMD-P	95-10-052	174-116-071	PREP	95-05-010
173-354-500	NEW-P	95-15-104	173-420-080	AMD	95-18-022	174-116-071	AMD-P	95-07-132
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173-354-525	NEW-P	95-15-104	173-420-110	AMD	95-18-022	174-116-072	PREP	95-05-010
173-354-535	NEW-P	95-15-104	173-420-120	NEW-P	95-10-052	174-116-072	AMD-P	95-07-132
173-354-545	NEW-P	95-15-104	173-420-120	NEW	95-18-022	174-116-072	AMD	95-16-093
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173-354-620	NEW-P	95-15-104	173-422-030	AMD	95-06-068	174-116-080	AMD	95-16-093
173-354-640	NEW-P	95-15-104	173-422-035	AMD	95-06-068	174-116-091	PREP	95-05-010
173-354-660	NEW-P	95-15-104	173-422-050	AMD	95-06-068	174-116-091	AMD-P	95-07-132
173-354-670	NEW-P	95-15-104	173-422-060	AMD	95-06-068	174-116-091	AMD	95-16-093
173-354-680	NEW-P	95-15-104	173-422-065	AMD	95-06-068	174-116-092	PREP	95-05-010
173-354-700	NEW-P	95-15-104	173-422-070	AMD	95-06-068	174-116-092	AMD-P	95-07-132
173-354-720	NEW-P	95-15-104	173-422-090	AMD	95-06-068	174-116-092	AMD	95-16-093
173-354-800	NEW-P	95-15-104	173-422-100	AMD	95-06-068	174-116-119	PREP	95-05-010
173-354-900	NEW-P	95-15-104	173-422-120	AMD	95-06-068	174-116-119	AMD-P	95-07-132
173-354-990	NEW-P	95-15-104	173-422-160	AMD	95-06-068	174-116-119	AMD	95-16-093
173-360-100	AMD	95-04-102	173-422-170	AMD	95-06-068	174-116-121	PREP	95-05-010
173-360-110	AMD	95-04-102	173-422-190	AMD	95-06-068	174-116-121	AMD-P	95-07-132
173-360-120	AMD	95-04-102	173-422-195	AMD	95-06-068	174-116-121	AMD	95-16-093
173-360-130	AMD	95-04-102	173-430-010	AMD	95-03-083	174-116-122	PREP	95-05-010
173-360-190	AMD	95-04-102	173-430-020	AMD	95-03-083	174-116-122	AMD-P	95-07-132
173-360-200	AMD	95-04-102	173-430-030	AMD	95-03-083	174-116-122	AMD	95-16-093
173-360-210	AMD	95-04-102	173-430-040	AMD	95-03-083	174-116-123	PREP	95-05-010
173-360-305	AMD	95-04-102	173-430-050	AMD	95-03-083	174-116-123	AMD-P	95-07-132
173-360-310	AMD	95-04-102	173-430-060	AMD	95-03-083	174-116-123	AMD	95-16-093
173-360-320	AMD	95-04-102	173-430-070	AMD	95-03-083	174-116-124	PREP	95-05-010
173-360-325	AMD	95-04-102	173-430-080	AMD	95-03-083	174-116-124	AMD-P	95-07-132
173-360-330	AMD	95-04-102	173-430-090	NEW	95-03-083	174-116-124	AMD	95-16-093
173-360-335	AMD	95-04-102	173-430-100	NEW	95-03-083	174-116-125	PREP	95-05-010
173-360-340	AMD	95-04-102	173-548	AMD-C	95-06-055	174-116-126	PREP	95-05-010
173-360-345	AMD	95-04-102	173-548	PREP	95-12-059	174-116-127	PREP	95-05-010
173-360-350	AMD	95-04-102	173-548-010	AMD-E	95-07-009	174-116-127	AMD-P	95-07-132
173-360-370	AMD	95-04-102	173-548-010	AMD-W	95-12-065	174-116-127	AMD	95-16-093
173-360-380	AMD	95-04-102	173-548-015	NEW-E	95-07-009	178-01	PREP	95-04-016
173-360-385	AMD	95-04-102	173-548-015	NEW-W	95-12-065	178-01-010	REP-P	95-04-017
173-360-600	AMD	95-04-102	173-548-030	AMD-E	95-07-009	178-01-010	REP	95-08-008
173-360-610	AMD	95-04-102	173-548-030	AMD-W	95-12-065	180-10	PREP	95-11-069
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173-360-630	AMD	95-04-102	173-564-040	AMD	95-02-066	180-16-205	AMD-P	95-16-113
173-360-640	REP	95-04-102	174-116-010	PREP	95-05-010	180-16-210	AMD-P	95-16-113
173-360-650	REP	95-04-102	174-116-011	PREP	95-05-010	180-16-215	AMD-P	95-16-113
173-360-655	REP	95-04-102	174-116-020	PREP	95-05-010	180-16-222	PREP	95-13-047
173-360-660	REP	95-04-102	174-116-020	AMD-P	95-07-132	180-18-010	NEW-P	95-16-113
173-360-680	REP	95-04-102	174-116-020	AMD	95-16-093	180-18-020	NEW-P	95-16-113
173-360-690	REP	95-04-102	174-116-030	PREP	95-05-010	180-18-030	NEW-P	95-16-113
173-360-695	REP	95-04-102	174-116-030	AMD-P	95-07-132	180-18-040	NEW-P	95-16-113
173-400	PREP	95-06-067	174-116-030	AMD	95-16-093	180-18-050	NEW-P	95-16-113
173-400-030	AMD	95-07-126	174-116-040	PREP	95-05-010	180-18-060	NEW-P	95-16-113
173-400-099	NEW	95-07-126	174-116-040	AMD-P	95-07-132	180-18-080	NEW-P	95-16-113
173-400-100	AMD	95-07-126	174-116-040	AMD	95-16-093	180-20	PREP	95-17-028
173-400-101	AMD	95-07-126	174-116-041	PREP	95-05-010	180-20-035	PREP	95-16-059
173-400-102	NEW	95-07-126	174-116-041	AMD-P	95-07-132	180-24-400	NEW-P	95-16-064
173-400-103	NEW	95-07-126	174-116-041	AMD	95-16-093	180-24-405	NEW-P	95-16-064
173-400-104	NEW	95-07-126	174-116-042	PREP	95-05-010	180-24-410	NEW-P	95-16-064
173-400-171	AMD	95-07-126	174-116-042	AMD-P	95-07-132	180-24-415	NEW-P	95-16-064
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173-420-020	AMD	95-18-022	174-116-043	PREP	95-05-010	180-27	PREP	95-05-038
173-420-030	AMD-P	95-10-052	174-116-043	AMD-P	95-07-132	180-27-019	AMD-P	95-05-083
173-420-030	AMD	95-18-022	174-116-043	AMD	95-16-093	180-27-019	AMD	95-08-032
173-420-040	AMD-P	95-10-052	174-116-044	PREP	95-05-010	180-27-019	PREP	95-12-075
173-420-040	AMD	95-18-022	174-116-044	AMD-P	95-07-132	180-27-019	AMD-P	95-16-077
173-420-050	AMD-P	95-10-052	174-116-044	AMD	95-16-093	180-27-040	PREP	95-12-073
173-420-050	AMD	95-18-022	174-116-046	PREP	95-05-010	180-27-040	AMD-P	95-16-079
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173-420-055	NEW	95-18-022	174-116-046	AMD	95-16-093	180-27-05605	PREP	95-12-043
173-420-060	AMD-P	95-10-052	174-116-050	PREP	95-05-010	180-27-05605	AMD-P	95-12-074
173-420-060	AMD	95-18-022	174-116-050	AMD-P	95-07-132	180-27-05605	AMD	95-16-076
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180-27-605	NEW-P	95-16-078	180-77-090	REP-P	95-08-058	182-14-050	NEW-E	95-08-001
180-27-610	PREP	95-14-042	180-77-090	REP	95-12-056	182-14-050	NEW-E	95-15-092
180-27-610	NEW-P	95-16-078	180-77-095	REP-P	95-08-058	182-14-060	NEW-E	95-08-001
180-27-615	PREP	95-14-042	180-77-095	REP	95-12-056	182-14-060	NEW-E	95-15-092
180-27-615	NEW-P	95-16-078	180-77-100	REP-P	95-08-058	182-14-070	NEW-E	95-08-001
180-29-015	PREP	95-05-036	180-77-100	REP	95-12-056	182-14-070	NEW-E	95-15-092
180-29-015	AMD-P	95-05-081	180-77-105	REP-P	95-08-058	182-14-080	NEW-E	95-08-001
180-29-015	AMD	95-08-033	180-77-105	REP	95-12-056	182-14-080	NEW-E	95-15-092
180-29-095	PREP	95-05-037	180-77-106	NEW-P	95-08-058	182-14-090	NEW-E	95-08-001
180-29-095	AMD-P	95-05-082	180-77-106	NEW	95-12-056	182-14-090	NEW-E	95-15-092
180-29-095	AMD	95-08-031	180-77-110	AMD-P	95-08-058	182-14-100	NEW-E	95-08-001
180-29-125	PREP	95-05-035	180-77-110	AMD	95-12-056	182-14-100	NEW-E	95-15-092
180-29-125	AMD-P	95-05-080	180-77-120	NEW-P	95-08-058	182-16	PREP	95-04-057
180-29-125	AMD	95-08-030	180-77-120	NEW	95-12-056	182-18	PREP	95-04-057
180-43-010	AMD-P	95-05-077	180-77-122	NEW-P	95-08-058	182-20-001	NEW-P	95-08-060
180-43-010	AMD	95-08-028	180-77-122	NEW	95-12-056	182-20-001	NEW	95-12-010
180-43-015	AMD-P	95-05-077	180-78-145	PREP	95-06-024	182-20-010	NEW-P	95-08-060
180-43-015	AMD	95-08-028	180-78-145	AMD-P	95-08-057	182-20-010	NEW	95-12-010
180-51-050	AMD-P	95-12-025	180-78-145	AMD	95-12-055	182-20-100	NEW-P	95-08-060
180-51-050	AMD	95-16-063	180-78-160	PREP	95-13-048	182-20-100	NEW	95-12-010
180-53-070	AMD-P	95-16-113	180-78-160	AMD-P	95-16-081	182-20-130	NEW-P	95-08-060
180-57-080	PREP	95-12-024	180-79-062	PREP	95-13-046	182-20-130	NEW	95-12-010
180-75-070	PREP	95-05-043	180-79-062	AMD-P	95-16-082	182-20-160	NEW-P	95-08-060
180-77-001	NEW-P	95-08-058	180-79-230	PREP	95-13-047	182-20-160	NEW	95-12-010
180-77-001	NEW	95-12-056	180-79-241	PREP	95-13-049	182-20-200	NEW-P	95-08-060
180-77-002	NEW-P	95-08-058	180-79-241	AMD-P	95-16-080	182-20-200	NEW	95-12-010
180-77-002	NEW	95-12-056	180-79-334	PREP	95-16-075	182-20-300	NEW-P	95-08-060
180-77-003	AMD-P	95-08-058	180-79-340	PREP	95-16-073	182-20-300	NEW	95-12-010
180-77-003	AMD	95-12-056	180-79-350	PREP	95-16-074	182-20-320	NEW-P	95-08-060
180-77-004	NEW-P	95-08-058	180-85	PREP	95-05-042	182-20-320	NEW	95-12-010
180-77-004	NEW	95-12-056	180-95	AMD-P	95-05-076	182-20-400	NEW-P	95-08-060
180-77-005	AMD-P	95-08-058	180-95	AMD	95-08-029	182-20-400	NEW	95-12-010
180-77-005	AMD	95-12-056	180-95-005	AMD-P	95-05-076	192-04-060	AMD-P	95-15-063
180-77-010	REP-P	95-08-058	180-95-005	AMD	95-08-029	192-04-060	AMD	95-18-055
180-77-010	REP	95-12-056	180-95-050	AMD-P	95-05-076	192-04-063	NEW-P	95-15-063
180-77-012	NEW-P	95-08-058	180-95-050	AMD	95-08-029	192-04-063	NEW	95-18-055
180-77-012	NEW	95-12-056	180-95-070	NEW-P	95-05-076	192-04-090	AMD-P	95-15-063
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180-77-014	NEW	95-12-056	182-04	PREP	95-04-057	192-04-170	AMD-P	95-15-063
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180-77-030	REP	95-12-056	182-12-111	AMD-E	95-15-112	192-12-130	AMD-P	95-15-094
180-77-031	NEW-P	95-08-058	182-12-115	AMD-E	95-08-002	192-12-130	AMD	95-18-107
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180-77-035	REP	95-12-056	182-12-122	AMD-E	95-15-112	192-12-141	AMD-P	95-15-094
180-77-040	REP-P	95-08-058	182-13-010	NEW-P	95-03-063	192-12-141	AMD	95-18-107
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180-77-050	REP-P	95-08-058	182-13-020	NEW-P	95-03-075	192-12-320	AMD	95-09-085
180-77-050	REP	95-12-056	182-13-020	NEW	95-07-011	192-12-340	AMD-P	95-06-081
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220-57-13500R	NEW-E	95-14-035	220-57-370	AMD	95-12-027	220-95-022	NEW-P	95-03-088
220-57-13500R	REP-E	95-14-035	220-57-380	AMD-W	95-12-066	220-95-022	NEW	95-07-012
220-57-13500S	NEW-E	95-18-057	220-57-385	AMD	95-12-027	220-95-026	REP-P	95-03-088
220-57-13500S	REP-E	95-18-057	220-57-38500X	NEW-E	95-14-030	220-95-026	REP	95-07-012
220-57-137	AMD	95-12-027	220-57-38500Y	NEW-E	95-18-057	220-95-027	NEW-P	95-03-088
220-57-138	AMD	95-12-027	220-57-38500Y	REP-E	95-18-057	220-95-027	NEW	95-07-012
220-57-140	AMD	95-12-027	220-57-390	AMD	95-12-027	220-95-031	REP-P	95-03-088
220-57-155	AMD	95-12-027	220-57-395	AMD	95-12-027	220-95-031	REP	95-07-012
220-57-160	AMD	95-12-027	220-57-400	AMD	95-12-027	220-95-032	NEW-P	95-03-088

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
220-95-032	NEW	95-07-012	230-02-360	AMD-P	95-04-038	230-20-170	PREP	95-18-029
220-95-03200A	NEW-E	95-12-036	230-02-360	AMD	95-07-094	230-20-190	AMD-P	95-07-111
222-10-030	NEW-C	95-04-073	230-02-370	AMD-P	95-04-038	230-20-190	AMD	95-12-051
222-10-030	NEW-C	95-14-028	230-02-370	AMD	95-07-094	230-20-220	AMD-P	95-07-111
222-10-040	NEW-C	95-04-073	230-02-380	AMD-P	95-04-038	230-20-220	AMD	95-12-051
222-10-040	NEW-C	95-14-028	230-02-380	AMD	95-07-094	230-20-240	AMD-P	95-14-094
222-16-010	AMD-C	95-04-073	230-02-418	AMD-P	95-04-037	230-20-300	AMD-P	95-04-039
222-16-010	AMD-E	95-04-074	230-02-418	AMD-C	95-07-099	230-20-300	AMD	95-07-093
222-16-010	AMD-E	95-11-052	230-02-418	AMD	95-09-062	230-20-325	AMD-P	95-04-039
222-16-010	AMD-C	95-14-028	230-04-075	AMD-P	95-07-111	230-20-325	AMD	95-07-093
222-16-075	NEW-C	95-04-073	230-04-075	AMD	95-12-051	230-20-335	NEW-P	95-04-039
222-16-075	NEW-C	95-14-028	230-04-080	AMD-P	95-04-038	230-20-335	NEW	95-07-093
222-16-080	AMD-C	95-04-073	230-04-080	AMD	95-07-094	230-20-620	AMD-P	95-06-010
222-16-080	AMD-E	95-04-074	230-04-110	AMD-E	95-07-064	230-20-620	AMD	95-09-064
222-16-080	AMD-E	95-11-052	230-04-110	AMD-P	95-07-098	230-20-630	AMD-P	95-07-111
222-16-080	AMD-C	95-14-028	230-04-110	AMD	95-12-052	230-20-630	AMD	95-12-051
222-21-010	NEW-C	95-04-073	230-04-115	NEW-E	95-07-064	230-25-055	AMD-P	95-07-111
222-21-010	NEW-C	95-14-028	230-04-115	NEW-P	95-07-098	230-25-055	AMD	95-12-051
222-21-020	NEW-C	95-04-073	230-04-115	NEW	95-12-052	230-25-070	AMD-P	95-07-111
222-21-020	NEW-C	95-14-028	230-04-120	AMD-P	95-14-095	230-25-070	AMD	95-12-051
222-21-030	NEW-C	95-04-073	230-04-145	AMD-P	95-04-037	230-25-330	AMD-P	95-07-111
222-21-030	NEW-C	95-14-028	230-04-145	AMD-C	95-07-099	230-25-330	AMD	95-12-051
222-21-040	NEW-C	95-04-073	230-04-145	AMD	95-09-062	230-40-400	AMD-E	95-05-070
222-21-040	NEW-C	95-14-028	230-04-147	AMD-P	95-04-037	230-40-400	AMD-P	95-06-011
222-24-030	AMD-C	95-04-073	230-04-147	AMD-C	95-07-099	230-40-400	AMD-C	95-09-060
222-24-030	AMD-E	95-04-074	230-04-147	AMD	95-09-062	230-40-400	AMD	95-13-024
222-24-030	AMD-E	95-11-052	230-04-203	AMD-E	95-07-064	230-46-010	AMD-P	95-07-111
222-24-030	AMD-C	95-14-028	230-04-203	AMD-P	95-07-098	230-46-010	AMD	95-12-051
222-30-050	AMD-C	95-04-073	230-04-203	AMD	95-12-052	230-48-010	NEW-E	95-07-065
222-30-050	AMD-E	95-04-074	230-04-280	AMD-C	95-04-040	230-48-010	NEW-P	95-07-096
222-30-050	AMD-E	95-11-052	230-04-280	AMD-C	95-06-013	230-48-010	NEW-C	95-12-048
222-30-050	AMD-C	95-14-028	230-04-280	AMD-C	95-07-097	230-48-010	NEW	95-13-032
222-30-060	AMD-C	95-04-073	230-04-280	AMD-W	95-12-053	230-50-010	AMD-C	95-04-040
222-30-060	AMD-E	95-04-074	230-04-400	AMD-C	95-04-040	230-50-010	AMD-C	95-06-013
222-30-060	AMD-E	95-11-052	230-04-400	AMD-C	95-06-013	230-50-010	AMD-C	95-07-097
222-30-060	AMD-C	95-14-028	230-04-400	AMD-C	95-07-097	230-50-010	AMD-C	95-12-054
222-30-065	NEW-C	95-04-073	230-04-400	AMD-S	95-12-050	230-50-010	AMD	95-13-030
222-30-065	NEW-E	95-04-074	230-04-400	AMD-C	95-12-054	232-12-001	AMD	95-05-008
222-30-065	NEW-E	95-11-052	230-04-400	AMD-W	95-13-029	232-12-018	NEW-P	95-14-134
222-30-065	NEW-C	95-14-028	230-04-400	AMD	95-17-065	232-12-018	NEW	95-17-063
222-30-070	AMD-C	95-04-073	230-04-405	NEW-P	95-07-110	232-12-019	AMD-P	95-14-134
222-30-070	AMD-E	95-04-074	230-04-405	NEW-C	95-12-049	232-12-019	AMD	95-17-063
222-30-070	AMD-E	95-11-052	230-04-405	NEW	95-13-031	232-12-055	REP-P	95-14-100
222-30-070	AMD-C	95-14-028	230-08-010	AMD-P	95-14-096	232-12-055	REP-W	95-18-064
222-30-075	NEW-C	95-04-073	230-08-070	AMD-P	95-04-039	232-12-068	NEW-P	95-14-106
222-30-075	NEW-E	95-04-074	230-08-070	AMD	95-07-093	232-12-068	NEW	95-18-072
222-30-075	NEW-E	95-11-052	230-08-080	AMD-P	95-14-096	232-12-131	AMD	95-03-034
222-30-075	NEW-C	95-14-028	230-08-080	PREP	95-18-029	232-12-151	AMD	95-05-008
222-30-100	AMD-C	95-04-073	230-08-095	AMD-P	95-14-096	232-12-227	AMD	95-02-070
222-30-100	AMD-E	95-04-074	230-08-105	AMD-P	95-14-094	232-12-287	AMD-P	95-06-095
222-30-100	AMD-E	95-11-052	230-08-110	NEW-P	95-14-096	232-12-287	AMD	95-10-026
222-30-100	AMD-C	95-14-028	230-08-130	AMD-P	95-04-038	232-12-619	AMD	95-05-008
222-38-020	AMD-C	95-04-073	230-08-130	AMD	95-07-094	232-12-619	AMD-P	95-14-134
222-38-020	AMD-E	95-04-074	230-08-160	AMD-P	95-04-038	232-12-619	AMD	95-17-063
222-38-020	AMD-E	95-11-052	230-08-160	AMD	95-07-094	232-12-61900A	NEW-E	95-04-065
222-38-020	AMD-C	95-14-028	230-12-020	AMD-P	95-14-096	232-16-380	AMD-P	95-14-107
222-38-030	AMD-C	95-04-073	230-12-040	AMD-P	95-04-039	232-16-380	AMD	95-18-066
222-38-030	AMD-E	95-04-074	230-12-040	AMD	95-07-093	232-28-02202	AMD	95-03-024
222-38-030	AMD-E	95-11-052	230-12-075	REP-P	95-06-012	232-28-02202	AMD-P	95-14-101
222-38-030	AMD-C	95-14-028	230-12-075	REP	95-09-061	232-28-02202	AMD	95-18-067
230-02-010	AMD-P	95-04-043	230-12-079	NEW-P	95-04-037	232-28-02203	AMD	95-03-025
230-02-010	AMD	95-07-095	230-12-079	NEW-C	95-07-099	232-28-02204	AMD	95-03-026
230-02-125	REP-P	95-06-012	230-12-079	NEW	95-09-062	232-28-02205	AMD	95-03-027
230-02-125	REP	95-09-061	230-20-070	AMD-P	95-04-037	232-28-02206	AMD	95-03-028
230-02-183	AMD-P	95-04-039	230-20-070	AMD-C	95-07-099	232-28-02210	AMD	95-03-029
230-02-183	AMD	95-07-093	230-20-070	AMD	95-09-062	232-28-02220	AMD	95-03-040
230-02-210	AMD-P	95-14-095	230-20-080	PREP	95-18-029	232-28-02220	AMD-P	95-06-100
230-02-240	AMD-P	95-04-037	230-20-090	AMD-P	95-07-111	232-28-02220	AMD	95-11-035
230-02-240	AMD-C	95-07-099	230-20-090	AMD	95-12-051	232-28-02280	AMD	95-03-030
230-02-240	AMD	95-09-062	230-20-130	AMD-P	95-06-010	232-28-239	REP-P	95-06-099
230-02-250	AMD-P	95-14-094	230-20-130	AMD	95-09-064	232-28-239	REP	95-11-028
230-02-350	AMD-P	95-04-038	230-20-170	AMD-P	95-07-111	232-28-240	AMD	95-03-031
230-02-350	AMD	95-07-094	230-20-170	AMD	95-12-051	232-28-241	AMD	95-03-032

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
232-28-24100A	NEW-E	95-17-077	232-28-61942	REP	95-17-064	243-01-090	NEW-P	95-17-112
232-28-24102	NEW	95-03-035	232-28-61945	REP-E	95-09-050	243-01-100	NEW-P	95-17-112
232-28-24102	AMD-P	95-14-104	232-28-61945	REP-P	95-14-134	243-01-110	NEW-P	95-17-112
232-28-24102	AMD	95-18-069	232-28-61945	REP	95-17-064	243-01-120	NEW-P	95-17-112
232-28-242	AMD	95-03-033	232-28-61946	REP-E	95-09-050	243-01-130	NEW-P	95-17-112
232-28-243	REP-P	95-06-099	232-28-61946	REP-P	95-14-134	243-01-140	NEW-P	95-17-112
232-28-243	REP	95-11-028	232-28-61946	REP	95-17-064	243-01-150	NEW-P	95-17-112
232-28-244	REP-P	95-06-099	232-28-61947	REP-E	95-09-050	245-01-010	DECOD	95-12-009
232-28-244	REP	95-11-028	232-28-61947	REP-P	95-14-134	245-01-020	DECOD	95-12-009
232-28-245	REP-P	95-06-099	232-28-61947	REP	95-17-064	245-01-030	DECOD	95-12-009
232-28-245	REP	95-11-028	232-28-61950	REP-E	95-09-050	245-01-040	DECOD	95-12-009
232-28-246	NEW	95-03-036	232-28-61950	REP-P	95-14-134	245-01-050	DECOD	95-12-009
232-28-246	AMD-P	95-06-107	232-28-61950	REP	95-17-064	245-01-060	DECOD	95-12-009
232-28-246	AMD	95-11-037	232-28-61951	REP-E	95-09-050	245-01-070	DECOD	95-12-009
232-28-24601	NEW-E	95-03-068	232-28-61951	REP-P	95-14-134	245-01-080	DECOD	95-12-009
232-28-247	NEW	95-03-037	232-28-61951	REP	95-17-064	245-01-090	DECOD	95-12-009
232-28-248	NEW	95-03-038	232-28-61952	NEW-W	95-03-066	245-01-100	DECOD	95-12-009
232-28-248	AMD-P	95-06-106	232-28-61953	REP-E	95-09-050	245-01-110	DECOD	95-12-009
232-28-248	AMD	95-11-036	232-28-61953	REP-P	95-14-134	245-01-120	DECOD	95-12-009
232-28-249	NEW	95-03-039	232-28-61953	REP	95-17-064	245-01-130	DECOD	95-12-009
232-28-250	NEW-P	95-06-097	232-28-61954	REP-E	95-09-050	245-01-140	DECOD	95-12-009
232-28-250	NEW	95-11-034	232-28-61954	REP-P	95-14-134	245-01-150	DECOD	95-12-009
232-28-251	NEW-P	95-06-098	232-28-61954	REP	95-17-064	245-02-010	NEW	95-04-115
232-28-251	NEW	95-11-038	232-28-61957	REP-E	95-09-050	245-02-020	NEW	95-04-115
232-28-252	NEW-P	95-06-102	232-28-61957	REP-P	95-14-134	245-02-025	NEW	95-04-115
232-28-252	NEW	95-11-033	232-28-61957	REP	95-17-064	245-02-030	NEW	95-04-115
232-28-253	NEW-P	95-06-101	236-12	PREP	95-11-130	245-02-035	NEW	95-04-115
232-28-253	NEW	95-11-032	236-12-015	AMD-P	95-13-107	245-02-040	NEW	95-04-115
232-28-254	NEW-P	95-06-103	236-12-015	AMD	95-16-107	245-02-045	NEW	95-04-115
232-28-254	NEW	95-11-031	236-12-360	AMD-P	95-13-107	245-02-050	NEW	95-04-115
232-28-255	NEW-P	95-06-105	236-12-360	AMD	95-16-107	245-02-100	NEW	95-04-112
232-28-255	NEW	95-11-029	236-12-361	AMD-P	95-13-107	245-02-110	NEW	95-04-112
232-28-256	NEW-P	95-06-104	236-12-361	AMD	95-16-107	245-02-115	NEW	95-04-112
232-28-256	NEW	95-11-030	236-12-362	AMD-P	95-13-107	245-02-120	NEW	95-04-112
232-28-257	NEW-P	95-06-096	236-12-362	AMD	95-16-107	245-02-125	NEW	95-04-112
232-28-257	NEW	95-11-027	236-15	PREP	95-11-131	245-02-130	NEW	95-04-112
232-28-258	NEW-P	95-14-105	236-15-010	NEW	95-05-044	245-02-131	NEW	95-04-112
232-28-258	NEW	95-18-070	236-15-010	REP-P	95-13-108	245-02-135	NEW	95-04-112
232-28-259	NEW-P	95-14-129	236-15-010	REP	95-16-106	245-02-140	NEW	95-04-112
232-28-259	NEW	95-18-071	236-15-015	NEW	95-05-044	245-02-145	NEW	95-04-112
232-28-418	REP-P	95-14-103	236-15-015	REP-P	95-13-108	245-02-150	NEW	95-04-112
232-28-418	REP	95-18-068	236-15-015	REP	95-16-106	245-02-155	NEW	95-04-112
232-28-419	NEW-P	95-14-103	236-15-050	NEW	95-05-044	245-02-160	NEW	95-04-112
232-28-419	NEW	95-18-068	236-15-050	REP-P	95-13-108	245-02-165	NEW	95-04-112
232-28-514	AMD-P	95-14-102	236-15-050	REP	95-16-106	245-02-170	NEW	95-04-112
232-28-514	AMD	95-18-065	236-15-100	NEW	95-05-044	245-02-175	NEW	95-04-112
232-28-619	AMD	95-05-008	236-15-100	REP-P	95-13-108	245-02-180	NEW	95-04-112
232-28-619	AMD-P	95-06-093	236-15-100	REP	95-16-106	245-03-010	NEW-P	95-06-075
232-28-619	AMD	95-10-027	236-15-200	NEW	95-05-044	245-03-010	NEW-W	95-07-037
232-28-619	AMD-P	95-14-134	236-15-200	REP-P	95-13-108	245-03-010	NEW-W	95-12-047
232-28-61900A	NEW-E	95-04-065	236-15-200	REP	95-16-106	245-03-020	NEW-P	95-06-075
232-28-61900B	NEW-E	95-07-018	236-15-300	NEW	95-05-044	245-03-020	NEW-W	95-07-037
232-28-61900B	REP-E	95-12-030	236-15-300	REP-P	95-13-108	245-03-020	NEW-W	95-12-047
232-28-61900B	REP-E	95-12-040	236-15-300	REP	95-16-106	245-03-040	NEW-P	95-06-075
232-28-61900C	NEW-E	95-09-050	236-15-700	NEW	95-05-044	245-03-040	NEW-W	95-07-037
232-28-61900C	REP-E	95-16-094	236-15-700	REP-P	95-13-108	245-03-040	NEW-W	95-12-047
232-28-61900D	NEW-E	95-09-051	236-15-700	REP	95-16-106	245-03-050	NEW-P	95-06-075
232-28-61900D	REP-E	95-16-094	236-15-800	NEW	95-05-044	245-03-050	NEW-W	95-07-037
232-28-61900E	NEW-E	95-12-030	236-15-800	REP-P	95-13-108	245-03-050	NEW-W	95-12-047
232-28-61900E	REP-E	95-12-040	236-15-800	REP	95-16-106	245-03-080	NEW-P	95-06-075
232-28-61900F	NEW-E	95-12-040	236-15-900	NEW	95-05-044	245-03-080	NEW-W	95-07-037
232-28-61900F	REP-E	95-16-094	236-15-900	REP-P	95-13-108	245-03-080	NEW-W	95-12-047
232-28-61900G	NEW-E	95-14-063	236-15-900	REP	95-16-106	245-03-120	NEW-P	95-06-075
232-28-61900H	NEW-E	95-16-094	240-10-030	AMD	95-09-025	245-03-120	NEW-W	95-07-037
232-28-61900H	REP-E	95-16-094	240-10-040	AMD	95-09-025	245-03-120	NEW-W	95-12-047
232-28-61940	REP-E	95-09-050	243-01-010	NEW-P	95-17-112	245-03-140	NEW-P	95-06-075
232-28-61940	REP-P	95-14-134	243-01-020	NEW-P	95-17-112	245-03-140	NEW-W	95-07-037
232-28-61940	REP	95-17-064	243-01-030	NEW-P	95-17-112	245-03-140	NEW-W	95-12-047
232-28-61941	REP-E	95-09-050	243-01-040	NEW-P	95-17-112	245-03-160	NEW-P	95-06-075
232-28-61941	REP-P	95-14-134	243-01-050	NEW-P	95-17-112	245-03-160	NEW-W	95-07-037
232-28-61941	REP	95-17-064	243-01-060	NEW-P	95-17-112	245-03-160	NEW-W	95-12-047
232-28-61942	REP-E	95-09-050	243-01-070	NEW-P	95-17-112	245-03-180	NEW-P	95-06-075
232-28-61942	REP-P	95-14-134	243-01-080	NEW-P	95-17-112	245-03-180	NEW-W	95-07-037

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
245-03-180	NEW-W	95-12-047	245-04-010	NEW-W	95-07-033	245-04-210	NEW-W	95-12-047
245-03-200	NEW-P	95-06-075	245-04-010	NEW-W	95-12-047	245-04-220	NEW-P	95-06-079
245-03-200	NEW-W	95-07-037	245-04-020	NEW-P	95-06-077	245-04-220	NEW-W	95-07-032
245-03-200	NEW-W	95-12-047	245-04-020	NEW-W	95-07-033	245-04-220	NEW-W	95-12-047
245-03-220	NEW-P	95-06-075	245-04-020	NEW-W	95-12-047	245-04-230	NEW-P	95-06-079
245-03-220	NEW-W	95-07-037	245-04-025	NEW-P	95-06-077	245-04-230	NEW-W	95-07-032
245-03-220	NEW-W	95-12-047	245-04-025	NEW-W	95-07-033	245-04-230	NEW-W	95-12-047
245-03-240	NEW-P	95-06-075	245-04-025	NEW-W	95-12-047	245-04-240	NEW-P	95-06-079
245-03-240	NEW-W	95-07-037	245-04-030	NEW-P	95-06-077	245-04-240	NEW-W	95-07-032
245-03-240	NEW-W	95-12-047	245-04-030	NEW-W	95-07-033	245-04-240	NEW-W	95-12-047
245-03-260	NEW-P	95-06-075	245-04-030	NEW-W	95-12-047	245-04-300	NEW-P	95-06-078
245-03-260	NEW-W	95-07-037	245-04-040	NEW-P	95-06-077	245-04-300	NEW-W	95-07-031
245-03-260	NEW-W	95-12-047	245-04-040	NEW-W	95-07-033	245-04-300	NEW-W	95-12-047
245-03-280	NEW-P	95-06-075	245-04-040	NEW-W	95-12-047	245-04-310	NEW-P	95-06-078
245-03-280	NEW-W	95-07-037	245-04-050	NEW-P	95-06-077	245-04-310	NEW-W	95-07-031
245-03-280	NEW-W	95-12-047	245-04-050	NEW-W	95-07-033	245-04-310	NEW-W	95-12-047
245-03-300	NEW-P	95-06-075	245-04-050	NEW-W	95-12-047	245-04-320	NEW-P	95-06-078
245-03-300	NEW-W	95-07-037	245-04-060	NEW-P	95-06-077	245-04-320	NEW-W	95-07-031
245-03-300	NEW-W	95-12-047	245-04-060	NEW-W	95-07-033	245-04-320	NEW-W	95-12-047
245-03-320	NEW-P	95-06-075	245-04-060	NEW-W	95-12-047	245-04-330	NEW-P	95-06-078
245-03-320	NEW-W	95-07-037	245-04-070	NEW-P	95-06-077	245-04-330	NEW-W	95-07-031
245-03-320	NEW-W	95-12-047	245-04-070	NEW-W	95-07-033	245-04-330	NEW-W	95-12-047
245-03-390	NEW-P	95-06-075	245-04-070	NEW-W	95-12-047	245-04-340	NEW-P	95-06-078
245-03-390	NEW-W	95-07-037	245-04-080	NEW-P	95-06-077	245-04-340	NEW-W	95-07-031
245-03-390	NEW-W	95-12-047	245-04-080	NEW-W	95-07-033	245-04-340	NEW-W	95-12-047
245-03-520	NEW-W	95-07-035	245-04-080	NEW-W	95-12-047	245-04-350	NEW-P	95-06-078
245-03-520	NEW-W	95-12-047	245-04-090	AMD-P	95-03-101	245-04-350	NEW-W	95-07-031
245-03-540	NEW-W	95-07-035	245-04-090	AMD	95-06-048	245-04-350	NEW-W	95-12-047
245-03-540	NEW-W	95-12-047	245-04-090	DECOD	95-12-009	245-08-010	NEW-P	95-04-114
245-03-560	NEW-W	95-07-035	245-04-100	AMD-P	95-03-101	245-08-010	NEW-W	95-07-030
245-03-560	NEW-W	95-12-047	245-04-100	AMD	95-06-048	245-08-010	NEW-W	95-12-047
245-03-580	NEW-W	95-07-035	245-04-100	DECOD	95-12-009	245-08-020	NEW-P	95-04-114
245-03-580	NEW-W	95-12-047	245-04-110	AMD-P	95-03-101	245-08-020	NEW-W	95-07-030
245-03-610	NEW-P	95-06-076	245-04-110	AMD	95-06-048	245-08-020	NEW-W	95-12-047
245-03-610	NEW-W	95-12-047	245-04-110	DECOD	95-12-009	245-08-030	NEW-P	95-04-114
245-03-620	NEW-P	95-06-076	245-04-115	AMD-P	95-03-101	245-08-030	NEW-W	95-07-030
245-03-620	NEW-W	95-07-036	245-04-115	AMD	95-06-048	245-08-030	NEW-W	95-12-047
245-03-620	NEW-W	95-12-047	245-04-115	DECOD	95-12-009	245-08-040	NEW-P	95-04-114
245-03-630	NEW-P	95-06-076	245-04-125	NEW-P	95-04-113	245-08-040	NEW-W	95-07-030
245-03-630	NEW-W	95-12-047	245-04-125	NEW-W	95-12-047	245-08-040	NEW-W	95-12-047
245-03-640	NEW-P	95-06-076	245-04-130	NEW-P	95-04-113	245-08-050	NEW-P	95-04-114
245-03-640	NEW-W	95-07-036	245-04-130	NEW-W	95-12-047	245-08-050	NEW-W	95-07-030
245-03-640	NEW-W	95-12-047	245-04-135	NEW-P	95-04-113	245-08-050	NEW-W	95-12-047
245-03-650	NEW-P	95-06-076	245-04-135	NEW-W	95-12-047	246-01-040	AMD-P	95-07-054
245-03-650	NEW-W	95-07-036	245-04-140	NEW-P	95-04-113	246-01-040	AMD	95-10-043
245-03-650	NEW-W	95-12-047	245-04-140	NEW-W	95-12-047	246-01-080	AMD-P	95-07-054
245-03-660	NEW-P	95-06-076	245-04-145	NEW-P	95-04-113	246-01-080	AMD	95-10-043
245-03-660	NEW-W	95-07-036	245-04-145	NEW-W	95-12-047	246-08-400	NEW-E	95-14-108
245-03-660	NEW-W	95-12-047	245-04-150	NEW-P	95-04-113	246-08-400	NEW-P	95-17-126
245-03-670	NEW-P	95-06-076	245-04-150	NEW-W	95-12-047	246-100-166	PREP	95-05-012
245-03-670	NEW-W	95-12-047	245-04-155	NEW-P	95-04-113	246-100-236	AMD-S	95-08-026
245-03-680	NEW-P	95-06-076	245-04-155	NEW-W	95-12-047	246-100-236	AMD	95-13-037
245-03-680	NEW-W	95-07-036	245-04-160	NEW-P	95-04-113	246-130	AMD-P	95-15-109
245-03-680	NEW-W	95-12-047	245-04-160	NEW-W	95-12-047	246-130-001	AMD-P	95-15-109
245-03-810	NEW-P	95-06-074	245-04-165	NEW-P	95-04-113	246-130-010	AMD-P	95-15-109
245-03-810	NEW-W	95-07-034	245-04-165	NEW-W	95-12-047	246-130-020	AMD-P	95-15-109
245-03-810	NEW-W	95-12-047	245-04-170	NEW-P	95-04-113	246-130-030	AMD-P	95-15-109
245-03-820	NEW-P	95-06-074	245-04-170	NEW-W	95-12-047	246-130-040	AMD-P	95-15-109
245-03-820	NEW-W	95-07-034	245-04-175	NEW-P	95-04-113	246-130-050	REP-P	95-15-109
245-03-820	NEW-W	95-12-047	245-04-175	NEW-W	95-12-047	246-130-060	AMD-P	95-15-109
245-03-830	NEW-P	95-06-074	245-04-180	NEW-P	95-04-113	246-130-070	AMD-P	95-15-109
245-03-830	NEW-W	95-07-034	245-04-180	NEW-W	95-12-047	246-170	AMD	95-04-035
245-03-830	NEW-W	95-12-047	245-04-185	NEW-P	95-04-113	246-170-001	REP	95-04-035
245-03-840	NEW-P	95-06-074	245-04-185	NEW-W	95-12-047	246-170-002	NEW	95-04-035
245-03-840	NEW-W	95-07-034	245-04-190	NEW-P	95-04-113	246-170-010	REP	95-04-035
245-03-840	NEW-W	95-12-047	245-04-190	NEW-W	95-12-047	246-170-011	NEW	95-04-035
245-03-860	NEW-P	95-06-074	245-04-195	NEW-P	95-04-113	246-170-020	REP	95-04-035
245-03-860	NEW-W	95-07-034	245-04-195	NEW-W	95-12-047	246-170-021	NEW	95-04-035
245-03-860	NEW-W	95-12-047	245-04-200	NEW-P	95-06-079	246-170-030	REP	95-04-035
245-03-880	NEW-P	95-06-074	245-04-200	NEW-W	95-07-032	246-170-031	NEW	95-04-035
245-03-880	NEW-W	95-07-034	245-04-200	NEW-W	95-12-047	246-170-040	REP	95-04-035
245-03-880	NEW-W	95-12-047	245-04-210	NEW-P	95-06-079	246-170-041	NEW	95-04-035
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246-170-055	NEW	95-04-035	246-322-230	NEW-P	95-12-096	246-358-140	AMD-E	95-08-018
246-170-060	REP	95-04-035	246-322-240	NEW-P	95-12-096	246-358-140	AMD-E	95-13-093
246-170-061	NEW	95-04-035	246-316-250	NEW-P	95-12-096	246-358-145	AMD-E	95-13-093
246-170-065	NEW	95-04-035	246-322-500	NEW-P	95-12-096	246-358-155	AMD-E	95-13-093
246-170-070	REP	95-04-035	246-322-990	AMD-P	95-09-059	246-358-175	AMD-E	95-13-093
246-170-080	REP	95-04-035	246-322-990	AMD	95-12-097	246-380	PREP	95-07-073
246-170-090	REP	95-04-035	246-322-991	AMD-P	95-09-059	246-430	PREP	95-12-005
246-249-020	AMD-P	95-04-100	246-322-991	REP-P	95-12-096	246-430-010	PREP	95-12-005
246-249-020	AMD	95-13-094	246-322-991	AMD	95-12-097	246-430-030	PREP	95-12-005
246-249-080	AMD-P	95-04-100	246-323	PREP	95-07-073	246-430-040	PREP	95-12-005
246-249-080	AMD	95-13-094	246-323-990	AMD-P	95-09-059	246-560-001	PREP	95-06-073
246-249-080	AMD	95-13-094	246-323-990	AMD	95-12-097	246-560-010	PREP	95-06-073
246-254	PREP	95-05-058	246-324-001	NEW-P	95-12-094	246-560-015	PREP	95-06-073
246-254-053	AMD-P	95-08-066	246-324-010	NEW-P	95-12-094	246-560-020	PREP	95-06-073
246-254-053	AMD	95-12-004	246-324-020	NEW-P	95-12-094	246-560-030	PREP	95-06-073
246-254-070	AMD-P	95-08-066	246-324-025	NEW-P	95-12-094	246-560-040	PREP	95-06-073
246-254-070	AMD	95-12-004	246-324-030	NEW-P	95-12-094	246-560-050	PREP	95-06-073
246-254-080	AMD-P	95-08-066	246-324-035	NEW-P	95-12-094	246-560-060	PREP	95-06-073
246-254-080	AMD	95-12-004	246-324-040	NEW-P	95-12-094	246-560-070	PREP	95-06-073
246-254-090	AMD-P	95-08-066	246-324-050	NEW-P	95-12-094	246-560-080	PREP	95-06-073
246-254-090	AMD	95-12-004	246-324-060	NEW-P	95-12-094	246-560-090	PREP	95-06-073
246-254-100	AMD-P	95-08-066	246-324-100	NEW-P	95-12-094	246-560-100	PREP	95-06-073
246-254-100	AMD	95-12-004	246-324-120	NEW-P	95-12-094	246-780	PREP	95-07-055
246-254-120	AMD-P	95-08-066	246-324-140	NEW-P	95-12-094	246-812	PREP	95-06-017
246-254-120	AMD	95-12-004	246-324-150	NEW-P	95-12-094	246-812-001	NEW-E	95-09-029
246-255	PREP	95-05-058	246-324-160	NEW-P	95-12-094	246-812-001	NEW-P	95-15-110
246-272-25001	AMD-P	95-04-034	246-324-170	NEW-P	95-12-094	246-812-001	NEW	95-17-046
246-272-25001	AMD	95-09-018	246-324-180	NEW-P	95-12-094	246-812-010	NEW-E	95-09-029
246-290-990	PREP	95-05-059	246-324-190	NEW-P	95-12-094	246-812-010	NEW-P	95-15-110
246-290-990	AMD-P	95-15-108	246-324-200	NEW-P	95-12-094	246-812-010	NEW	95-17-046
246-291	PREP	95-09-017	246-324-210	NEW-P	95-12-094	246-812-015	NEW-E	95-09-029
246-291-010	AMD-P	95-15-107	246-324-220	NEW-P	95-12-094	246-812-015	NEW-P	95-15-110
246-291-020	AMD-P	95-15-107	246-324-230	NEW-P	95-12-094	246-812-015	NEW	95-17-046
246-291-025	AMD-P	95-15-107	246-324-240	NEW-P	95-12-094	246-812-101	NEW-E	95-09-029
246-291-030	AMD-P	95-15-107	246-324-250	NEW-P	95-12-094	246-812-101	NEW-P	95-15-110
246-291-100	AMD-P	95-15-107	246-324-500	NEW-P	95-12-094	246-812-101	NEW	95-17-046
246-291-110	AMD-P	95-15-107	246-324-990	NEW-P	95-12-094	246-812-120	NEW-E	95-09-029
246-291-130	AMD-P	95-15-107	246-325	PREP	95-07-073	246-812-120	NEW-P	95-15-110
246-291-140	AMD-P	95-15-107	246-325-990	AMD-P	95-09-059	246-812-120	NEW	95-17-046
246-314	PREP	95-07-073	246-325-990	AMD	95-12-097	246-812-125	NEW-E	95-09-029
246-314-990	AMD-P	95-09-059	246-326	PREP	95-07-073	246-812-125	NEW-P	95-15-110
246-314-990	AMD	95-12-097	246-326-990	AMD-P	95-09-059	246-812-125	NEW	95-17-046
246-316	PREP	95-07-073	246-326-990	AMD	95-12-097	246-812-130	NEW-E	95-09-029
246-316-990	AMD-P	95-09-059	246-327	PREP	95-07-073	246-812-130	NEW-P	95-15-110
246-316-990	AMD	95-12-097	246-327-990	AMD-P	95-09-059	246-812-130	NEW	95-17-046
246-318	PREP	95-07-073	246-327-990	AMD	95-12-097	246-812-140	NEW-E	95-09-029
246-318-990	AMD-P	95-09-059	246-331	PREP	95-07-073	246-812-140	NEW-P	95-15-110
246-318-990	AMD	95-12-097	246-331-990	AMD-P	95-09-059	246-812-140	NEW	95-17-046
246-322	PREP	95-07-073	246-331-990	AMD	95-12-097	246-812-150	NEW-E	95-09-029
246-322-001	NEW-P	95-12-096	246-336	PREP	95-07-073	246-812-150	NEW-P	95-15-110
246-322-010	AMD-P	95-12-096	246-336-990	AMD-P	95-09-059	246-812-150	NEW	95-17-046
246-322-020	AMD-P	95-12-096	246-336-990	AMD	95-12-097	246-812-155	NEW-E	95-09-029
246-322-025	NEW-P	95-12-096	246-358	PREP	95-11-072	246-812-155	NEW-P	95-15-110
246-322-030	NEW-P	95-12-096	246-358-001	AMD-E	95-13-093	246-812-155	NEW	95-17-046
246-322-035	NEW-P	95-12-096	246-358-010	AMD-E	95-08-018	246-812-160	NEW-E	95-09-029
246-322-040	AMD-P	95-12-096	246-358-010	AMD-E	95-13-093	246-812-160	NEW-P	95-15-110
246-322-050	AMD-P	95-12-096	246-358-020	AMD-E	95-08-018	246-812-160	NEW	95-17-046
246-322-060	AMD-P	95-12-096	246-358-020	AMD-E	95-13-093	246-812-170	NEW-E	95-09-029
246-322-070	REP-P	95-12-096	246-358-025	AMD-E	95-13-092	246-812-170	NEW-P	95-15-110
246-322-080	REP-P	95-12-096	246-358-030	AMD-E	95-13-092	246-812-170	NEW	95-17-046
246-322-080	REP-P	95-12-096	246-358-045	AMD-E	95-13-093	246-812-170	NEW	95-17-046
246-322-090	REP-P	95-12-096	246-358-055	AMD-E	95-13-093	246-812-301	NEW-E	95-09-029
246-322-100	AMD-P	95-12-096	246-358-065	AMD-E	95-13-093	246-812-301	NEW-P	95-15-110
246-322-110	REP-P	95-12-096	246-358-075	AMD-E	95-13-093	246-812-301	NEW	95-17-046
246-322-120	AMD-P	95-12-096	246-358-085	AMD-E	95-08-018	246-812-320	NEW-E	95-09-029
246-322-130	REP-P	95-12-096	246-358-085	AMD-E	95-13-093	246-812-320	NEW-P	95-15-110
246-322-140	NEW-P	95-12-096	246-358-090	NEW-E	95-13-093	246-812-320	NEW	95-17-046
246-322-150	NEW-P	95-12-096	246-358-095	AMD-E	95-13-093	246-812-330	NEW-E	95-09-029
246-322-160	NEW-P	95-12-096	246-358-100	NEW-E	95-13-093	246-812-330	NEW-P	95-15-110
246-322-170	NEW-P	95-12-096	246-358-105	REP-E	95-13-093	246-812-330	NEW	95-17-046
246-322-180	NEW-P	95-12-096	246-358-115	REP-E	95-13-093	246-812-340	NEW-E	95-09-029
246-322-190	NEW-P	95-12-096	246-358-125	AMD-E	95-13-093	246-812-340	NEW-P	95-15-110
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246-812-350	NEW	95-17-046	246-816-060	REP-P	95-12-068	246-817-420	NEW-P	95-12-068
246-812-360	NEW-E	95-09-029	246-816-070	REP-P	95-12-068	246-817-430	NEW-P	95-12-068
246-812-360	NEW-P	95-15-110	246-816-075	REP-P	95-12-068	246-817-501	NEW-P	95-12-068
246-812-360	NEW	95-17-046	246-816-080	REP-P	95-12-068	246-817-510	NEW-P	95-12-068
246-812-390	NEW-E	95-09-029	246-816-090	REP-P	95-12-068	246-817-520	NEW-P	95-12-068
246-812-390	NEW-P	95-15-110	246-816-100	REP-P	95-12-068	246-817-530	NEW-P	95-12-068
246-812-390	NEW	95-17-046	246-816-110	REP-P	95-12-068	246-817-540	NEW-P	95-12-068
246-812-400	NEW-E	95-09-029	246-816-120	REP-P	95-12-068	246-817-550	NEW-P	95-12-068
246-812-400	NEW-P	95-15-110	246-816-130	REP-P	95-12-068	246-817-560	NEW-P	95-12-068
246-812-400	NEW	95-17-046	246-816-140	REP-P	95-12-068	246-817-570	NEW-P	95-12-068
246-812-410	NEW-E	95-09-029	246-816-150	REP-P	95-12-068	246-817-601	NEW-P	95-12-068
246-812-410	NEW-P	95-15-110	246-816-201	REP-P	95-12-068	246-817-610	NEW-P	95-12-068
246-812-410	NEW	95-17-046	246-816-210	REP-P	95-12-068	246-817-620	NEW-P	95-12-068
246-812-420	NEW-E	95-09-029	246-816-220	REP-P	95-12-068	246-817-630	NEW-P	95-12-068
246-812-420	NEW-P	95-15-110	246-816-225	REP-P	95-12-068	246-817-701	NEW-P	95-12-068
246-812-420	NEW	95-17-046	246-816-230	REP-P	95-12-068	246-817-710	NEW-P	95-12-068
246-812-430	NEW-E	95-09-029	246-816-240	REP-P	95-12-068	246-817-720	NEW-P	95-12-068
246-812-430	NEW-P	95-15-110	246-816-250	REP-P	95-12-068	246-817-730	NEW-P	95-12-068
246-812-430	NEW	95-17-046	246-816-260	REP-P	95-12-068	246-817-740	NEW-P	95-12-068
246-812-440	NEW-E	95-09-029	246-816-301	REP-P	95-12-068	246-817-750	NEW-P	95-12-068
246-812-440	NEW-P	95-15-110	246-816-310	REP-P	95-12-068	246-817-760	NEW-P	95-12-068
246-812-440	NEW	95-17-046	246-816-320	REP-P	95-12-068	246-817-770	NEW-P	95-12-068
246-812-450	NEW-E	95-09-029	246-816-330	REP-P	95-12-068	246-817-780	NEW-P	95-12-068
246-812-450	NEW-P	95-15-110	246-816-340	REP-P	95-12-068	246-817-790	NEW-P	95-12-068
246-812-450	NEW	95-17-046	246-816-350	REP-P	95-12-068	246-817-801	NEW-P	95-12-068
246-812-460	NEW-E	95-09-029	246-816-360	REP-P	95-12-068	246-817-810	NEW-P	95-12-068
246-812-460	NEW-P	95-15-110	246-816-370	REP-P	95-12-068	246-817-820	NEW-P	95-12-068
246-812-460	NEW	95-17-046	246-816-380	REP-P	95-12-068	246-817-830	NEW-P	95-12-068
246-812-501	NEW-E	95-09-029	246-816-390	REP-P	95-12-068	246-817-990	NEW-P	95-12-067
246-812-501	NEW-P	95-15-110	246-816-400	REP-P	95-12-068	246-817-990	NEW	95-16-122
246-812-501	NEW	95-17-046	246-816-410	REP-P	95-12-068	246-818-015	REP-P	95-12-068
246-812-510	NEW-E	95-09-029	246-816-501	REP-P	95-12-068	246-818-020	REP-P	95-12-068
246-812-510	NEW-P	95-15-110	246-816-510	REP-P	95-12-068	246-818-030	REP-P	95-12-068
246-812-510	NEW	95-17-046	246-816-520	REP-P	95-12-068	246-818-040	REP-P	95-12-068
246-812-520	NEW-E	95-09-029	246-816-530	REP-P	95-12-068	246-818-050	REP-P	95-12-068
246-812-520	NEW-P	95-15-110	246-816-701	REP-P	95-12-068	246-818-060	REP-P	95-12-068
246-812-520	NEW	95-17-046	246-816-710	REP-P	95-12-068	246-818-070	REP-P	95-12-068
246-812-601	NEW-E	95-09-029	246-816-720	REP-P	95-12-068	246-818-080	REP-P	95-12-068
246-812-601	NEW-P	95-15-110	246-816-730	REP-P	95-12-068	246-818-090	REP-P	95-12-068
246-812-601	NEW	95-17-046	246-816-740	REP-P	95-12-068	246-818-100	REP-P	95-12-068
246-812-610	NEW-E	95-09-029	246-816-990	REP-P	95-12-067	246-818-120	REP-P	95-12-068
246-812-610	NEW-P	95-15-110	246-816-990	REP-P	95-12-068	246-818-130	REP-P	95-12-068
246-812-610	NEW	95-17-046	246-816-990	REP	95-16-122	246-818-140	REP-P	95-12-068
246-812-620	NEW-E	95-09-029	246-817-001	NEW-P	95-12-068	246-818-142	REP-P	95-12-068
246-812-620	NEW-P	95-15-110	246-817-010	NEW-P	95-12-068	246-818-143	REP-P	95-12-068
246-812-620	NEW	95-17-046	246-817-015	NEW-P	95-12-068	246-818-150	REP-P	95-12-068
246-812-630	NEW-E	95-09-029	246-817-101	NEW-P	95-12-068	246-818-991	REP-P	95-12-067
246-812-630	NEW-P	95-15-110	246-817-110	NEW-P	95-12-068	246-818-991	REP-P	95-12-068
246-812-630	NEW	95-17-046	246-817-120	NEW-P	95-12-068	246-818-991	REP	95-16-122
246-812-990	NEW-E	95-09-029	246-817-130	NEW-P	95-12-068	246-828-040	AMD-P	95-11-111
246-812-990	NEW-P	95-15-110	246-817-135	NEW-P	95-12-068	246-828-070	AMD-P	95-11-111
246-812-990	NEW	95-17-046	246-817-140	NEW-P	95-12-068	246-828-075	NEW-P	95-11-111
246-815	PREP	95-12-020	246-817-150	NEW-P	95-12-068	246-828-080	AMD-P	95-11-111
246-815-020	AMD-P	95-13-110	246-817-160	NEW-P	95-12-068	246-828-090	AMD-P	95-11-111
246-815-020	AMD	95-16-102	246-817-170	NEW-P	95-12-068	246-828-100	AMD-P	95-11-111
246-815-050	AMD-P	95-03-018	246-817-175	NEW-P	95-12-068	246-828-120	AMD-P	95-11-111
246-815-050	AMD	95-07-003	246-817-180	NEW-P	95-12-068	246-828-295	NEW-P	95-11-111
246-815-050	AMD-P	95-13-110	246-817-185	NEW-P	95-12-068	246-828-300	AMD-P	95-11-111
246-815-050	AMD	95-16-102	246-817-186	NEW-P	95-12-068	246-828-320	AMD-P	95-11-111
246-815-060	AMD-P	95-13-110	246-817-201	NEW-P	95-12-068	246-828-360	AMD-P	95-11-111
246-815-060	AMD	95-16-102	246-817-210	NEW-P	95-12-068	246-828-370	AMD-P	95-11-111
246-815-070	AMD	95-02-056	246-817-301	NEW-P	95-12-068	246-828-400	AMD-P	95-11-111
246-815-070	AMD-P	95-13-110	246-817-310	NEW-P	95-12-068	246-828-410	AMD-P	95-11-111
246-815-070	AMD	95-16-102	246-817-320	NEW-P	95-12-068	246-828-530	AMD-P	95-11-111
246-815-100	AMD-P	95-13-110	246-817-330	NEW-P	95-12-068	246-828-550	AMD-P	95-11-111
246-815-100	AMD	95-16-102	246-817-340	NEW-P	95-12-068	246-828-560	AMD-P	95-11-111
246-815-990	AMD-P	95-13-110	246-817-350	NEW-P	95-12-068	246-828-990	AMD-P	95-11-111
246-815-990	AMD	95-16-102	246-817-360	NEW-P	95-12-068	246-830-005	NEW-P	95-07-013
246-816-015	REP-P	95-12-068	246-817-370	NEW-P	95-12-068	246-830-005	NEW	95-11-108
246-816-020	REP-P	95-12-068	246-817-380	NEW-P	95-12-068	246-830-025	NEW-E	95-15-009
246-816-030	REP-P	95-12-068	246-817-390	NEW-P	95-12-068	246-830-037	NEW-E	95-15-009

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246-830-220	AMD-E	95-15-009	246-840-510	NEW-P	95-12-095	246-937-010	NEW	95-04-083
246-830-230	AMD-P	95-07-013	246-840-520	NEW-P	95-12-095	246-937-020	NEW	95-04-083
246-830-230	AMD	95-11-108	246-840-525	NEW-P	95-12-095	246-937-030	NEW	95-04-083
246-830-230	REP-E	95-15-009	246-840-530	NEW-P	95-12-095	246-937-040	NEW	95-04-083
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246-830-280	AMD-E	95-15-009	246-840-560	NEW-P	95-12-095	246-937-100	NEW	95-04-083
246-830-401	AMD-P	95-07-013	246-840-565	NEW-P	95-12-095	246-937-110	NEW	95-04-083
246-830-401	AMD	95-11-108	246-840-570	NEW-P	95-12-095	246-976-010	PREP	95-13-052
246-830-410	REP-P	95-07-013	246-840-575	NEW-P	95-12-095	246-976-010	AMD-E	95-13-053
246-830-410	REP	95-11-108	246-840-990	NEW-P	95-08-049	246-976-045	NEW-E	95-13-053
246-830-420	AMD-P	95-07-013	246-840-990	NEW	95-12-021	246-976-165	NEW-E	95-13-053
246-830-420	AMD	95-11-108	246-843-010	AMD	95-07-128	250-20-011	AMD-P	95-03-014
246-830-420	AMD-E	95-15-009	246-843-090	AMD	95-07-128	250-20-011	AMD	95-10-007
246-830-423	NEW-E	95-15-009	246-843-205	AMD	95-07-128	250-20-011	AMD-P	95-13-111
246-830-425	NEW-E	95-15-009	246-843-240	REP	95-07-128	250-20-011	AMD	95-17-045
246-830-427	NEW-E	95-15-009	246-843-320	AMD	95-07-128	250-20-013	NEW-P	95-13-111
246-830-430	AMD-P	95-07-013	246-851-060	REP-P	95-11-110	250-20-013	NEW	95-17-045
246-830-430	AMD	95-11-108	246-851-060	REP	95-14-114	250-20-015	AMD-P	95-13-111
246-830-440	AMD-P	95-07-013	246-851-070	REP-P	95-11-110	250-20-015	AMD	95-17-045
246-830-440	AMD	95-11-108	246-851-070	REP	95-14-114	250-20-021	AMD-P	95-03-014
246-830-440	AMD-P	95-07-013	246-851-080	REP-P	95-11-110	250-20-021	AMD	95-10-007
246-830-450	AMD-P	95-11-108	246-851-480	AMD-P	95-11-110	250-20-021	AMD-P	95-13-111
246-830-450	AMD	95-11-108	246-851-490	AMD-P	95-11-110	250-20-021	AMD-E	95-15-049
246-830-475	AMD-P	95-07-013	246-851-490	AMD	95-14-114	250-20-021	AMD	95-17-045
246-830-475	AMD	95-11-108	246-851-500	AMD-P	95-11-110	250-20-031	AMD-P	95-13-111
246-830-475	AMD-E	95-15-009	246-851-500	AMD	95-14-114	250-20-031	AMD-P	95-13-111
246-830-610	AMD-P	95-07-013	246-851-500	AMD	95-14-114	250-20-037	AMD-P	95-13-111
246-830-610	AMD	95-11-108	246-851-560	NEW	95-04-084	250-20-041	AMD-P	95-13-111
246-830-990	AMD-P	95-07-013	246-851-990	PREP	95-09-056	250-20-041	AMD	95-17-045
246-830-990	AMD	95-11-108	246-851-990	AMD-P	95-11-109	250-20-051	AMD-P	95-13-111
246-830-990	AMD-E	95-15-009	246-851-990	AMD	95-14-111	250-28-020	AMD	95-11-059
246-838-090	PREP	95-06-018	246-858	AMD-C	95-18-095	250-28-030	AMD	95-11-059
246-838-100	PREP	95-06-018	246-858-020	PREP	95-06-036	250-28-060	AMD	95-11-059
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246-838-150	REP-P	95-12-095	246-861	AMD-C	95-03-070	250-28-060	AMD	95-18-015
246-838-160	REP-P	95-12-095	246-861-010	AMD	95-08-019	250-28-070	AMD	95-11-059
246-838-170	REP-P	95-12-095	246-861-020	AMD	95-08-019	250-28-090	NEW-P	95-11-125
246-838-180	REP-P	95-12-095	246-861-030	REP-W	95-08-062	250-28-090	NEW	95-18-015
246-838-190	REP-P	95-12-095	246-861-040	AMD	95-08-019	250-28-100	NEW-P	95-11-125
246-838-200	REP-P	95-12-095	246-861-040	PREP	95-18-090	250-28-100	NEW	95-18-015
246-838-210	REP-P	95-12-095	246-861-050	AMD	95-08-019	250-28-100	NEW	95-18-015
246-838-220	REP-P	95-12-095	246-861-055	NEW	95-08-019	250-44	AMD-C	95-02-067
246-838-230	REP-P	95-12-095	246-861-060	AMD	95-08-019	250-44-050	AMD-E	95-02-068
246-838-240	REP-P	95-12-095	246-861-090	AMD-W	95-08-051	250-44-050	AMD	95-07-087
246-838-990	PREP	95-04-069	246-861-090	PREP	95-12-019	250-44-110	AMD-E	95-02-068
246-838-990	REP-P	95-08-049	246-861-090	PREP	95-12-093	250-44-110	AMD	95-07-087
246-838-990	REP	95-12-021	246-861-090	AMD-P	95-16-121	250-44-130	AMD-E	95-02-068
246-839-030	PREP	95-09-058	246-861-090	AMD-C	95-18-092	250-44-130	AMD	95-07-087
246-839-080	PREP	95-06-018	246-863-095	NEW-P	95-14-112	250-66-020	AMD-P	95-17-087
246-839-090	PREP	95-06-018	246-863-095	NEW-C	95-18-094	250-66-050	AMD-P	95-17-087
246-839-090	PREP	95-09-058	246-869-240	REP-P	95-14-112	250-79	PREP	95-09-082
246-839-505	REP-P	95-12-095	246-881-040	AMD-P	95-14-115	250-79-010	AMD-P	95-10-061
246-839-506	REP-P	95-12-095	246-881-040	AMD-C	95-18-093	250-79-010	AMD	95-18-041
246-839-525	REP-P	95-12-095	246-887-160	PREP	95-07-086	250-79-020	NEW-P	95-10-061
246-839-530	REP-P	95-12-095	246-887-160	AMD-P	95-13-109	250-79-020	NEW	95-18-041
246-839-535	REP-P	95-12-095	246-887-160	AMD-C	95-18-091	251-04-050	AMD-E	95-14-056
246-839-540	REP-P	95-12-095	246-891-020	AMD-P	95-04-099	251-04-050	AMD-P	95-14-131
246-839-545	REP-P	95-12-095	246-891-020	AMD	95-08-020	251-04-060	AMD-P	95-10-077
246-839-550	REP-P	95-12-095	246-891-030	AMD-P	95-04-099	251-04-060	AMD-C	95-12-071
246-839-555	REP-P	95-12-095	246-891-030	AMD	95-08-020	251-04-060	AMD-C	95-13-014
246-839-560	REP-P	95-12-095	246-924-080	PREP	95-09-028	251-06-020	AMD-E	95-14-056
246-839-565	REP-P	95-12-095	246-924-250	PREP	95-09-028	251-06-020	AMD-P	95-14-131
246-839-570	REP-P	95-12-095	246-924-470	PREP	95-09-028	251-08-005	AMD-E	95-14-056
246-839-575	PREP	95-09-058	246-924-500	PREP	95-09-028	251-08-005	AMD-P	95-14-131
246-839-575	REP-P	95-12-095	246-924-990	PREP	95-08-050	251-08-090	AMD-E	95-14-056
246-839-990	PREP	95-04-069	246-928-015	NEW-P	95-14-110	251-08-090	AMD-P	95-14-131
246-839-990	REP-P	95-08-049	246-928-015	NEW	95-18-019	251-09-020	AMD-P	95-10-078
246-839-990	REP	95-12-021	246-928-990	PREP	95-10-042	251-09-020	AMD-C	95-12-071
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251-17-010	AMD-C	95-12-071	284-13-863	NEW-P	95-16-029	284-44-170	PREP	95-15-043
251-17-010	AMD-C	95-13-014	284-14-010	PREP	95-15-043	284-44-170	REP-P	95-17-121
251-17-020	AMD-P	95-10-080	284-14-010	AMD-P	95-17-121	284-47-100	NEW-E	95-17-035
251-17-020	AMD-C	95-12-071	284-14-020	PREP	95-15-043	284-48-020	PREP	95-15-043
251-17-020	AMD-C	95-13-014	284-14-020	AMD-P	95-17-121	284-48-020	REP-P	95-17-121
251-17-110	AMD-P	95-10-081	284-20-200	NEW-S	95-06-086	284-54	AMD-C	95-18-030
251-17-110	AMD-C	95-12-071	284-20-200	NEW	95-09-014	284-54-020	AMD-W	95-03-076
251-17-110	AMD-C	95-13-014	284-22-030	AMD-E	95-14-097	284-54-020	AMD-P	95-15-082
251-17-200	AMD-P	95-10-082	284-22-030	PREP	95-14-128	284-54-030	AMD-W	95-03-076
251-17-200	AMD-C	95-12-071	284-22-030	AMD-P	95-16-123	284-54-030	AMD-P	95-15-082
251-17-200	AMD-C	95-13-014	284-22-030	AMD	95-18-106	284-54-040	NEW-W	95-03-076
251-19-070	AMD-P	95-10-083	284-24-060	PREP	95-03-077	284-54-040	NEW-P	95-15-082
251-19-070	AMD-C	95-12-071	284-30	NEW-C	95-06-019	284-54-170	NEW-W	95-03-076
251-19-070	AMD-C	95-13-014	284-30-900	NEW-P	95-02-075	284-54-170	NEW-P	95-15-082
251-19-157	AMD-P	95-10-084	284-30-900	NEW-S	95-06-086	284-54-180	NEW-W	95-03-076
251-19-157	AMD-C	95-12-071	284-30-900	NEW	95-09-014	284-54-180	NEW-P	95-15-082
251-19-157	AMD-C	95-13-014	284-30-905	NEW-P	95-02-075	284-54-190	NEW-W	95-03-076
251-22-040	AMD-P	95-10-085	284-30-905	NEW-S	95-06-086	284-54-190	NEW-P	95-15-082
251-22-040	AMD-C	95-12-071	284-30-905	NEW	95-09-014	284-54-205	NEW-W	95-03-076
251-22-040	AMD-C	95-13-014	284-30-910	NEW-P	95-02-075	284-54-253	NEW-P	95-15-082
253-02-050	AMD-P	95-12-072	284-30-910	NEW-S	95-06-086	284-54-270	AMD-W	95-03-076
253-16	PREP	95-07-131	284-30-910	NEW	95-09-014	284-54-270	AMD-P	95-15-082
253-16-010	AMD-P	95-12-072	284-30-920	NEW-P	95-02-075	284-54-300	AMD-W	95-03-076
253-16-030	AMD-P	95-12-072	284-30-920	NEW-S	95-06-086	284-54-300	AMD-P	95-15-082
253-16-090	AMD-P	95-12-072	284-30-920	NEW	95-09-014	284-54-350	AMD-W	95-03-076
253-16-100	AMD-P	95-12-072	284-30-930	NEW-P	95-02-075	284-54-350	AMD-P	95-15-082
260-12-010	PREP	95-05-078	284-30-930	NEW-S	95-06-086	284-87-030	AMD-P	95-02-076
260-12-010	AMD-P	95-07-140	284-30-930	NEW	95-09-014	284-87-030	AMD	95-05-034
260-12-250	NEW	95-07-142	284-30-940	NEW-P	95-02-075	284-97-010	NEW-E	95-16-043
260-40-100	PREP	95-05-078	284-30-940	NEW-S	95-06-086	284-97-010	REP-E	95-16-055
260-40-100	AMD-P	95-07-143	284-30-940	NEW	95-09-014	284-97-010	NEW-E	95-16-056
260-40-100	AMD	95-18-016	284-30-950	NEW-P	95-02-075	284-97-010	NEW-P	95-18-105
260-48-320	AMD-P	95-05-079	284-30-950	NEW-W	95-16-001	284-97-015	NEW-E	95-16-043
260-48-320	AMD	95-07-141	284-32-010	PREP	95-15-043	284-97-015	REP-E	95-16-055
263-12-015	AMD	95-02-065	284-32-010	REP-P	95-17-121	284-97-015	NEW-E	95-16-056
263-12-080	AMD	95-02-065	284-32-020	PREP	95-15-043	284-97-015	NEW-P	95-18-105
263-12-140	AMD	95-02-065	284-32-020	REP-P	95-17-121	284-97-020	NEW-E	95-16-043
263-12-155	AMD	95-02-065	284-32-030	PREP	95-15-043	284-97-020	REP-E	95-16-055
263-12-165	AMD	95-12-062	284-32-030	REP-P	95-17-121	284-97-020	NEW-E	95-16-056
263-12-190	AMD	95-02-065	284-32-040	PREP	95-15-043	284-97-020	NEW-P	95-18-105
275-45	PREP	95-11-001	284-32-040	REP-P	95-17-121	284-97-030	NEW-E	95-16-043
284-13-110	REP-P	95-16-029	284-32-050	PREP	95-15-043	284-97-030	REP-E	95-16-055
284-13-120	REP-P	95-16-029	284-32-050	REP-P	95-17-121	284-97-030	NEW-E	95-16-056
284-13-130	REP-P	95-16-029	284-32-060	PREP	95-15-043	284-97-030	NEW-P	95-18-105
284-13-140	REP-P	95-16-029	284-32-060	REP-P	95-17-121	284-97-040	NEW-E	95-16-043
284-13-150	REP-P	95-16-029	284-32-070	PREP	95-15-043	284-97-040	REP-E	95-16-055
284-13-310	PREP	95-15-043	284-32-070	REP-P	95-17-121	284-97-040	NEW-E	95-16-056
284-13-310	REP-P	95-17-121	284-32-080	PREP	95-15-043	284-97-040	NEW-P	95-18-105
284-13-320	PREP	95-15-043	284-32-080	REP-P	95-17-121	284-97-050	NEW-E	95-16-043
284-13-320	REP-P	95-17-121	284-32-090	PREP	95-15-043	284-97-050	REP-E	95-16-055
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284-13-360	REP-P	95-17-121	284-32-130	PREP	95-15-043	292-09-020	NEW	95-05-031
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296-305-07019	NEW-P	95-15-118	308-88-040	AMD	95-15-028	308-124H-037	REP	95-03-012
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296-306-012	AMD	95-10-045	308-88-110	REP	95-15-028	308-125-020	AMD-P	95-12-088
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388-14	PREP	95-15-010	388-46-110	PREP	95-14-039	388-49-190	AMD-P	95-09-033
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388-15	PREP	95-13-041	388-47-010	REP-P	95-15-001	388-49-380	PREP	95-09-032
388-15	PREP	95-18-045	388-47-020	REP-P	95-15-001	388-49-410	AMD-P	95-03-044
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388-15-196	NEW-P	95-16-016	388-47-050	AMD-E	95-14-079	388-49-420	AMD	95-06-032
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388-15-205	AMD-P	95-16-016	388-47-060	NEW-E	95-14-079	388-49-480	AMD-P	95-05-013
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388-73-01950	AMD-S	95-07-024	388-73-408	REP-W	95-11-051	388-77-555	REP-P	95-15-068
388-73-01950	AMD-W	95-11-051	388-73-409	REP-S	95-07-024	388-77-555	REP	95-18-002
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388-73-076	AMD-W	95-11-051	388-73-434	REP-S	95-07-024	388-77-737	REP	95-18-002
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388-73-200	AMD-W	95-11-051	388-73-510	REP-S	95-07-024	388-77A	PREP	95-15-036
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388-73-213	REP-W	95-11-051	388-73-512	REP-S	95-07-024	388-77A-020	REP	95-18-002
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388-73-214	REP-W	95-11-051	388-73-513	NEW-S	95-07-024	388-77A-030	REP	95-18-002
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388-73-250	NEW-W	95-11-051	388-73-522	NEW-S	95-07-024	388-77A-041	REP	95-18-002
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388-73-252	NEW-W	95-11-051	388-73-524	NEW-S	95-07-024	388-77A-050	REP	95-18-002
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388-73-262	NEW-W	95-11-051	388-77-010	REP-P	95-15-068	388-86-009	REP	95-18-046
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388-86-090	AMD-E	95-14-060	388-96-224	AMD-P	95-14-120	388-165-020	NEW	95-11-048
388-86-090	AMD-W	95-17-086	388-96-229	AMD-E	95-14-119	388-165-030	NEW-P	95-08-044
388-86-090	AMD-P	95-18-005	388-96-229	AMD-P	95-14-120	388-165-030	NEW	95-11-048
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388-86-098	AMD-P	95-14-058	388-96-501	AMD-E	95-14-119	388-165-050	NEW-P	95-08-044
388-86-098	AMD-E	95-14-060	388-96-501	AMD-P	95-14-120	388-165-050	NEW	95-11-048
388-86-098	AMD-W	95-17-086	388-96-585	AMD-E	95-14-119	388-165-060	NEW-P	95-08-044
388-86-098	AMD-P	95-18-005	388-96-585	AMD-P	95-14-120	388-165-060	NEW	95-11-048
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388-87-005	AMD-P	95-17-023	388-96-709	AMD-E	95-14-119	388-165-080	NEW-P	95-08-044
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388-91-007	REP-P	95-16-014	388-96-735	AMD-P	95-14-120	388-215-1140	NEW-E	95-16-045
388-91-007	REP-W	95-17-029	388-96-737	AMD-E	95-14-119	388-215-1150	PREP	95-16-041
388-91-007	REP	95-17-032	388-96-737	AMD-P	95-14-120	388-215-1150	NEW-P	95-16-042
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388-91-010	AMD-P	95-14-059	388-96-745	AMD-P	95-14-120	388-215-1160	PREP	95-16-041
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388-91-010	AMD	95-17-032	388-96-754	AMD-P	95-14-120	388-215-1170	NEW-P	95-16-042
388-91-013	REP-P	95-16-014	388-96-763	AMD-E	95-14-119	388-215-1170	NEW-E	95-16-045
388-91-013	REP-W	95-17-029	388-96-763	AMD-P	95-14-120	388-215-1510	PREP	95-11-066
388-91-015	REP-P	95-16-014	388-96-765	AMD-E	95-14-119	388-215-1510	NEW-P	95-11-067
388-91-015	REP-W	95-17-029	388-96-765	AMD-P	95-14-120	388-215-1510	NEW	95-14-048
388-91-016	REP-P	95-16-014	388-96-769	AMD-E	95-14-119	388-215-2150	PREP	95-09-012
388-91-016	REP-W	95-17-029	388-96-769	AMD-P	95-14-120	388-216-2150	AMD-P	95-11-050
388-91-020	PREP	95-13-021	388-96-776	AMD-E	95-14-119	388-216-2150	AMD	95-14-049
388-91-020	AMD-P	95-14-059	388-96-776	AMD-P	95-14-120	388-216-2350	PREP	95-14-081
388-91-020	AMD-E	95-14-061	388-96-813	AMD-E	95-14-119	388-216-2350	AMD-P	95-16-120
388-91-020	REP-P	95-16-014	388-96-813	AMD-P	95-14-120	388-216-2450	PREP	95-09-012
388-91-020	REP-W	95-17-029	388-96-901	AMD-E	95-14-119	388-216-2450	AMD-P	95-11-050
388-91-020	AMD	95-17-032	388-96-901	AMD-P	95-14-120	388-216-2450	AMD	95-14-049
388-91-030	REP-P	95-16-014	388-96-902	REP-E	95-14-119	388-216-2650	PREP	95-09-012
388-91-030	REP-W	95-17-029	388-96-902	REP-P	95-14-120	388-216-2650	AMD-P	95-11-050
388-91-035	REP-P	95-16-014	388-96-904	AMD-E	95-14-119	388-216-2650	AMD	95-14-049
388-91-035	REP-W	95-17-029	388-96-904	AMD-P	95-14-120	388-216-2800	PREP	95-09-012
388-91-040	REP-P	95-16-014	388-97	PREP	95-18-043	388-216-2800	AMD-P	95-11-050
388-91-040	REP-W	95-17-029	388-97-235	PREP	95-18-043	388-216-2800	AMD	95-14-049
388-91-050	REP-P	95-16-014	388-97-240	PREP	95-18-044	388-218-1050	AMD	95-04-048
388-91-050	REP-W	95-17-029	388-150	PREP	95-16-057	388-218-1050	PREP	95-11-007
388-96	PREP	95-12-022	388-150-090	AMD-E	95-18-006	388-218-1050	AMD-P	95-11-101
388-96-010	AMD-E	95-14-119	388-150-090	AMD-P	95-18-007	388-218-1050	AMD	95-14-047
388-96-010	AMD-P	95-14-120	388-151	PREP	95-16-057	388-218-1200	PREP	95-08-023
388-96-032	AMD-E	95-14-119	388-151-090	AMD-E	95-18-006	388-218-1200	AMD-P	95-09-035
388-96-032	AMD-P	95-14-120	388-151-090	AMD-P	95-18-007	388-218-1200	AMD	95-11-124
388-96-108	AMD-E	95-14-119	388-155	PREP	95-16-057	388-218-1350	PREP	95-08-023
388-96-108	AMD-P	95-14-120	388-155-090	AMD-E	95-18-006	388-218-1350	AMD-P	95-09-035
388-96-204	AMD-E	95-14-119	388-155-090	AMD-P	95-18-007	388-218-1350	AMD	95-11-124
388-96-204	AMD-P	95-14-120	388-160	PREP	95-16-057	388-218-1400	AMD	95-04-048
388-96-210	AMD-E	95-14-119	388-160	PREP	95-17-041	388-218-1450	PREP	95-08-023
388-96-210	AMD-P	95-14-120	388-160-090	AMD-E	95-18-006	388-218-1450	AMD-P	95-09-035
388-96-216	REP-E	95-14-119	388-160-090	AMD-P	95-18-007	388-218-1450	AMD	95-11-124
388-96-216	REP-P	95-14-120	388-165	PREP	95-05-068	388-218-1500	AMD	95-04-048
388-96-220	AMD-E	95-14-119	388-165-005	NEW-P	95-08-044	388-218-1510	PREP	95-11-007
388-96-220	AMD-P	95-14-120	388-165-005	NEW	95-11-048	388-218-1510	AMD-P	95-11-101

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388-218-1515	PREP	95-11-007	388-300-2400	NEW-P	95-15-001	388-509-0960	AMD	95-11-056
388-218-1515	REP-P	95-11-101	388-300-2500	NEW-P	95-15-001	388-511-1105	AMD-P	95-06-072
388-218-1515	REP	95-14-047	388-300-2600	NEW-P	95-15-001	388-511-1105	AMD	95-08-070
388-218-1520	AMD	95-04-048	388-300-2700	NEW-P	95-15-001	388-511-1130	AMD-P	95-06-072
388-218-1605	PREP	95-08-023	388-300-2800	NEW-P	95-15-001	388-511-1130	AMD-W	95-08-071
388-218-1605	AMD-P	95-09-035	388-300-2900	NEW-P	95-15-001	388-511-1140	AMD-P	95-06-072
388-218-1605	AMD	95-11-124	388-300-3000	NEW-P	95-15-001	388-511-1140	AMD	95-08-070
388-218-1610	PREP	95-08-023	388-300-3100	NEW-P	95-15-001	388-511-1160	AMD-P	95-06-072
388-218-1610	AMD-P	95-09-035	388-200-3200	NEW-P	95-15-001	388-511-1160	AMD	95-08-070
388-218-1610	AMD	95-11-124	388-300-3300	NEW-P	95-15-001	388-513-1300	NEW-P	95-03-084
388-218-1630	PREP	95-08-023	388-300-3400	NEW-P	95-15-001	388-513-1300	NEW	95-06-025
388-218-1630	AMD-P	95-09-035	388-300-3500	NEW-P	95-15-001	388-513-1315	PREP	95-15-038
388-218-1630	AMD	95-11-124	388-300-3600	NEW-P	95-15-001	388-513-1315	AMD-P	95-16-013
388-218-1680	PREP	95-08-023	388-300-3700	NEW-P	95-15-001	388-513-1315	AMD-E	95-16-018
388-218-1680	AMD-P	95-09-035	388-300-3800	NEW-P	95-15-001	388-513-1330	PREP	95-07-072
388-218-1680	AMD	95-11-124	388-300-3900	NEW-P	95-15-001	388-513-1350	AMD	95-05-022
388-218-1695	PREP	95-14-080	388-330	PREP	95-11-006	388-513-1380	AMD	95-05-022
388-218-1695	AMD-P	95-16-119	388-330	PREP	95-16-057	388-513-1380	PREP	95-06-071
388-218-1730	PREP	95-08-023	388-330-010	AMD-P	95-16-086	388-513-1380	AMD-P	95-08-045
388-218-1730	AMD-P	95-09-035	388-330-010	AMD-E	95-16-087	388-513-1380	AMD-E	95-08-046
388-218-1730	AMD	95-11-124	388-330-010	RESCIND	95-16-100	388-513-1380	AMD	95-11-045
388-219-3000	PREP	95-06-035	388-330-010	AMD-W	95-16-101	388-513-1380	PREP	95-14-002
388-225-0020	PREP	95-05-039	388-330-010	AMD-E	95-18-006	388-513-1395	PREP	95-15-037
388-225-0020	AMD-P	95-08-010	388-330-010	AMD-P	95-18-007	388-515-1505	PREP	95-12-011
388-225-0020	AMD	95-11-046	388-330-035	NEW-P	95-16-086	388-515-1505	AMD-P	95-17-061
388-225-0300	REP-P	95-08-010	388-330-035	NEW-E	95-16-087	388-515-1530	PREP	95-11-077
388-225-0300	REP	95-11-046	388-330-035	RESCIND	95-16-100	388-515-1530	AMD-P	95-15-035
388-233	PREP	95-17-089	388-330-035	NEW-W	95-16-101	388-515-1530	AMD	95-18-001
388-235-9000	AMD	95-03-048	388-330-035	NEW-E	95-18-006	388-517-1710	AMD-P	95-11-049
388-250-1200	AMD-P	95-05-014	388-330-035	NEW-P	95-18-007	388-517-1710	AMD	95-14-046
388-250-1200	AMD	95-07-123	388-500-0005	PREP	95-13-020	388-517-1715	AMD-P	95-11-049
388-250-1250	PREP	95-17-050	388-500-0005	AMD-P	95-14-058	388-517-1715	AMD	95-14-046
388-250-1250	AMD-P	95-18-036	388-500-0005	AMD-E	95-14-060	388-517-1720	PREP	95-06-071
388-250-1250	AMD-E	95-18-061	388-500-0005	AMD-W	95-17-086	388-517-1720	AMD-P	95-08-045
388-250-1300	PREP	95-17-050	388-500-0005	AMD-P	95-18-005	388-517-1720	AMD-E	95-08-046
388-250-1300	AMD-P	95-18-036	388-501-0130	PREP	95-17-042	388-517-1720	AMD	95-11-056
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388-250-1700	AMD	95-03-046	388-503-0370	PREP	95-13-020	388-517-1730	AMD	95-14-046
388-250-1700	PREP	95-16-015	388-503-0370	AMD-P	95-14-058	388-517-1740	PREP	95-06-071
388-250-1700	AMD-P	95-17-128	388-503-0370	AMD-E	95-14-060	388-517-1740	AMD-P	95-08-045
388-250-1750	PREP	95-17-050	388-503-0370	AMD-W	95-17-086	388-517-1740	AMD-E	95-08-046
388-250-1750	AMD-P	95-18-036	388-503-0370	AMD-P	95-18-005	388-517-1740	AMD	95-11-056
388-250-1750	AMD-E	95-18-061	388-504-0470	PREP	95-14-005	388-517-1740	PREP	95-15-007
388-265-1750	PREP	95-09-044	388-505-0580	PREP	95-17-060	388-517-1750	AMD-P	95-11-049
388-265-1750	AMD-P	95-09-054	388-505-0590	AMD	95-04-047	388-517-1750	AMD	95-14-046
388-265-1750	AMD-E	95-09-055	388-505-0590	PREP	95-07-090	388-517-1760	PREP	95-06-071
388-265-1750	AMD	95-11-119	388-505-0590	AMD-P	95-13-085	388-517-1760	AMD-P	95-08-045
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388-300	PREP	95-08-021	388-505-0590	AMD	95-17-031	388-518-1805	AMD	95-04-049
388-300-0100	NEW-P	95-15-001	388-506-0610	AMD-P	95-07-049	388-518-1805	PREP	95-13-020
388-300-0200	NEW-P	95-15-001	388-506-0610	AMD	95-10-025	388-518-1805	AMD-P	95-14-058
388-300-0300	NEW-P	95-15-001	388-506-0610	PREP	95-15-038	388-518-1805	AMD-E	95-14-060
388-300-0400	NEW-P	95-15-001	388-506-0610	AMD-P	95-16-013	388-518-1805	AMD-W	95-17-086
388-300-0500	NEW-P	95-15-001	388-506-0610	AMD-E	95-16-018	388-518-1805	AMD-P	95-18-005
388-300-0600	NEW-P	95-15-001	388-507-0710	AMD	95-05-022	388-518-1810	PREP	95-13-020
388-300-0700	NEW-P	95-15-001	388-507-0710	PREP	95-08-009	388-518-1810	AMD-P	95-14-058
388-300-0800	NEW-P	95-15-001	388-507-0710	AMD-P	95-13-087	388-518-1810	AMD-E	95-14-060
388-300-0900	NEW-P	95-15-001	388-507-0710	AMD-W	95-14-038	388-518-1810	AMD-W	95-17-086
388-300-1000	NEW-P	95-15-001	388-508-0805	PREP	95-06-071	388-518-1810	AMD-P	95-18-005
388-300-1100	NEW-P	95-15-001	388-508-0805	AMD-P	95-08-045	388-518-1840	PREP	95-13-020
388-300-1200	NEW-P	95-15-001	388-508-0805	AMD-E	95-08-046	388-518-1840	AMD-P	95-14-058
388-300-1300	NEW-P	95-15-001	388-508-0805	AMD	95-11-045	388-518-1840	AMD-E	95-14-060
388-300-1400	NEW-P	95-15-001	388-508-0820	AMD-P	95-13-086	388-518-1840	AMD-W	95-17-086
388-300-1500	NEW-P	95-15-001	388-508-0820	AMD	95-16-058	388-518-1840	AMD-P	95-18-005
388-300-1600	NEW-P	95-15-001	388-509-0920	PREP	95-06-071	388-519-1905	PREP	95-13-020
388-300-1700	NEW-P	95-15-001	388-509-0920	AMD-P	95-08-045	388-519-1905	AMD-P	95-14-058
388-300-1800	NEW-P	95-15-001	388-509-0920	AMD-E	95-08-046	388-519-1905	AMD-E	95-14-060
388-300-1900	NEW-P	95-15-001	388-509-0920	AMD	95-11-056	388-519-1905	AMD-W	95-17-086
388-300-2000	NEW-P	95-15-001	388-509-0960	AMD	95-05-023	388-519-1905	AMD-P	95-18-005
388-300-2100	NEW-P	95-15-001	388-509-0960	PREP	95-06-071	388-521-2140	PREP	95-13-020
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388-521-2140	AMD-P	95-18-005	388-535-1000	NEW-P	95-17-023	391-45-560	NEW-E	95-07-026
388-522-2230	PREP	95-06-033	388-535-1000	NEW-W	95-17-049	392-121	PREP	95-10-032
388-522-2230	AMD-P	95-12-031	388-535-1050	NEW-E	95-16-115	392-121	PREP	95-14-015
388-522-2230	AMD	95-15-039	388-535-1050	NEW-P	95-17-023	392-121	PREP	95-15-090
388-527-2710	REP-P	95-14-116	388-535-1050	NEW-W	95-17-049	392-121-106	AMD-E	95-04-055
388-527-2710	REP-E	95-14-117	388-535-1100	NEW-E	95-16-115	392-121-106	AMD-P	95-06-059
388-527-2710	REP-C	95-17-030	388-535-1100	NEW-P	95-17-023	392-121-106	AMD	95-10-011
388-527-2720	REP-P	95-14-116	388-535-1100	NEW-W	95-17-049	392-121-107	AMD-P	95-14-140
388-527-2720	REP-E	95-14-117	388-535-1150	NEW-E	95-16-115	392-121-107	AMD	95-18-097
388-527-2720	REP-C	95-17-030	388-535-1150	NEW-P	95-17-023	392-121-182	AMD-P	95-14-140
388-527-2730	NEW-P	95-14-116	388-535-1150	NEW-W	95-17-049	392-121-182	AMD	95-18-097
388-527-2730	NEW-E	95-14-117	388-535-1200	NEW-E	95-16-115	392-121-188	AMD-P	95-14-140
388-527-2730	NEW-C	95-17-030	388-535-1200	NEW-P	95-17-023	392-121-188	AMD	95-18-097
388-527-2740	NEW-P	95-14-116	388-535-1200	NEW-W	95-17-049	392-121-201	NEW-P	95-18-096
388-527-2740	NEW-E	95-14-117	388-535-1250	NEW-E	95-16-115	392-121-205	AMD-P	95-18-096
388-527-2740	NEW-C	95-17-030	388-535-1250	NEW-P	95-17-023	392-121-206	NEW-P	95-18-096
388-527-2742	NEW-P	95-14-116	388-535-1250	NEW-W	95-17-049	392-121-210	AMD-P	95-18-096
388-527-2742	NEW-E	95-14-117	388-535-1300	NEW-E	95-16-115	392-121-215	AMD-P	95-18-096
388-527-2742	NEW-C	95-17-030	388-535-1300	NEW-P	95-17-023	392-121-220	AMD-P	95-18-096
388-527-2744	NEW-P	95-14-116	388-535-1300	NEW-W	95-17-049	392-121-225	AMD-P	95-18-096
388-527-2744	NEW-E	95-14-117	388-535-1350	NEW-E	95-16-115	392-121-245	AMD-P	95-18-096
388-527-2744	NEW-C	95-17-030	388-535-1350	NEW-P	95-17-023	392-121-255	AMD-P	95-18-096
388-527-2770	NEW-P	95-14-116	388-535-1350	NEW-W	95-17-049	392-121-257	AMD-P	95-18-096
388-527-2770	NEW-E	95-14-117	388-535-1400	NEW-E	95-16-115	392-121-259	AMD-P	95-18-096
388-527-2770	NEW-C	95-17-030	388-535-1400	NEW-P	95-17-023	392-121-261	AMD-P	95-18-096
388-527-2790	NEW-P	95-14-116	388-535-1400	NEW-W	95-17-049	392-121-262	NEW-P	95-18-096
388-527-2790	NEW-E	95-14-117	388-535-1450	NEW-E	95-16-115	392-121-270	AMD-P	95-18-096
388-527-2790	NEW-C	95-17-030	388-535-1450	NEW-P	95-17-023	392-121-280	AMD-P	95-18-096
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388-529-2950	AMD-E	95-14-060	388-535-1500	NEW-P	95-17-023	392-122	PREP	95-15-089
388-529-2950	AMD-W	95-17-086	388-535-1500	NEW-W	95-17-049	392-122-205	AMD-P	95-05-020
388-529-2950	AMD-P	95-18-005	388-535-1550	NEW-E	95-16-115	392-122-205	AMD	95-08-025
388-530-1000	NEW-P	95-16-014	388-535-1550	NEW-P	95-17-023	392-122-214	REP-P	95-05-020
388-530-1000	NEW-W	95-17-029	388-535-1550	NEW-W	95-17-049	392-122-214	REP	95-08-025
388-530-1050	NEW-P	95-16-014	388-538	PREP	95-12-033	392-122-221	AMD-P	95-05-020
388-530-1050	NEW-W	95-17-029	388-538-050	AMD-P	95-15-023	392-122-221	AMD	95-08-025
388-530-1100	NEW-P	95-16-014	388-538-050	AMD	95-18-046	392-122-230	AMD-P	95-05-020
388-530-1100	NEW-W	95-17-029	388-538-060	AMD-P	95-15-023	392-122-230	AMD	95-08-025
388-530-1150	NEW-P	95-16-014	388-538-060	AMD	95-18-046	392-122-260	REP-P	95-05-020
388-530-1150	NEW-W	95-17-029	388-538-070	AMD-P	95-15-023	392-122-260	REP	95-08-025
388-530-1200	NEW-P	95-16-014	388-538-070	AMD	95-18-046	392-122-275	AMD-P	95-05-020
388-530-1200	NEW-W	95-17-029	388-538-080	AMD-P	95-15-023	392-122-275	AMD	95-08-025
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388-530-1250	NEW-W	95-17-029	388-538-090	AMD-P	95-15-023	392-122-900	AMD-P	95-15-029
388-530-1300	NEW-P	95-16-014	388-538-090	AMD	95-18-046	392-122-900	AMD-E	95-15-030
388-530-1300	NEW-W	95-17-029	388-538-095	AMD-P	95-15-023	392-122-900	AMD	95-18-074
388-530-1350	NEW-P	95-16-014	388-538-095	AMD	95-18-046	392-123-054	PREP	95-11-024
388-530-1350	NEW-W	95-17-029	388-538-100	AMD	95-04-033	392-127	PREP	95-14-013
388-530-1400	NEW-P	95-16-014	388-538-100	AMD-P	95-15-023	392-135	PREP	95-14-012
388-530-1400	NEW-W	95-17-029	388-538-100	AMD	95-18-046	392-139	PREP	95-14-011
388-530-1450	NEW-P	95-16-014	388-538-110	AMD-P	95-15-023	392-140	PREP	95-14-009
388-530-1450	NEW-W	95-17-029	388-538-110	AMD	95-18-046	392-140	PREP	95-14-010
388-530-1500	NEW-P	95-16-014	388-538-120	AMD-P	95-15-023	392-140-500	PREP	95-11-004
388-530-1500	NEW-W	95-17-029	388-538-120	AMD	95-18-046	392-140-570	NEW-P	95-15-054
388-530-1550	NEW-P	95-16-014	388-538-130	AMD-P	95-15-023	392-140-570	NEW	95-18-051
388-530-1550	NEW-W	95-17-029	388-538-130	AMD	95-18-046	392-140-571	NEW-P	95-15-054
388-530-1600	NEW-P	95-16-014	388-538-140	AMD-P	95-15-023	392-140-571	NEW	95-18-051
388-530-1600	NEW-W	95-17-029	388-538-140	AMD	95-18-046	392-140-572	NEW-P	95-15-054
388-530-1650	NEW-P	95-16-014	388-538-150	AMD-P	95-15-023	392-140-572	NEW	95-18-051
388-530-1650	NEW-W	95-17-029	388-538-150	AMD	95-18-046	392-140-573	NEW-P	95-15-054
388-530-1700	NEW-P	95-16-014	390-05-190	AMD-E	95-14-076	392-140-573	NEW	95-18-051
388-530-1700	NEW-W	95-17-029	390-05-210	AMD-E	95-14-076	392-140-574	NEW-P	95-15-054
388-530-1750	NEW-P	95-16-014	390-05-245	NEW-E	95-14-076	392-140-574	NEW	95-18-051
388-530-1750	NEW-W	95-17-029	390-16-038	AMD-E	95-14-076	392-140-575	NEW-P	95-15-054
388-530-1800	NEW-P	95-16-014	390-16-313	NEW-E	95-14-076	392-140-575	NEW	95-18-051
388-530-1800	NEW-W	95-17-029	390-16-314	NEW-E	95-14-076	392-140-576	NEW-P	95-15-054
388-530-1850	NEW-P	95-16-014	390-17-050	REP-E	95-14-076	392-140-576	NEW	95-18-051
388-530-1850	NEW-W	95-17-029	390-17-052	REP-E	95-14-076	392-140-577	NEW-P	95-15-054
388-530-1900	NEW-P	95-16-014	390-17-400	PREP	95-18-089	392-140-577	NEW	95-18-051
388-530-1900	NEW-W	95-17-029	390-20-020	AMD-E	95-18-079	392-140-578	NEW-P	95-15-054

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392-140-578	NEW	95-18-051	392-142-175	REP-P	95-13-100	392-169-090	AMD-P	95-06-084
392-140-580	NEW-P	95-15-054	392-142-175	REP	95-17-011	392-169-090	AMD	95-09-042
392-140-580	NEW	95-18-051	392-142-175	REP-E	95-17-012	392-169-100	AMD-P	95-06-084
392-140-581	NEW-P	95-15-054	392-142-205	AMD-P	95-13-100	392-169-100	AMD	95-09-042
392-140-581	NEW	95-18-051	392-142-205	AMD	95-17-011	392-169-105	AMD-P	95-06-084
392-140-582	NEW-P	95-15-054	392-142-205	AMD-E	95-17-012	392-169-105	AMD	95-09-042
392-140-582	NEW	95-18-051	392-142-210	AMD-P	95-13-100	392-169-110	AMD-P	95-06-084
392-140-583	NEW-P	95-15-054	392-142-210	AMD	95-17-011	392-169-110	AMD	95-09-042
392-140-583	NEW	95-18-051	392-142-210	AMD-E	95-17-012	392-169-115	AMD-P	95-06-084
392-140-584	NEW-P	95-15-054	392-142-212	NEW-P	95-13-100	392-169-115	AMD	95-09-042
392-140-584	NEW	95-18-051	392-142-212	NEW	95-17-011	392-169-120	AMD-P	95-06-084
392-140-585	NEW-P	95-15-054	392-142-212	NEW-E	95-17-012	392-169-120	AMD	95-09-042
392-140-585	NEW	95-18-051	392-142-213	NEW-P	95-13-100	392-169-125	AMD-P	95-06-084
392-140-586	NEW-P	95-15-054	392-142-213	NEW	95-17-011	392-169-125	AMD	95-09-042
392-140-586	NEW	95-18-051	392-142-213	NEW-E	95-17-012	392-171	PREP	95-04-089
392-140-588	NEW-P	95-15-054	392-142-240	AMD-P	95-13-100	392-171	PREP	95-10-050
392-140-588	NEW	95-18-051	392-142-240	AMD	95-17-011	392-171-295	REP-P	95-15-114
392-140-590	NEW-P	95-15-054	392-142-240	AMD-E	95-17-012	392-171-300	REP-P	95-15-114
392-140-590	NEW	95-18-051	392-142-265	AMD-P	95-13-100	392-171-305	REP-P	95-15-114
392-140-592	NEW-P	95-15-054	392-142-265	AMD	95-17-011	392-171-310	REP-P	95-15-114
392-140-592	NEW	95-18-051	392-142-265	AMD-E	95-17-012	392-171-311	REP-P	95-15-114
392-140-594	NEW-P	95-15-054	392-162	PREP	95-15-052	392-171-315	REP-P	95-15-114
392-140-594	NEW	95-18-051	392-162-042	REP-P	95-15-076	392-171-320	REP-P	95-15-114
392-141-115	AMD-P	95-15-075	392-162-043	NEW-P	95-15-076	392-171-321	REP-P	95-15-114
392-141-115	AMD	95-18-050	392-162-044	REP-P	95-15-076	392-171-322	REP-P	95-15-114
392-141-135	AMD-P	95-15-075	392-162-049	AMD-P	95-15-076	392-171-323	REP-P	95-15-114
392-141-135	AMD	95-18-050	392-162-052	AMD-P	95-15-076	392-171-324	REP-P	95-15-114
392-141-145	REP-P	95-15-075	392-162-055	REP-P	95-15-076	392-171-325	REP-P	95-15-114
392-141-145	REP	95-18-050	392-162-057	AMD-P	95-15-076	392-171-331	REP-P	95-15-114
392-141-151	NEW-P	95-15-075	392-162-062	AMD-P	95-15-076	392-171-336	REP-P	95-15-114
392-141-151	NEW	95-18-050	392-162-067	AMD-P	95-15-076	392-171-341	REP-P	95-15-114
392-141-170	AMD-P	95-15-075	392-162-070	REP-P	95-15-076	392-171-346	REP-P	95-15-114
392-141-170	AMD	95-18-050	392-162-075	AMD-P	95-15-076	392-171-351	REP-P	95-15-114
392-141-176	NEW-P	95-15-075	392-162-080	AMD-P	95-15-076	392-171-358	REP-P	95-15-114
392-141-176	NEW	95-18-050	392-162-085	AMD-P	95-15-076	392-171-361	REP-P	95-15-114
392-141-185	AMD-P	95-15-075	392-162-095	AMD-P	95-15-076	392-171-366	REP-P	95-15-114
392-141-185	AMD	95-18-050	392-162-105	PREP	95-15-051	392-171-371	REP-P	95-15-114
392-142-005	AMD-P	95-13-100	392-162-105	AMD-P	95-15-053	392-171-376	REP-P	95-15-114
392-142-005	AMD	95-17-011	392-162-110	AMD-P	95-15-076	392-171-381	REP-P	95-15-114
392-142-005	AMD-E	95-17-012	392-169-005	AMD-P	95-06-084	392-171-382	REP-P	95-15-114
392-142-010	AMD-P	95-13-100	392-169-005	AMD	95-09-042	392-171-383	REP-P	95-15-114
392-142-010	AMD	95-17-011	392-169-015	AMD-P	95-06-084	392-171-386	REP-P	95-15-114
392-142-010	AMD-E	95-17-012	392-169-015	AMD	95-09-042	392-171-391	REP-P	95-15-114
392-142-095	AMD-P	95-13-100	392-169-020	AMD-P	95-06-084	392-171-396	REP-P	95-15-114
392-142-095	AMD	95-17-011	392-169-020	AMD	95-09-042	392-171-401	REP-P	95-15-114
392-142-095	AMD-E	95-17-012	392-169-022	AMD-P	95-06-084	392-171-406	REP-P	95-15-114
392-142-115	AMD-P	95-13-100	392-169-022	AMD	95-09-042	392-171-411	REP-P	95-15-114
392-142-115	AMD	95-17-011	392-169-023	AMD-P	95-06-084	392-171-412	REP-P	95-15-114
392-142-115	AMD-E	95-17-012	392-169-023	AMD	95-09-042	392-171-413	REP-P	95-15-114
392-142-125	AMD-P	95-13-100	392-169-025	AMD-P	95-06-084	392-171-418	REP-P	95-15-114
392-142-125	AMD	95-17-011	392-169-025	AMD	95-09-042	392-171-421	REP-P	95-15-114
392-142-125	AMD-E	95-17-012	392-169-033	NEW-P	95-06-084	392-171-431	REP-P	95-15-114
392-142-130	AMD-P	95-13-100	392-169-033	NEW	95-09-042	392-171-436	REP-P	95-15-114
392-142-130	AMD	95-17-011	392-169-035	REP-P	95-06-084	392-171-441	REP-P	95-15-114
392-142-130	AMD-E	95-17-012	392-169-035	REP	95-09-042	392-171-446	REP-P	95-15-114
392-142-135	AMD-P	95-13-100	392-169-045	AMD-P	95-06-084	392-171-451	REP-P	95-15-114
392-142-135	AMD	95-17-011	392-169-045	AMD	95-09-042	392-171-452	REP-P	95-15-114
392-142-135	AMD-E	95-17-012	392-169-050	AMD-P	95-06-084	392-171-454	REP-P	95-15-114
392-142-155	AMD-P	95-13-100	392-169-050	AMD	95-09-042	392-171-456	REP-P	95-15-114
392-142-155	AMD	95-17-011	392-169-055	AMD-P	95-06-084	392-171-457	REP-P	95-15-114
392-142-155	AMD-E	95-17-012	392-169-055	AMD	95-09-042	392-171-461	REP-P	95-15-114
392-142-162	NEW-P	95-13-100	392-169-057	AMD-P	95-06-084	392-171-462	REP-P	95-15-114
392-142-162	NEW	95-17-011	392-169-057	AMD	95-09-042	392-171-463	REP-P	95-15-114
392-142-162	NEW-E	95-17-012	392-169-060	AMD-P	95-06-084	392-171-464	REP-P	95-15-114
392-142-163	NEW-P	95-13-100	392-169-060	AMD	95-09-042	392-171-466	REP-P	95-15-114
392-142-163	NEW	95-17-011	392-169-065	AMD-P	95-06-084	392-171-471	REP-P	95-15-114
392-142-163	NEW-E	95-17-012	392-169-065	AMD	95-09-042	392-171-476	REP-P	95-15-114
392-142-165	AMD-P	95-13-100	392-169-075	AMD-P	95-06-084	392-171-481	REP-P	95-15-114
392-142-165	AMD	95-17-011	392-169-075	AMD	95-09-042	392-171-486	REP-P	95-15-114
392-142-165	AMD-E	95-17-012	392-169-080	AMD-P	95-06-084	392-171-491	REP-P	95-15-114
392-142-170	AMD-P	95-13-100	392-169-080	AMD	95-09-042	392-171-496	REP-P	95-15-114
392-142-170	AMD	95-17-011	392-169-085	AMD-P	95-06-084	392-171-501	REP-P	95-15-114
392-142-170	AMD-E	95-17-012	392-169-085	AMD	95-09-042	392-171-504	REP-P	95-15-114

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392-172-414	NEW-P	95-15-114	415-104-225	NEW	95-16-053	
392-172-416	NEW-P	95-15-114	415-104-235	NEW-P	95-09-069	
392-172-418	NEW-P	95-15-114	415-104-235	NEW	95-16-053	
392-172-420	NEW-P	95-15-114	415-104-245	NEW-P	95-09-069	
392-172-422	NEW-P	95-15-114	415-104-245	NEW	95-16-053	
392-172-424	NEW-P	95-15-114	415-108-010	AMD-P	95-09-069	
392-172-426	NEW-P	95-15-114	415-108-010	AMD	95-16-053	
392-172-500	NEW-P	95-15-114	415-108-0101	NEW-P	95-09-069	
392-172-502	NEW-P	95-15-114	415-108-0101	NEW	95-16-053	
392-172-504	NEW-P	95-15-114	415-108-0102	NEW-P	95-09-069	
392-172-506	NEW-P	95-15-114	415-108-0102	NEW	95-16-053	
392-172-508	NEW-P	95-15-114	415-108-0103	NEW-P	95-09-069	
392-172-510	NEW-P	95-15-114	415-108-0103	NEW	95-16-053	
392-172-512	NEW-P	95-15-114	415-108-0104	NEW-P	95-09-069	
392-172-514	NEW-P	95-15-114	415-108-0104	NEW	95-16-053	
392-172-516	NEW-P	95-15-114	415-108-0105	NEW-P	95-09-069	
392-172-518	NEW-P	95-15-114	415-108-0105	NEW	95-16-053	
392-172-520	NEW-P	95-15-114	415-108-0106	NEW-P	95-09-069	
392-172-522	NEW-P	95-15-114	415-108-0106	NEW	95-16-053	
392-172-524	NEW-P	95-15-114	415-108-0107	NEW-P	95-09-069	
392-172-526	NEW-P	95-15-114	415-108-0107	NEW	95-16-053	
392-172-550	NEW-P	95-15-114	415-108-0108	NEW-P	95-09-069	
392-172-552	NEW-P	95-15-114	415-108-0108	NEW	95-16-053	
392-172-554	NEW-P	95-15-114	415-108-0109	NEW-P	95-09-069	
392-172-556	NEW-P	95-15-114	415-108-0109	NEW	95-16-053	
392-172-558	NEW-P	95-15-114	415-108-461	PREP	95-18-012	
392-172-560	NEW-P	95-15-114	415-108-462	PREP	95-18-012	
392-172-562	NEW-P	95-15-114	415-108-470	AMD-P	95-18-009	
392-172-564	NEW-P	95-15-114	415-108-480	AMD-P	95-18-009	
392-172-566	NEW-P	95-15-114	415-108-485	NEW-P	95-18-009	
392-172-568	NEW-P	95-15-114	415-108-679	NEW-P	95-09-069	
392-172-570	NEW-P	95-15-114	415-108-679	NEW	95-16-053	
392-172-572	NEW-P	95-15-114	415-108-680	NEW-P	95-09-069	
392-172-574	NEW-P	95-15-114	415-108-680	NEW	95-16-053	
392-172-580	NEW-P	95-15-114	415-108-690	NEW-P	95-09-069	
392-172-582	NEW-P	95-15-114	415-108-690	NEW	95-16-053	
392-172-584	NEW-P	95-15-114	415-108-700	NEW-P	95-09-069	
392-172-586	NEW-P	95-15-114	415-108-700	NEW	95-16-053	
329-172-588	NEW-P	95-15-114	415-108-710	NEW-P	95-09-069	
392-172-590	NEW-P	95-15-114	415-108-710	NEW	95-16-053	
392-172-592	NEW-P	95-15-114	415-108-720	NEW-P	95-09-069	
392-172-594	NEW-P	95-15-114	415-108-720	NEW	95-16-053	
399-10-010	AMD-P	95-07-107	415-108-725	NEW-P	95-09-069	
399-10-010	AMD	95-11-093	415-108-725	NEW	95-16-053	
399-20-020	AMD-P	95-07-108	415-108-726	NEW-P	95-09-069	
399-20-020	AMD	95-11-093	415-108-726	NEW	95-16-053	
399-30-040	AMD-P	95-07-109	415-108-728	NEW-P	95-09-069	
399-30-040	AMD	95-11-093	415-108-728	NEW	95-16-053	
415-104-011	AMD-P	95-09-069	415-112-015	AMD-P	95-09-069	
415-104-011	AMD	95-16-053	415-112-015	AMD	95-16-053	
415-104-0111	NEW-P	95-09-069	415-112-0151	NEW-P	95-09-069	
415-104-0111	NEW	95-16-053	415-112-0151	NEW	95-16-053	
415-104-0112	NEW-P	95-09-069	415-112-0152	NEW-P	95-09-069	
415-104-0112	NEW	95-16-053	415-112-0152	NEW	95-16-053	
415-104-0113	NEW-P	95-09-069	415-112-0153	NEW-P	95-09-069	
415-104-0113	NEW	95-16-053	415-112-0154	NEW-P	95-09-069	
415-104-0114	NEW-P	95-09-069	415-112-0154	NEW	95-16-053	
415-104-0114	NEW	95-16-053	415-112-0155	NEW-P	95-09-069	
415-104-0115	NEW-P	95-09-069	415-112-0156	NEW-P	95-09-069	
415-104-0115	NEW	95-16-053	415-112-0156	NEW	95-16-053	
415-104-0117	NEW-P	95-09-069	415-112-0157	NEW-P	95-09-069	
415-104-0117	NEW	95-16-053	415-112-0157	NEW	95-16-053	
415-104-0118	NEW-P	95-09-069	415-112-0158	NEW-P	95-09-069	
415-104-0118	NEW	95-16-053	415-112-0158	NEW	95-16-053	
415-104-0120	NEW-P	95-09-069	415-112-0159	NEW-P	95-09-069	
415-104-0120	NEW	95-16-053	415-112-0159	NEW	95-16-053	
415-104-0121	NEW-P	95-09-069	415-112-0161	NEW-P	95-09-069	
415-104-0121	NEW	95-16-053	415-112-0161	NEW	95-16-053	
415-104-0122	NEW-P	95-09-069	415-112-0162	NEW-P	95-09-069	
415-104-0122	NEW	95-16-053	415-112-0162	NEW	95-16-053	
415-104-224	NEW-P	95-09-069	415-112-0163	NEW-P	95-09-069	
415-104-224	NEW	95-16-053	415-112-0163	NEW	95-16-053	
				415-112-0164	NEW-P	95-09-069
				415-112-0165	NEW-P	95-09-069
				415-112-0165	NEW	95-16-053
				415-112-0166	NEW-P	95-09-069
				415-112-0167	NEW-P	95-09-069
				415-112-0167	NEW	95-16-053
				415-112-119	NEW-P	95-09-069
				415-112-119	NEW	95-16-053
				415-112-120	NEW-P	95-09-069
				415-112-120	NEW	95-16-053
				415-112-125	NEW-P	95-09-069
				415-112-125	NEW	95-16-053
				415-112-130	NEW-P	95-09-069
				415-112-130	NEW	95-16-053
				415-112-135	NEW-P	95-09-069
				415-112-135	NEW	95-16-053
				415-112-140	NEW-P	95-09-069
				415-112-140	NEW	95-16-053
				415-112-145	NEW-P	95-09-069
				415-112-145	NEW	95-16-053
				415-112-155	NEW-P	95-09-069
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				415-112-409	NEW-W	95-02-058
				415-112-412	AMD-P	95-18-009
				415-112-413	AMD-P	95-18-009
				415-112-41301	NEW-P	95-18-009
				415-113-005	NEW	95-03-001
				415-113-010	REP	95-03-001
				415-113-020	REP	95-03-001
				415-113-030	AMD	95-03-001
				415-113-0301	NEW	95-03-001
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				415-113-0310	NEW	95-03-001
				415-113-040	REP	95-03-001
				415-113-041	NEW	95-03-001
				415-113-042	NEW	95-03-001
				415-113-045	NEW	95-03-001
				415-113-050	REP	95-03-001
				415-113-055	NEW	95-03-001
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				415-115-030	AMD	95-12-058
				415-115-050	AMD-P	95-09-068
				415-115-050	AMD	95-12-058
				415-115-060	AMD-P	95-09-068
				415-115-060	AMD	95-12-058
				415-115-070	AMD-P	95-09-068
				415-115-070	AMD	95-12-058
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419-18-045	NEW	95-06-066	434-120-218	NEW	95-11-135	434-135-170	NEW-P	95-12-101
419-18-050	AMD-P	95-03-091	434-120-240	PREP	95-06-049	434-135-170	NEW	95-16-131
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419-18-060	AMD-P	95-03-091	434-120-255	AMD-P	95-08-073	434-135-190	PREP	95-11-133
419-18-060	AMD	95-06-066	434-120-255	AMD-C	95-12-017	434-135-190	NEW-P	95-12-101
419-18-070	AMD-P	95-03-091	434-120-260	PREP	95-06-049	434-135-190	NEW	95-16-131
419-18-070	AMD	95-06-066	434-120-260	AMD-P	95-08-073	446-10-030	PREP	95-16-028
419-18-080	NEW-P	95-03-091	434-120-260	AMD	95-11-135	446-10-030	AMD-P	95-18-085
419-18-080	NEW	95-06-066	434-120-265	PREP	95-06-049	446-65-010	AMD-E	95-08-048
419-70-010	REP	95-09-049	434-120-265	AMD-P	95-08-073	446-65-010	PREP	95-09-075
419-70-020	REP	95-09-049	434-120-265	AMD	95-11-135	446-65-010	AMD-P	95-10-058
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419-70-040	REP	95-09-049	434-120-300	AMD-P	95-08-072	446-65-020	NEW-E	95-08-048
419-70-050	REP	95-09-049	434-120-300	AMD	95-11-135	446-65-020	PREP	95-09-075
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419-72-020	AMD	95-09-049	434-120-310	PREP	95-06-050	448-13-030	AMD-P	95-16-118
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419-72-030	REP	95-09-049	434-120-310	AMD	95-11-135	448-13-055	NEW-P	95-16-118
419-72-035	REP	95-09-049	434-120-315	PREP	95-06-050	448-13-060	AMD-P	95-16-118
419-72-040	REP	95-09-049	434-120-315	NEW-P	95-08-072	448-13-065	NEW-P	95-16-118
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419-72-050	AMD	95-09-049	434-120-317	NEW-P	95-08-072	448-13-090	AMD-P	95-16-118
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419-72-060	AMD	95-09-049	434-120-330	PREP	95-06-050	448-13-110	AMD-P	95-16-118
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434-120-105	AMD-P	95-08-073	434-135-070	NEW	95-16-131	456-09-955	AMD	95-05-033
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458-53-150	PREP	95-09-083	460-20A-025	REP-P	95-11-079	460-22B-020	NEW	95-16-026
458-53-150	REP-P	95-16-035	460-20A-025	REP	95-16-026	460-22B-030	NEW-P	95-11-079
458-53-160	PREP	95-09-083	460-20A-030	REP-P	95-11-079	460-22B-030	NEW	95-16-026
458-53-160	AMD-P	95-16-035	460-20A-030	REP	95-16-026	460-22B-040	NEW-P	95-11-079
458-53-163	PREP	95-09-083	460-20A-035	REP-P	95-11-079	460-22B-040	NEW	95-16-026
458-53-163	REP-P	95-16-035	460-20A-035	REP	95-16-026	460-22B-050	NEW-P	95-11-079
458-53-165	PREP	95-09-083	460-20A-045	REP-P	95-11-079	460-22B-050	NEW	95-16-026
458-53-165	REP-P	95-16-035	460-20A-045	REP	95-16-026	460-22B-060	NEW-P	95-11-079
458-53-180	PREP	95-09-083	460-20A-050	REP-P	95-11-079	460-22B-060	NEW	95-16-026
458-53-180	REP-P	95-16-035	460-20A-050	REP	95-16-026	460-22B-070	NEW-P	95-11-079
458-53-200	PREP	95-09-083	460-20A-100	REP-P	95-11-079	460-22B-070	NEW	95-16-026
458-53-200	AMD-P	95-16-035	460-20A-100	REP	95-16-026	460-22B-080	NEW-P	95-11-079
458-53-210	PREP	95-09-083	460-20A-105	REP-P	95-11-079	460-22B-080	NEW	95-16-026
458-53-210	AMD-P	95-16-035	460-20A-105	REP	95-16-026	460-22B-090	NEW-P	95-11-079
460-10A-015	AMD-P	95-11-079	460-20A-200	REP-P	95-11-079	460-22B-090	NEW	95-16-090
460-10A-015	AMD	95-16-026	460-20A-200	REP	95-16-026	460-23B-010	NEW-P	95-11-079
460-10A-035	PREP	95-15-091	460-20A-205	REP-P	95-11-079	460-23B-010	NEW	95-16-026
460-10A-050	PREP	95-15-091	460-20A-205	REP	95-16-026	460-23B-020	NEW-P	95-11-079
460-10A-055	PREP	95-15-091	460-20A-210	REP-P	95-11-079	460-23B-020	NEW	95-16-026
460-10A-060	PREP	95-15-091	460-20A-210	REP	95-16-026	460-23B-030	NEW-P	95-11-079
460-10A-065	PREP	95-15-091	460-20A-215	REP-P	95-11-079	460-23B-030	NEW	95-16-026
460-10A-075	PREP	95-15-091	460-20A-215	REP	95-16-026	460-23B-040	NEW-P	95-11-079
460-10A-080	PREP	95-15-091	460-20A-220	REP-P	95-11-079	460-23B-040	NEW	95-16-026
460-10A-090	PREP	95-15-091	460-20A-220	REP	95-16-026	460-23B-050	NEW-P	95-11-079
460-10A-095	PREP	95-15-091	460-20A-230	REP-P	95-11-079	460-23B-050	NEW	95-16-026
460-10A-100	PREP	95-15-091	460-20A-230	REP	95-16-026	460-23B-060	NEW-P	95-11-079
460-10A-105	PREP	95-15-091	460-20A-235	REP-P	95-11-079	460-23B-060	NEW	95-16-026
460-10A-110	PREP	95-15-091	460-20A-235	REP	95-16-026	460-24A-046	NEW-P	95-11-079
460-10A-115	PREP	95-15-091	460-20A-400	REP-P	95-11-079	460-24A-046	NEW	95-16-026
460-10A-120	PREP	95-15-091	460-20A-400	REP	95-16-026	460-24A-050	AMD-P	95-11-079
460-10A-125	PREP	95-15-091	460-20A-405	REP-P	95-11-079	460-24A-050	AMD	95-16-026
460-10A-130	PREP	95-15-091	460-20A-405	REP	95-16-026	460-24A-050	AMD	95-17-002
460-10A-135	PREP	95-15-091	460-20A-410	REP-P	95-11-079	460-24A-055	AMD-P	95-11-079
460-10A-140	PREP	95-15-091	460-20A-410	REP	95-16-026	460-24A-055	AMD	95-16-026
460-10A-145	PREP	95-15-091	460-20A-415	REP-P	95-11-079	460-33A-080	AMD-P	95-11-079
460-10A-150	PREP	95-15-091	460-20A-415	REP	95-16-026	460-33A-080	AMD	95-16-026
460-10A-155	PREP	95-15-091	460-20A-420	REP-P	95-11-079	460-33A-081	NEW-P	95-11-079
460-10A-170	PREP	95-15-091	460-20A-420	REP	95-16-026	460-33A-081	NEW	95-16-026
460-10A-180	PREP	95-15-091	460-20A-425	REP-P	95-11-079	460-33A-085	AMD-P	95-11-079
460-10A-185	PREP	95-15-091	460-20A-425	REP	95-16-026	460-33A-085	AMD	95-16-026
460-10A-190	PREP	95-15-091	460-20B-010	NEW-P	95-11-079	460-33A-086	NEW-P	95-11-079
460-10A-195	PREP	95-15-091	460-20B-010	NEW	95-16-026	460-33A-086	NEW	95-16-026
460-10A-200	PREP	95-15-091	460-20B-020	NEW-P	95-11-079	460-42A-081	PREP	95-14-052
460-10A-205	PREP	95-15-091	460-20B-020	NEW	95-16-026	460-46A-050	AMD-P	95-14-053
460-10A-210	PREP	95-15-091	460-20B-030	NEW-P	95-11-079	460-46A-050	AMD	95-17-068
460-16A-101	REP-P	95-14-053	460-20B-030	NEW	95-16-026	460-52A-010	AMD-P	95-08-016
460-16A-101	REP	95-17-068	460-20B-040	NEW-P	95-11-079	460-52A-010	AMD	95-12-003
460-16A-102	REP-P	95-14-053	460-20B-040	NEW	95-16-026	460-80-315	AMD-P	95-04-097
460-16A-102	REP	95-17-068	460-20B-050	NEW-P	95-11-079	460-80-315	AMD	95-08-015
460-16A-103	REP-P	95-14-053	460-20B-050	NEW	95-16-026	463-39	PREP	95-09-078
460-16A-103	REP	95-17-068	460-20B-060	NEW-P	95-11-079	463-39-005	AMD-P	95-13-039
460-16A-104	REP-P	95-14-053	460-20B-060	NEW	95-16-026	463-39-005	AMD	95-17-088
460-16A-104	REP	95-17-068	460-21B-008	NEW-P	95-11-079	463-39-020	AMD-P	95-13-039
460-16A-105	REP-P	95-14-053	460-21B-008	NEW	95-16-026	463-39-020	AMD	95-17-088

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463-39-090	AMD-P	95-13-039	478-168-270	AMD-P	95-08-053	479-20-020	AMD	95-04-072
463-39-090	AMD	95-17-088	478-168-270	AMD	95-14-045	479-20-025	AMD	95-04-072
463-39-095	NEW-P	95-13-039	478-168-280	AMD-P	95-08-053	479-20-027	AMD	95-04-072
463-39-095	NEW	95-17-088	478-168-280	AMD	95-14-045	479-20-031	AMD	95-04-072
463-39-105	NEW-P	95-13-039	478-168-290	AMD-P	95-08-053	479-20-033	REP	95-04-072
463-39-105	NEW	95-17-088	478-168-290	AMD	95-14-045	479-20-036	REP	95-04-072
463-39-120	AMD-P	95-13-039	478-168-294	AMD-P	95-08-053	479-20-037	AMD	95-04-072
463-39-120	AMD	95-17-088	478-168-294	AMD	95-14-045	479-20-075	REP	95-04-072
468-32-010	PREP	95-04-070	478-168-300	AMD-P	95-08-053	479-20-086	AMD	95-04-072
468-32-010	NEW-P	95-04-071	478-168-300	AMD	95-14-045	479-20-095	AMD	95-04-072
468-32-010	NEW	95-07-106	478-168-310	AMD-P	95-08-053	479-24-030	AMD	95-04-072
468-34-010	AMD-P	95-17-015	478-168-310	AMD	95-14-045	479-112	AMD	95-04-072
468-34-020	AMD-P	95-17-015	478-168-320	AMD-P	95-08-053	479-112-001	NEW	95-04-072
468-34-050	AMD-P	95-17-015	478-168-320	AMD	95-14-045	479-112-003	NEW	95-04-072
468-34-110	AMD-P	95-17-015	478-168-325	NEW-P	95-08-053	479-112-005	REP	95-04-072
468-34-170	AMD-P	95-17-015	478-168-325	NEW	95-14-045	479-112-0055	NEW	95-04-072
468-34-340	AMD-P	95-17-015	478-168-330	AMD-P	95-08-053	479-112-008	AMD	95-04-072
468-38-120	PREP	95-18-039	478-168-330	AMD	95-14-045	479-112-009	AMD	95-04-072
468-38-280	PREP	95-18-040	478-168-340	AMD-P	95-08-053	479-112-017	AMD	95-04-072
468-51	PREP	95-10-001A	478-168-340	AMD	95-14-045	479-113-010	AMD	95-04-072
468-95-100	AMD-E	95-07-051	478-168-345	NEW-P	95-08-053	479-113-011	AMD	95-04-072
468-95-100	AMD-P	95-07-081	478-168-345	NEW	95-14-045	479-113-029	AMD	95-04-072
468-95-100	AMD	95-11-022	478-168-350	AMD-P	95-08-053	479-113-031	AMD	95-04-072
468-300-010	AMD-E	95-16-071	478-168-350	AMD	95-14-045	479-113-032	REP	95-04-072
474-02-010	NEW-P	95-16-032	478-168-360	AMD-P	95-08-053	479-113-035	AMD	95-04-072
474-02-020	NEW-P	95-16-032	478-168-360	AMD	95-14-045	479-113-070	NEW	95-04-072
478-168	PREP	95-07-101	478-168-380	AMD-P	95-08-053	479-116-010	NEW	95-04-072
478-168-010	AMD-P	95-08-053	478-168-380	AMD	95-14-045	479-116-016	AMD	95-04-072
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478-168-020	AMD-P	95-08-053	478-168-390	AMD-P	95-08-053	479-116-045	AMD	95-04-072
478-168-020	AMD	95-14-045	479-01-010	AMD	95-04-072	479-116-070	NEW	95-04-072
478-168-030	REP-P	95-08-053	479-01-020	AMD	95-04-072	479-116-080	NEW	95-04-072
478-168-030	REP	95-14-045	479-01-030	AMD	95-04-072	479-120-010	NEW	95-04-072
478-168-035	NEW-P	95-08-053	479-01-040	AMD	95-04-072	479-120-011	NEW	95-04-072
478-168-035	NEW	95-14-045	479-02-030	AMD	95-04-072	479-120-013	NEW	95-04-072
478-168-040	REP-P	95-08-053	479-02-070	AMD	95-04-072	479-120-016	NEW	95-04-072
478-168-040	REP	95-14-045	479-02-100	AMD	95-04-072	479-120-025	NEW	95-04-072
478-168-050	REP-P	95-08-053	479-02-110	AMD	95-04-072	479-120-027	NEW	95-04-072
478-168-050	REP	95-14-045	479-02-120	AMD	95-04-072	479-120-031	NEW	95-04-072
478-168-060	REP-P	95-08-053	479-02-130	AMD	95-04-072	479-120-033	REP	95-04-072
478-168-060	REP	95-14-045	479-12-005	NEW	95-04-072	479-120-037	NEW	95-04-072
478-168-070	AMD-P	95-08-053	479-12-008	NEW	95-04-072	479-120-086	NEW	95-04-072
478-168-070	AMD	95-14-045	479-12-010	AMD	95-04-072	479-120-089	NEW	95-04-072
478-168-080	AMD-P	95-08-053	479-12-020	AMD	95-04-072	479-120-095	NEW	95-04-072
478-168-080	AMD	95-14-045	479-13-010	AMD	95-04-072	479-216	AMD	95-04-072
478-168-090	REP-P	95-08-053	479-13-011	NEW	95-04-072	479-216-050	AMD	95-04-072
478-168-090	REP	95-14-045	479-13-025	AMD	95-04-072	479-310-050	AMD	95-04-072
478-168-092	AMD-P	95-08-053	479-13-035	AMD	95-04-072	479-310-200	AMD	95-04-072
478-168-092	AMD	95-14-045	479-13-060	REP	95-04-072	479-312-100	AMD	95-04-072
478-168-094	AMD-P	95-08-053	479-13-070	AMD	95-04-072	479-410-010	NEW	95-04-072
478-168-094	AMD	95-14-045	479-16-010	AMD	95-04-072	479-410-020	NEW	95-04-072
478-168-096	AMD-P	95-08-053	479-16-015	AMD	95-04-072	479-410-100	NEW	95-04-072
478-168-096	AMD	95-14-045	479-16-016	AMD	95-04-072	479-410-150	NEW	95-04-072
478-168-100	REP-P	95-08-053	479-16-030	AMD	95-04-072	479-410-160	NEW	95-04-072
478-168-100	REP	95-14-045	479-16-035	AMD	95-04-072	479-410-170	NEW	95-04-072
478-168-110	REP-P	95-08-053	479-16-040	AMD	95-04-072	479-410-180	NEW	95-04-072
478-168-110	REP	95-14-045	479-16-045	AMD	95-04-072	479-410-200	NEW	95-04-072
478-168-120	REP-P	95-08-053	479-16-060	AMD	95-04-072	479-412-020	NEW	95-04-072
478-168-120	REP	95-14-045	479-16-070	REP	95-04-072	479-412-100	NEW	95-04-072
478-168-130	REP-P	95-08-053	479-16-072	REP	95-04-072	479-412-150	NEW	95-04-072
478-168-130	REP	95-14-045	479-16-080	AMD	95-04-072	479-412-200	NEW	95-04-072
478-168-140	REP-P	95-08-053	479-16-085	NEW	95-04-072	479-412-250	NEW	95-04-072
478-168-140	REP	95-14-045	479-16-090	REP	95-04-072	479-412-300	NEW	95-04-072
478-168-150	REP-P	95-08-053	479-16-091	REP	95-04-072	479-412-310	NEW	95-04-072
478-168-150	REP	95-14-045	479-16-092	REP	95-04-072	479-416-010	NEW	95-04-072
478-168-160	AMD-P	95-08-053	479-16-094	REP	95-04-072	479-416-015	NEW	95-04-072
478-168-160	AMD	95-14-045	479-16-096	REP	95-04-072	479-416-016	NEW	95-04-072
478-168-170	AMD-P	95-08-053	479-16-098	AMD	95-04-072	479-416-018	NEW	95-04-072
478-168-170	AMD	95-14-045	479-20-007	AMD	95-04-072	479-416-020	NEW	95-04-072
478-168-180	AMD-P	95-08-053	479-20-010	AMD	95-04-072	479-416-030	NEW	95-04-072
478-168-180	AMD	95-14-045	479-20-011	AMD	95-04-072	479-416-035	NEW	95-04-072

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480-14-380	NEW-E	95-10-038	480-146-030	AMD	95-16-009	490-500-400	REP	95-04-050
480-14-380	NEW-P	95-17-125	480-146-050	AMD-P	95-08-068	490-500-405	REP	95-04-050
480-14-380	NEW-E	95-18-018	480-146-050	AMD	95-16-009	490-500-410	REP	95-04-050
480-14-390	NEW-E	95-10-038	480-146-060	AMD-P	95-08-068	490-500-415	REP	95-04-050
480-14-390	NEW-P	95-17-125	480-146-060	AMD	95-16-009	490-500-417	REP	95-04-050
480-14-390	NEW-E	95-18-018	480-146-070	PREP	95-03-094	490-500-418	AMD	95-04-050
480-14-400	NEW-E	95-10-038	480-146-070	AMD-P	95-08-068	490-500-420	AMD	95-04-050
480-14-400	NEW-P	95-17-125	480-146-070	AMD	95-16-009	490-500-425	REP	95-04-050
480-14-400	NEW-E	95-18-018	480-146-080	PREP	95-03-094	490-500-430	AMD	95-04-050
480-14-410	NEW-E	95-10-038	480-146-080	AMD-P	95-08-068	490-500-435	AMD	95-04-050
480-14-410	NEW-P	95-17-125	480-146-080	AMD	95-16-009	490-500-437	NEW	95-04-050
480-14-410	NEW-E	95-18-018	480-146-100	PREP	95-03-094	490-500-440	REP	95-04-050
480-14-420	NEW-E	95-10-038	480-146-100	REP-P	95-08-068	490-500-445	AMD	95-04-050
480-14-420	NEW-P	95-17-125	480-146-100	REP	95-16-009	490-500-450	AMD	95-04-050
480-14-420	NEW-E	95-18-018	480-146-200	PREP	95-03-094	490-500-455	AMD	95-04-050
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480-14-900	NEW-P	95-17-125	480-146-200	AMD	95-16-009	490-500-465	NEW	95-04-050
480-14-900	NEW-E	95-18-018	480-146-210	PREP	95-03-094	490-500-470	NEW	95-04-050
480-50	PREP	95-14-025	480-146-210	AMD-P	95-08-068	490-500-475	NEW	95-04-050
480-50-010	REP-P	95-17-122	480-146-210	AMD	95-16-009	490-500-477	NEW	95-04-050
480-50-020	REP-P	95-17-122	480-146-220	PREP	95-03-094	490-500-480	NEW	95-04-050
480-50-030	REP-P	95-17-122	480-146-220	AMD-P	95-08-068	490-500-485	NEW	95-04-050
480-50-035	REP-P	95-17-122	480-146-220	AMD	95-16-009	490-500-500	AMD	95-04-050
480-50-040	REP-P	95-17-122	480-146-230	NEW-P	95-08-068	490-500-505	AMD	95-04-050
480-50-050	REP-P	95-17-122	480-146-230	NEW	95-16-009	490-500-510	AMD	95-04-050
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480-50-070	REP-P	95-17-122	484-20-065	AMD	95-07-082	490-500-525	AMD	95-04-050
480-50-080	REP-P	95-17-122	484-20-085	AMD	95-03-053	490-500-530	AMD	95-04-050
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480-50-100	REP-P	95-17-122	490-500-005	AMD	95-04-050	490-500-542	NEW	95-04-050
480-50-110	REP-P	95-17-122	490-500-010	AMD	95-04-050	490-500-545	AMD	95-04-050
480-50-120	REP-P	95-17-122	490-500-015	AMD	95-04-050	490-500-550	REP	95-04-050
480-50-130	REP-P	95-17-122	490-500-020	REP	95-04-050	490-500-555	NEW	95-04-050
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480-51-010	NEW-P	95-17-122	490-500-025	AMD	95-04-050	490-500-570	REP	95-04-050
480-51-020	NEW-P	95-17-122	490-500-030	AMD	95-04-050	490-500-580	NEW	95-04-050
480-51-022	NEW-P	95-17-122	490-500-050	AMD	95-04-050	490-500-590	AMD	95-04-050
480-51-025	NEW-P	95-17-122	490-500-055	AMD	95-04-050	490-500-600	AMD	95-04-050
480-51-030	NEW-P	95-17-122	490-500-060	REP	95-04-050	490-500-605	AMD	95-04-050
480-51-040	NEW-P	95-17-122	490-500-065	NEW	95-04-050	490-500-610	PREP	95-08-047
480-51-050	NEW-P	95-17-122	490-500-070	AMD	95-04-050	490-500-610	REP-P	95-08-054
480-51-060	NEW-P	95-17-122	490-500-075	REP	95-04-050	490-500-610	REP	95-11-047
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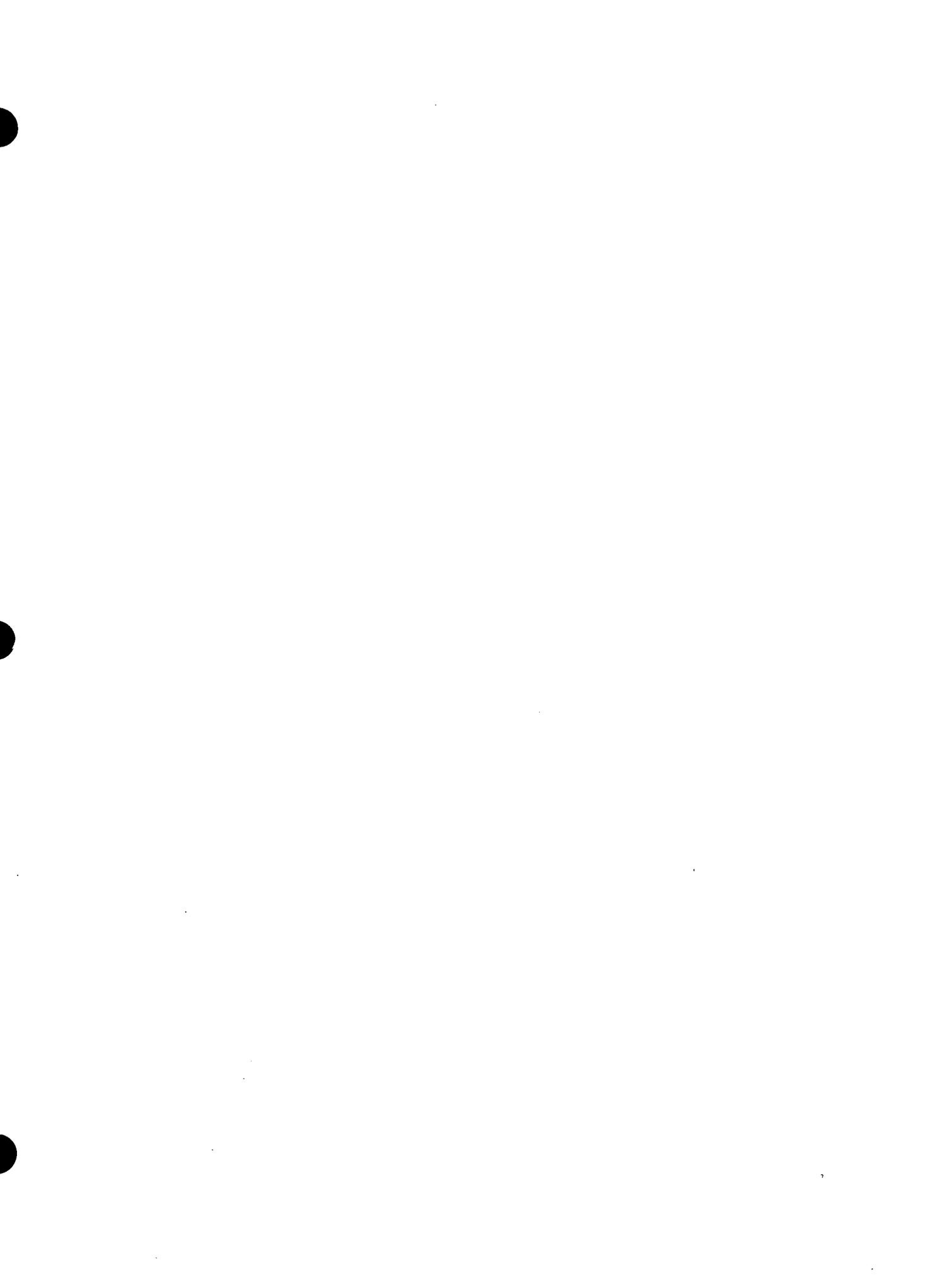
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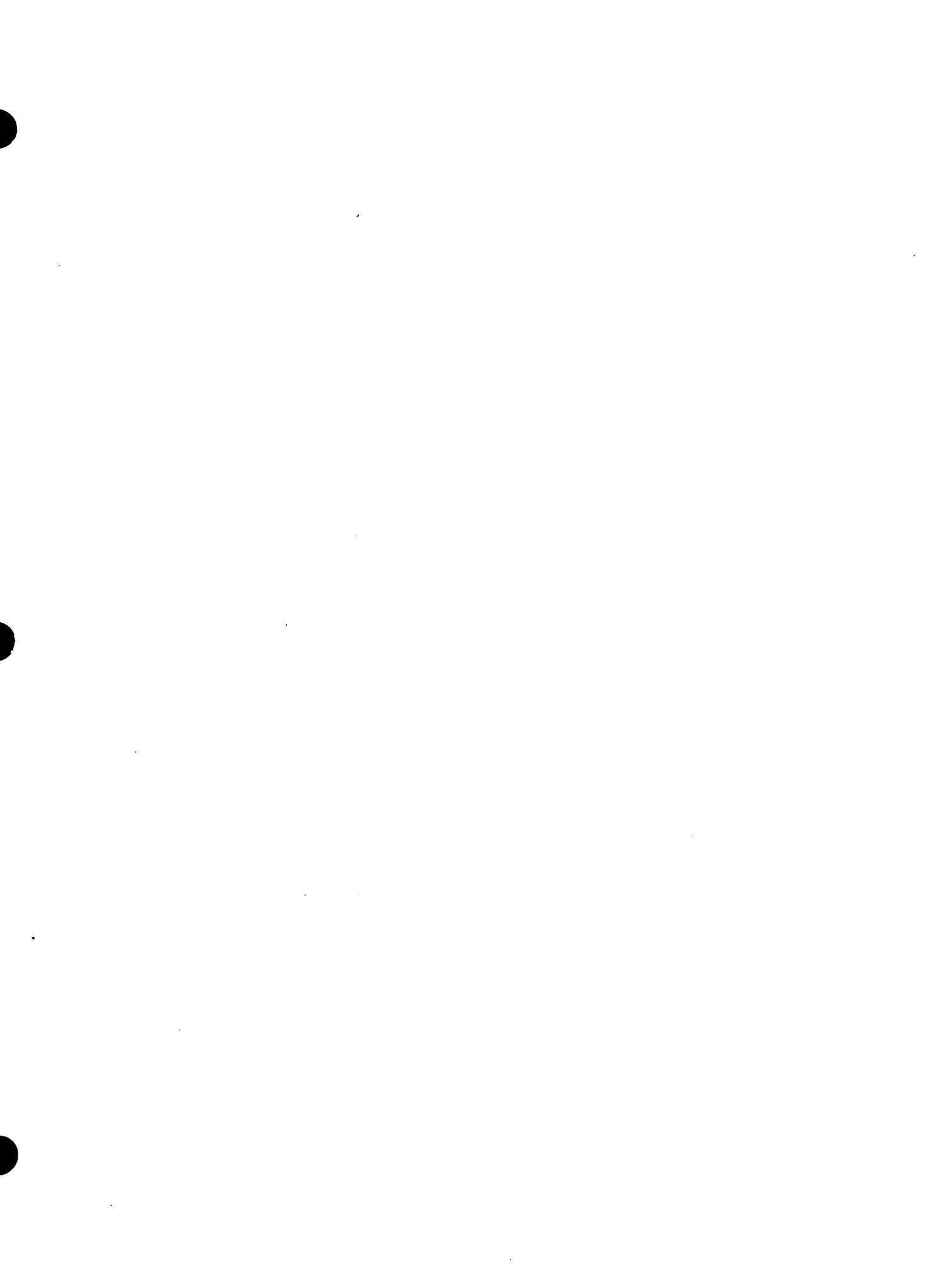
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